

ARTICLE 11

GENERAL SIGN REGULATIONS

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100. Sign Regulations – Purpose

- A. The governing body and the planning commission find that unregulated proliferation of signs results in visual clutter harmful to aesthetics and property values, contributes to traffic hazards, and is not productive to the goals of community development. It is the intent and purpose of this section to establish a level of visual quality for signs by limiting the type, place, size, manner, height and materials of signs and advertising devices in Pottawatomie County. This section provides minimum standards to insure traffic safety; safeguard life, health and property values; provide guidelines for the maintenance of signs; reduce distractions and obstructions from signs which would adversely affect traffic safety, and to alleviate hazards caused by signs projecting over or encroaching upon public ways; ensure that signs provide orientation and adequately identify new uses and activities; preserve or enhance rural character and scenic vistas by encouraging new and replacement signage which is:
1. Creative and distinctive;
 2. Compatible with the surroundings;
 3. Appropriate to the type of activity to which it pertains;
 4. Expressive of the identity of individual;
 5. Appropriately sized in its context, so as to be easily readable.

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- B. Applicability: No sign may be erected, placed, painted, established, or maintained in Pottawatomie County except in conformance with the standards, exemptions and procedures set forth in this ordinance.
 - 1. Specifically this section is intended to:
 - a. Establish a permit system to allow a limited variety of signs, subject to the standards and permit procedures contained herein;
 - b. Allow certain signs that are unobtrusive and incidental to the principal use of land;
 - c. Prohibit all signs not expressly permitted by this resolution;
 - d. Provide for the enforcement of these provisions.
 - e. Assure that no person shall construct, locate, or maintain any sign without the consent of the land owner or the owner's agent or other authorized representative.

101. Permits Required

- A. Unless exempted by this ordinance, it shall be unlawful for any person to erect, construct, alter, relocate or convert any sign or advertising device (as defined in this section) without first obtaining a sign permit, and the payment of the proper fee required by the governing body.
- B. Applications
 - 1. Applications for sign permits shall be made on forms provided by the Pottawatomie Office of Planning and Development.
 - 2. Other information as deemed necessary by the Planning Commission required enforcing this section.
 - 3. Signs must be erected within 1 year after permit issuance.

102. Exempt Signs

- A. The following signs shall be exempt from all fees and regulations, except that no sign shall be located in a public R.O.W or create a traffic hazard.
 - 1. Official monument signs erected by a city, or county, school district office, State of Kansas, or the federal government.
 - 2. Off-site signs erected for public information, safety or direction by any utility, authority, public service district, or construction company.

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3. On-site signs , that are internally located within a complex of buildings, housing development, or institutional setting, that give directions to a building or area, building names, warnings, de-minimus posters and signs on accessory buildings, or flags.
4. Signs specifically required by the codes, policies, or laws of Pottawatomie County.
5. Signs used in conjunction with uses that have an agricultural purpose.

103. Classification of Signs

- A. For the purpose of this regulation the following terms shall be used to identify and classify various types of signs:
 1. Advertising Sign (Billboard): A commercial sign with copy that directs attention to a business other than the premises on which the sign is located.
 2. Advertising Sign, Digital (Digital Billboard): An advertising sign that is completely or partially a digital graphic sign.
 3. Bulletin Board Sign. A sign with copy that gives the name of the institution or organization on whose premises it is located and which may include the names of person associated with the institution or organization and announcements and messages pertaining to activities thereof.
 4. Business Sign: A commercial sign with copy that directs attention to a business, product or service, or entertainment conducted, sold or offered at the location of the premises upon which the sign is located.
 5. Awning Sign: An on-site sign attached to or integrated into an awning or canopy, but excluding a sign not exceeding on square ft. in size attached to or integrated into the underside of the awning or canopy identifying the manufacturer.
 6. Free-standing Sign: Any sign that is supported by a structure of one or more columns, uprights, or braces erected in or upon the ground, or affixed to outdoor business equipment or fixtures. Free-standing signs include monument signs, pylon sign, pole signs and A-frame signs.
 7. Marquee Sign: A sign attached to an overhanging structure of permanent construction that project more than 18 inches over the side walk or other right-of-way.
 8. Projecting Sign: A sign that is affixed to an exterior wall that extends more than 12 inches from the face of the building.
 9. Roof Sign: A sign that is erected or painted on the roof of a building.

