

ARTICLE 16 SIGN REGULATIONS

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16-101 Scope, Objectives, Purpose:

The provisions of this Article shall govern the placement, use and structural quality of privately owned outdoor signs and other advertising and identification devices together with their appurtenant and auxiliary apparatus. After the effective date of this Code, no sign shall be erected, constructed, reconstructed or otherwise altered without first obtaining a separate sign permit. Such sign permit shall be legally issued only when in compliance with the regulations set forth in this Article. The Sign Regulations are found to be necessary and proper to the following objectives:

1. To protect the general public from damage and injury which may be caused by the faulty and unregulated construction of signs.
2. To prevent the obstruction of traffic visibility and confusion with traffic control devices resulting from improperly placed and designed signs.
3. To ensure the visual quality of signs and preserve and promote aesthetic quality in Marion County, Kansas.
4. To eliminate potential hazards to motorists and pedestrians using the public streets, sidewalks, and rights-of-way.
5. To safeguard and enhance private investment and property values.
6. To control public nuisances.
7. To protect government investments in public buildings, streets, sidewalks, traffic control and utility devices, parks, and open spaces.
8. To preserve and improve the appearance of the County through adherence to reasonable aesthetic principles, in order to create an environment that is attractive to residents and to non-residents who come to live, visit, work, or trade.
9. To eliminate excessive and confusing sign displays.
10. To encourage signs which by their design are integrated with and harmonious to the surrounding environment and the buildings and sites they occupy.

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16-102 Definitions:

For the purpose of this Article, certain terms, phrases and words used throughout this Article shall have the meaning assigned them in this section:

1. GENERAL

- A. **ABANDONED SIGN:** Any sign, including off-site signs unless owned and operated by a bona fide billboard company, which no longer directs a potential customer to or exhorts any person, or advertises a bona fide business, project, product, service or activity.
- B. **DAMAGED SIGN:** Any sign, including off-premise signs, damaged by any means, more than fifty per cent (50%) of its value.
- C. **ELECTRONIC CHANGEABLE COPY SIGN:** A sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays.
- D. **ELECTRONIC GRAPHIC DISPLAY SIGN:** A sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.
- E. **FACADE:** The entire exterior surface of a particular side of a structure or establishment to be considered in the calculation of the maximum gross surface area of a wall, roof or projecting sign or signs.
- F. **FLASHING SIGN:** A directly or indirectly illuminated sign or portion thereof that exhibits changing light or color effect by any means, so as to provide intermittent illumination that changes light intensity in sudden transitory bursts and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling, or sparkling.
- G. **ILLUMINATED SIGN:** Any sign which contains an element designed to emanate artificial light internally or externally.
- H. **INDIRECTLY ILLUMINATED SIGN:** Any sign which is partially or completely illuminated at any time by a light source separate from the sign housing which is so shielded as to not be visible at eye level.
- I. **MARQUEE:** A permanent roofed structure attached to and supported by the building and projecting over public property.

- J. OFF-PREMISES SIGN: A sign delivering a message or advertisement other than the name, occupation or nature of the activities conducted on the premises or the products sold or manufactured thereon, and shall include all billboard signs and political signs with a gross surface area of more than thirty-two (32) square feet.
- K. ON-PREMISES SIGN: A sign which carries only advertisement that is incidental to a lawful use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, the rental or lease of products or building space, and/or name of the person, firm or corporation occupying the premises.
- L. OWNER: Any person(s), firm(s), corporation(s), or any other legal entity having legal title to or sufficient proprietary interest in a tract of land (including leasehold interests) or a sign.
- M. SEMI-ILLUMINATED SIGN: Any sign located on a building which building face is uniformly illuminated over its entire area, including the area of the sign, by use of electricity or other artificial light. Semi-illuminated signs shall be permitted in any location where illuminated signs are permitted.
- N. SHIMMERING SIGN: A sign which reflects an oscillating sometimes distorted visual image.
- O. SIGN: Any advertising device or surface placed out-of-doors, on or off premises, or placed indoors, when in view of the general public, which conveys information or identification. Included in this definition of "sign" shall be any structure used for said display and all sign supports.
- P. SIGN, GROSS SURFACE AREA OF: The gross surface area of a sign shall be the sum of all surface areas of the sign faces, except that ground or pole signs designed as double-faced signs, with both faces parallel and when the distance between the faces does not exceed two (2) feet, then only one face of the sign shall be considered in determining the sign area. In determining the gross surface area of a sign, each face of a sign may be broken down into not more than three (3) areas. Each surface area shall include the total area within a single continuous perimeter enclosing the extreme limits of the sign elements. Such perimeters need not include any structural elements lying outside the limits of such signs when they do not form an integral part of the display, nor shall it include architectural embellishments when such do not contain any advertising or printed copy, and are not lighted and do not exceed ten percent (10%) of the permitted sign area.
- Q. SIGN AREA, MAXIMUM TOTAL GROSS SURFACE AREA: Maximum allowed square footage of sign area permitted per zoning lot.
- R. SIGN, HEIGHT: The measurement from ground level (prior to disturbance) of the structure supporting the sign to the highest element of the sign.
- S. SIGN SETBACK: The minimum sign setback shall be the horizontal distance between a sign and a front and side lot line, as measured from that part of the sign, including its extremities and supports, nearest to any point on an imaginary vertical plane projecting from the front and side lot line.