104. Design, Construction, and Maintenance of Signs

A. Design

1. All signs shall designed, constructed and maintained in accordance with the following standards:
 - a. Except for flags, and in certain cases temporary, window, and banner signs, all devices shall be constructed of permanent materials, permanently attached to the ground, a building, or another structure, but not a fence or a tree. Specifically, signs may be constructed from wood, plastic, metal and/or masonry materials, or materials permitted after conditional review by the Planning Commission.
 - b. All signs shall be maintained in good *visual order* and safe structural condition and in compliance with all applicable provisions of this UDR at all times.
 - c. All off-site signs, including billboards, shall bear the name and address of the sign owner

B. Abandoned or Unsafe Signs

1. Except as otherwise provided in these resolutions, any sign (including its structure) which is located on a building or premise which becomes vacant or unoccupied for a period of one year or more, or any sign which pertains to time, event, or purpose which no longer applies, shall be deemed to be abandoned.
2. An abandoned sign shall be removed by its owner or the owner of the premises, and the facade or site shall be restored to its normal appearance.
3. If a sign has not been removed after the one year limitation, the owner of record (of the property and/or sign) shall be notified in writing that the sign shall be removed within 30 days after the date of the notice. If the sign is not removed within the 30-day limitation, the zoning administrator may have the sign removed, and the costs for such assessed to the owner. A statement of costs shall be mailed to the last known owner of said sign, and if the costs are not fully paid within 30 days, the zoning administrator shall forward the bill to the proper county authorities to be collected with property taxes.
4. If the zoning administrator finds that any sign or advertising device is unsafe, he/she shall notify the property owner in writing. If the sign is not removed within 30 days, such device shall be removed and the costs assessed to the owner of the

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property. Uncollected removal costs shall be assessed with taxes.

C. Previously Legally Conforming Signs

1. Signs erected prior to adoption of this ordinance that do not conform to the provisions this ordinance, shall be modified or removed according to the following:
2. Nonconforming signs shall only be replaced with conforming signs or a sign that is more conforming.
3. Private signs within the R.O.W are a hazard and shall be considered illegal. All such signs shall be removed from the R.O.W without notice by the appropriate unit of government.
4. All signs legally conforming to the provisions of prior zoning ordinances, except those located within a R.O.W, shall be allowed to continue unchanged and unaltered except for normal and routine maintenance and safety improvements, or efforts to bring the sign into greater conformity.

105. Temporary Signs – Portable Signs and Banners

A. Generally: (see also Table 1)

1. Portable signs for business advertising or special events may be issued a temporary permit for 30 days before the event and 30 days after the event within any one year. No temporary sign shall be placed in the R.O.W, obstruct the path of pedestrians, or interfere with the clear vision triangle so as to constitute a traffic hazard
2. Reserved

106. General Restrictions

A. No sign shall be attached to any tree, fence, or utility pole, except signs issued or properly posted by a utility, public authority, no trespassing, or an agricultural use.

B. No sign shall be erected:

1. At any location where, by reason of position, obstruction, shape, or color, it interferes with or obstructs the view of pedestrian or vehicular traffic.
2. Reserved
3. That is an attention/attraction device not specifically allowed by these resolutions.
4. That is a flashing or blinking sign (does not include digital sign devices).

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5. That is a string of lights, except when used for decorative purposes during a holiday season.
6. That moves, rotates, turns or is animated, or consists of pennants, ribbons, streamers, sheets, spinners, or other moving devices. This includes Tri-Vision-type signs.
7. That projects into the public right-of-way or is in a mapped floodplain area that requires a floodplain development permit.
8. Which, in the opinion of the Zoning Administrator, may be confused with an authorized traffic sign, signal, device, or emergency sign.
9. Signs with audible devices.

107. Permitted Signs – Table of Signs Computation Table of Area of Signs

- A. Permitted signs for all district uses as listed in Table 1 - General Table of Signs.

TABLE S-1 - General Table of Signs							
PERMITTED SIGNS FOR USES IN MULTIPLE DISTRICTS							
General Signs							
Type	Max Size	Max Ht (ft)	Max #	Min Setback	Permit Req.	Illum Type	Notes
Temporary Signs	exempt	exempt		Not located in the R.O.W and cannot create a traffic hazard	no	none	
Institutional Uses (Schools, Churches, etc)	60 sq ft	8 ft	see notes	Not located in the R.O.W and cannot create a traffic hazard	yes	external	1 monument, 1 wall sign per wall up to 30% of signable area
Special Events - public, private, charitable	exempt	exempt		Not located in the R.O.W and cannot create a traffic hazard	no	none	Rallies, picnics, fairs, festivals, displays, promotions for the duration of the event
Day care or adult care	16 sq. ft	8 ft		Not in the R.O.W and cannot create a traffic hazard	yes	none	Monument style only
RESIDENTIAL ZONING DISTRICTS							
Residential Uses							

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Type	Max Size	Max Ht (ft)	Max #	Min Setback	Permit Req.	Illum Type	Notes
Monument Sign	8 sq ft	4 ft	1	Not located in the R.O.W and cannot create a traffic hazard	yes	none	
Wall sign	4 sq ft		1		yes	none	
Non-Residential Uses							
Type	Max Size	Max Ht (ft)	Max #	Min Setback	Permit Req.	Illum Type	Notes
Monument Sign	48 sq ft	8 ft	1	Not located in the R.O.W and cannot create a traffic hazard	yes	external	One per principal building or development entrance
Wall sign principal building	30% of Signable Area		1		yes	external or internal	One sign per wall facing a R.O.W
Wall sign - individual Business	16 sq. ft		1		yes	external	One logo or location sign per business
Wall sign - accessory building - information only	8 sq. ft		1		no	external	One per accessory building
Canopy sign	35% of Canopy				no	external	
Window sign	30% of Window				no	external or internal	
COMMERCIAL ZONING DISTRICTS							
CN Neighborhood Commercial							
Type	Max Size	Max Ht (ft)	Max #	Min Setback	Permit Req.	Illum Type	Notes
Freestanding monument or kiosk	48 sq ft	8 ft	1	Not located in the R.O.W and cannot create a traffic hazard	yes	external	One per principal building

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Wall sign principal building	30% of Signable Area		1		yes	external or internal	One sign per wall facing a R.O.W
Wall sign - individual Business	16 sq. ft		1		yes	external	One logo or location sign per business
Wall sign - accessory building - information only	8 sq. ft		1		no	external	One per accessory building
Canopy sign	35% of Canopy				no	external	
Window sign	30% of Window				no	external or internal	
Temporary sign or banner			1	Not located in the R.O.W and cannot create a traffic hazard	yes	external	One per Principal building; 30-day maximum
CH and C Commercial Districts - Inside Retail, Office, Or Service							
Type	Max Size	Max Ht (ft)	Max #	Min Setback	Permit Req.	Illum Type	Notes
Freestanding, Monument or Kiosk	60 sq. ft	12 ft	1	1 ft from R.O.W	yes	internal or external	One per principal building
Freestanding, Pole	60 sq ft	height of principal building	1	1 ft from R.O.W	yes		
Wall sign - principal building	30% of Signable Area		1		yes	external or internal	1 sign per each wall facing a R.O.W
Wall sign - individual business	16 sq. ft		1		yes	external	1 logo or location sign per business
Wall sign - accessory building - information only	8 sq. ft		1		no	external	1 sign per accessory building
Canopy or overhang sign	50% of Canopy				no	external	

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Window sign	30% of Window				no	external or internal	
Temporary sign or banner				Not located in the R.O.W and cannot create a traffic hazard	Yes for portable sign only	external	One per Principal building; 30-day maximum
CH and C Commercial Districts - Outside Sales and Storage							
Type	Max Size	Max Ht (ft)	Max #	Min Setback	Permit Req.	Illum Type	Notes
Freestanding, Monument or Kiosk	80 sq. ft	12 ft	5 max	1 ft from R.O.W	yes	internal or external	One sign per 200' of street frontage
Freestanding, Pole	80 sq. ft	height of principal building	5 max	1 ft from R.O.W	yes		
Wall sign - principal building	50% of Signable Area		1		yes	external or internal	1 sign per each wall facing a R.O.W
Wall sign - individual business	16 sq. ft		1		yes	external	1 logo or location sign per business
Wall sign - accessory building	8 sq. ft		1		no	external	1 sign per accessory building
Canopy or overhang sign	50% of Canopy				no	external	
Window sign	30% of Window				no	external or internal	
Temporary sign or banner				Not located in the R.O.W and cannot create a traffic hazard	Yes for portable sign only	external	One per Principl building; 30-day maximum
PLANNED DISTRICTS							
PCD Planned Commercial District							
Type	Max Size	Max Ht (ft)	Max #	Min Setback	Permit Req.	Illum Type	Notes