- T. SIGN STRUCTURE: An element or assemblage of elements which supports or is capable of supporting a sign. A sign structure may be free-standing, attached to a building, an integral part of the building, or combination thereof.
- U. STRUCTURAL MEMBER: A component part of a structural system required to carry the primary supportive stresses of the building to the ground, as opposed to members carrying little or no supportive stresses other than their own weight, and functioning as an in-fill or nonstructural enclosure.
- V. UNIFIED SHOPPING CENTER: A group of retail stores and/or service establishments designed to serve a community or neighborhood.

2. FUNCTIONAL TYPES OF SIGNS.

- A. ADVERTISING SIGN: A sign which directs the attention of the public to a business, commodity, service or entertainment conducted, sold, or furnished at a location OTHER than the premises on which the sign is located or to which it is affixed.
- B. ADVERTISING DECORATION: Any sign which has attached various sign materials used for temporary display and decoration, including streamers, banners, pennants, pinwheels, commercial flags, bunting, and similar devices.
- C. BILLBOARD: An off-site sign, or portion thereof, consisting of outdoor signs which advertise, promote, or otherwise disseminate information pertaining to goods, products, or services, including charitable services, political services or appeals, not related to goods, products, or services which comprise a primary use on the premises where the sign is located. Such signs include:
 - 1) Poster panels or bulletins normally mounted on a building wall or freestanding structure with advertising copy in the form of pasted paper.
 - 2) Multi-prism signs, which are poster panels or bulletins normally mounted on a building wall or freestanding structure with advertising copy in the form of pasted paper and alternating advertising message on the one (1) display area.
 - 3) Painted bulletins, where the advertiser's message is painted directly on the background of a wall-mounted or freestanding display area.
- D. BULLETIN BOARD SIGN: An on-premises sign containing the name of the institution or organization, which may include names of persons connected with it, announcing persons, events or activities occurring at the institution or organization. Such signs may also present a greeting or similar message.
- E. BUSINESS DIRECTIONAL SIGN: An off-site sign which provides directions to the location of a business.
- F. BUSINESS SIGN: A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.

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- G. CONSTRUCTION SIGN: A temporary on-site sign indicating the names of architects, engineers, landscape architects, contractors, similar artisans, and financiers involved in the design and construction of a structure or project during the period of construction.
- H. DIRECTIONAL SIGN: An on-site sign containing words or symbols indicating an entrance to, or exit from, a building as well as the location of parking, loading, restrooms, and emergency entrances which are for the convenience of the public.
- I. ELECTRONIC MESSAGING SIGN: An electronic changeable copy sign, an electronic graphic display sign, or video display sign.
- J. FARM/RANCH DIRECTIONAL SIGN: A sign which provides direction to the headquarters of the farm or ranch.
- K. FIRST AMENDMENT SIGN: A sign which gives a non-commercial opinion of the sign owner and which is located on the property owned or occupied by the owner of the sign.
- L. IDENTIFICATION SIGN: A sign giving the name and address of a building, business, development or establishment.
- M. NAMEPLATE SIGN: A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located, and where applicable, a professional title.
- N. OFFICIAL SIGN: A sign erected, maintained and owned by a public entity within its own jurisdiction or, for a County or affiliated entity, within three (3) miles of the County limits.
- O. POLITICAL SIGN: A sign pertaining to the announcement of an individual being a candidate for an elective political office. Any such sign exceeding thirty-two (32) square feet of gross surface area shall be classified as an off-site sign and regulated accordingly.
- P. PROJECT DIRECTORY SIGN: An on-site sign containing the names and locations, in list or map form, of the individual components making up a planned unit development, shopping center, or similar project.
- Q. PROJECT TITLE SIGN: An on-site sign which carries the overall name of a residential subdivision, shopping center, industrial park, medical complex, planned unit development, mobile home park, and similar projects.
- R. REAL ESTATE SIGN: An on-premises sign displayed for the purpose of offering real property for sale, lease or rent.
- S. SERVICE SIGN: A sign which is owned by and displays information on a non-profit, service, charitable and/or religious organization or group.
- T. SPECIAL SIGN: Any sign classified as a farm/ranch directional sign, rural business sign and/or a service sign. These signs are permitted only so long as they remaining allowable under the Kansas Highway Advertising Control Act as administered by the Kansas Department of Transportation.