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All signs - A signing plan is submitted and approved as part of the PCD - or use CN Commercial			Sign plan in PCD	Not located in the R.O.W and cannot create a traffic hazard	yes		Absent a signing plan, all principal buildings may use 1 monument sign (32 sq. ft) and 1 - 8 sq. ft wall sign per business
PUD Planned Unit Development							
Type	Max Size	Max Ht (ft)	Max #	Min Setback	Permit Req.	Illum Type	Notes
All signs - A signing plan is submitted and approved as part of the PUD - or use Residential Zoning District Permitted Signs			Sign plan in PUD	Not located in the R.O.W and cannot create a traffic hazard	yes		Absent a signing plan, permitted signs shall be those allowed in the Residential Zoning Districts for both residential and non-residential uses
ABS AGRICULTURAL BUSINESS AND RURAL SERVICE DISTRICT							
All service, professional, and inside retail businesses							
Type	Max Size	Max Ht (ft)	Max #	Min Setback	Permit Req.	Illum Type	Notes
Freestanding, Monument or kiosk	48 sq. ft	12 ft	1	1 ft from R.O.W	yes	internal or external	One sign per principal building
Freestanding, Pole	48 sq. ft	height of principal building	1	1 ft from R.O.W	yes		
All CN commercial signs							All other signs as permitted in the CH Commercial district
All agri-business/processing, construction, outside retail, and equipment							
Type	Max Size	Max Ht (ft)	Max #	Min Setback	Permit Req.	Illum Type	Notes
Freestanding, Monument or Kiosk	80 sq. ft	12 ft	3 max	1 ft from R.O.W	yes	internal or external	One sign per 200' of street frontage
Freestanding, Pole	80 sq. ft	height of principal building	3 max	1 ft from R.O.W	yes		One sign per 200' of street frontage

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All CH commercial signs							All other signs as permitted in the CH Commercial district
MANUFACTURING DISTRICTS							
Light Manufacturing Park District							
Type	Max Size	Max Ht (ft)	Max #	Min Setback	Permit Req.	Illum Type	Notes
Freestanding, Monument or Kiosk	48 sq. ft	12 ft	1	1 ft from R.O.W	yes	internal or external	One sign per principal building
Freestanding, Pole	48 sq. ft	height of principal building	1	1 ft from R.O.W	yes		
CN Signs							All signs as permitted in the CN Neighborhood Commercial District
Alternative signs							May submit a signing plan for approval during the site plan review
M2 and M3 Manufacturing Districts							
Type	Max Size	Max Ht (ft)	Max #	Min Setback	Permit Req.	Illum Type	Notes
Freestanding, Monument or Kiosk	80 sq. ft	12 ft	2 max	1 ft from R.O.W	yes	internal or external	One sign per 200' of street frontage
Freestanding, Pole	80 sq. ft	height of principal building	1 max	1 ft from R.O.W	yes		
All CH commercial signs							All other signs as permitted in the CH Commercial district
Rural Signs (A1 Districts)							
<p>Off-Site Signs - Directional (Off-site signs located within 660 feet of Kansas Highways 24, 99, 16 and 13 fall with the jurisdiction of the State of Kansas - regulations vary (contact 785/296-4061). All applicants must obtain a license from the State of Kansas to erect and maintain a sign within 660 feet of the highways listed above. If a license is issue by KDOT - Sign Division, the applicant must also obtain a sign permit from Pottawatomie County.</p>							

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Agricultural Uses							
Type	Max Size	Max Ht (ft)	Max #	Min Setback	Permit Req.	Illum Type	Notes
All types	Exempt	exempt	-	Not in ROW and not a traffic hazard	no	Exempt	
Non-Agricultural Uses							
Type	Max Size	Max Ht (ft)	Max #	Min Setback	Permit Req.	Illum Type	Notes
Freestanding monument or kiosk	48 sq ft	8 ft	see notes	Not located in the R.O.W and cannot create a traffic hazard	yes	external	One per use, 1000' minimum distance between all other signs
Wall sign principal building	30% of Signable Area		1		yes	external or internal	One sign per wall facing a R.O.W
Wall sign - individual Business	16 sq. ft		1		yes	external	One logo or location sign per business
Wall sign - accessory building - information only	8 sq. ft		1		no	external	One per accessory building
Canopy sign	35% of Canopy				no	external	
Window sign	30% of Window				no	external or internal	
BILLBOARDS (Conditional Use)							
Type	Max Size	Max Ht (ft)	Max #	Min Setback	Permit Req.	Illum Type	Notes
General Billboard Signs (See Sec 111 this Article)	300 sq. ft	40 ft.	-	½ required setback (See Sec 111 this Article)	yes	External, internal, or digital	Billboard or off-site sign with 1,000' distance separation in commercial and industrial zoned areas

108. Modification of Sign Rights

A. Permitted Modifications

1. The Planning Commission is hereby empowered to modify the number, type, size, and placement of all signs in all districts to adjust for practical difficulty and/or hardship.
2. Practical difficulty shall mean, but is not limited to, changes in grade and slope; distance of principal buildings from roads; speed of traffic; public safety; and the need for advertising visibility due to multiple frontages.
3. Hardship shall mean, but is not limited to, non-flexible requirements arising from franchises, registered trademarks, or product "logos."
4. A request for a sign modification may be heard at any regular meeting for the Planning Commission. All applicants requesting modifications shall submit sketches or drawings of the sign, a location map, sizes and coloration of the sign, and written justification for the change.
5. The maximum size modification for a ground sign by the Planning Commission is 90 sq ft.

109. Administrative Modification of Signs

A. Permitted Modifications

1. The Zoning Administrator is hereby empowered to make administrative adjustment to sign rights under the following guidelines:
 - a. Any sign may be increased in area by a maximum of 10 percent to adjust for visibility.
 - b. Any sign may be increased by 10 percent in height to account for changes in elevation between the road and the principal building.
 - c. The Zoning Administrator may designate an exact location for any sign that, in his/her opinion is a hazard to traffic or public safety.

110. Transfer of Sign Rights

A. Permitted Transfers.

1. Property owners/operators located off main roads, grouped together in one building, or clustered in individual buildings on one site may wish to exercise their signage rights in a manner not permitted in Table 1 above. The following rules shall govern the transfer of signage rights:

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- a. A use which does not front on a main road may transfer pole or monument signage rights to property located on a main or frontage road.
- b. Multiple uses on a single tract of lot may transfer all or part of their monument or wall sign rights to a single on-site monument, kiosk, or pole sign.

111. Reserved

- A. Reserved

112. Miscellaneous Sign Controls

- A. Applicability: For non-residential uses not controlled by other sections of this sign ordinance, including institutional uses, one ground and one wall sign shall be permitted by right. Maximum size is 48 square feet unless modified for practical reasons.

113. Billboards (Off-Site Signs) – Permitted and Conditional Uses

- A. Conditional Use
 1. A billboard or off-site sign shall be permitted in areas zoned for a commercial highway (CH) or an industrial purpose (M-2 or M-3 districts) under the following criteria:
 - a. The lot has a minimum frontage of 200' bordering a public right-of-way on the following major traffic ways in Pottawatomie County: U.S. Highway 24, Kansas Highways 13, 16, 99 and 63.
 - b. The proposed sign structure would be located at least 1,000' in any direction from an existing off-site, billboard sign unless a modification is granted by the Planning Commission.
 - c. The land, if zoned "CH" or "M2" is vacant, and no principal structure has been erected.
 2. Required Findings for Conditional Use
 - a. Billboards or off-site signs shall be in harmony with the general character of the surrounding buildings, and shall relate to other on premise signs in terms of location, scale, and color.
 - b. Billboards or off-site signs shall not dominate a particular site or result in an over concentration of advertising devices.
 - c. Billboards or off-site signs shall be placed with due regard for the property rights of adjacent land owners

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and shall be erected, to the greatest degree possible, away from property lines.

- d. Billboards or off-site signs shall not obscure, conflict, or project over another sign.
- B. Siting Criteria for All Billboards and other Off Site Signs
1. The billboard must not be larger than 300 sq. ft., or the off-site sign larger than 80 sq. ft. on a single sign surface unless special permission is granted by the Planning Commission for practical difficulty.
 2. The sign shall have a maximum of two faces.
 3. The total billboard height shall be limited to 40' and the off-site sign to 35 ft. unless special permission is granted by the Planning Commission to increase the sign height, or the Zoning Administrator grants an administrative variance for changes in grade and terrain.
 4. The supporting pole for the sign shall not be located closer than 30' to any principal structure, and no part of the structure shall project over an accessory use or another sign.
 5. No part of the billboard/sign shall project over a right-of-way, either public or private, and no part of the structure shall be located closer than 40' to the intersection of two or more public roads unless a waiver is granted by the Zoning Administrator for practical difficulty related to terrain or visibility.
 6. All applicants must possess a valid permit from the State of Kansas prior to erecting a billboard or off-site sign on any state-controlled highway.

114. Digital Signs

- A. A digital component may be incorporated into any sign in a non-residential area to a maximum of 50 percent of the signable area.
- B. Advertising signs (billboards) may be erected with a sign face that does not exceed 12 feet in height exclusive of the supports, base elements, and other structural members. Stacked or double deck digital signs shall not be permitted.
 - a. No digital advertising sign (billboard) may be placed closer than 100 feet to an intersection and all such signs shall maintain a distance of 1,000 feet to another advertising billboard sign
 - b. Flashing lights are prohibited. There shall be no appearance of dissolving, fading, or video. Each message must be

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displayed for at least 30 seconds before alternating to a new message.