- U. TEMPORARY SIGN: Any on-site sign, including, but not limited to, signs of lightweight cardboard, airborne, plastic or paper material, intended to be displayed for not more than sixty (60) days.
- V. VIDEO DISPLAY SIGN: A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

3. STRUCTURAL TYPES OF SIGNS.

- A. ARCH SIGN: Any sign located at the drive entrance to a residence or business either adjacent to or arched over the drive entrance.
- B. AWNING SIGN: Any sign affixed directly on, painted on or attached to an awning.
- C. CANOPY SIGN: Any sign affixed directly on, painted on or attached to a canopy.
- D. COMMERCIAL BALLOON SIGN: An on-premise, temporary sign that is inflated and exceeds five (5) square feet in area, as measured at the largest cross-section, designed to advertise a specific product or service sold, produced or conducted on the premises, on which advertising copy, logos, symbols or emblems may or may not be printed, painted or attached. Commercial balloon signs may be tethered or mounted to a structure or the ground.
- E. GROUND SIGN: A sign placed upon, or supported by, the ground independently of any building or structure on the property. This includes a sign supported on poles or posts, the base of the face which is less than six (6) feet above ground level.
- F. MARQUEE SIGN: Any sign mounted on, painted on or supported by a marquee.
- G. POLE SIGN: A sign whose base of the face of which is more than six (6) feet above ground level and is supported by poles or posts.
- H. PORTABLE SIGN: An on-site sign designed in such a manner to be readily movable and not permanently attached to the property. Any non-permanent sign not classed as a temporary sign shall be deemed to be a portable sign.
- I. PROJECTING SIGN: Any sign that is wholly or partially attached to and dependent upon a building for support and which projects more than 1 foot beyond the face of said building.
- J. ROOF SIGN: A sign mounted and supported wholly upon or over the roof of any structure.
- K. WALL SIGN: A sign attached to or painted on a wall in such a manner that the exposed face of the sign is in a plane approximately parallel to the plane of the wall.

16-103 General Sign Requirements.

The following standards shall apply to all signs within Marion County:

1. **Traffic Safety:** No sign shall be maintained at any location where it may interfere with the view of, or where it may obstruct view of, or interfere with, mislead or confuse traffic. Nor shall any sign be placed in the visibility triangle as defined in these Regulations or project into said area unless the bottom edge of the projecting sign is at least twelve (12) feet above the centerline grade of the intersecting streets. Signs shall not be erected or maintained which contain, include, or are illuminated by any flashing light, electronic change in messages, electronic change in background colors, electronic change in light intensity, or electronic video display, except those giving highway public service information such as lane closures, road closures, and detours; those giving time, date, and temperature; and electronic messaging signs as authorized below.
2. **Clearance from Electrical Power Lines:** No metal ground sign shall be located within eight (8) feet vertically and eight (8) feet horizontally of electrical wire or conductors in free air carrying more than 48 volts, without regard to whether or not such wires or conductors are insulated or otherwise protected.
3. **Illuminated Signs:** Signs shall be shaded wherever necessary to avoid casting bright light upon property located in any residential district or upon any public street or park.
4. **Spotlights and Floodlights:** Signs shall not be erected or maintained which are not effectively shielded so as to prevent:
 - A. Beams or rays of light from being directed at any portion of the traveled way of any roadway, or
 - B. Beams of light of such intensity or brilliance as to cause glare or impair vision of the operator of any motor vehicle.
5. **Electronic Messaging Signs:** Electronic messaging signs are subject to the following provisions and requirements:
 - A. The size and location of the sign shall be consistent with all other requirements of these Regulations.
 - B. The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity, or otherwise change in outward appearance, except when the electronic message or display is changed to another message or display, and as otherwise provided herein.
 - C. The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display for on-site advertising signs shall not change at intervals less than eight seconds, except that on-site advertising signs twenty (15) square feet or less in area and which are located on roadways posted 45 miles per hour or less speed limit shall be exempt from any intervals between changes in messages.

- D. The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display for off-site advertising signs shall not change at intervals less than eight seconds.
- E. The maximum duration of the transition of the electronic image or message change shall be no more than two seconds.
- F. All electronic messaging signs must be equipped with a default mechanism that will stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs.
- G. Electronic messaging signs must not exceed a maximum illumination of 8,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 2,000 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.
- H. Electronic messaging signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise.
- I. Audio speakers are not allowed with any electronic messaging sign, except as provided in subsection K. below.
- J. Any form of pyrotechnics is prohibited in association with an electronic messaging sign.
- K. Permitted electronic messaging signs, not facing public roads or residential properties and used in drive-through restaurants, gasoline stations, and similar establishments serving motorists, shall be exempt from provisions A through E of this subsection, provided the electronic messaging sign area does not exceed eight inches in height or four feet in width or extend more than five feet above the ground. Audio speakers used in connection with signs permitted in this subsection shall not be audible beyond the property on which the sign is located.
- L. The following are prohibited activities regarding the electronic messaging signs:
 - 1) No sign shall be permitted which includes or displays explosives, fireworks, or any other pyrotechnical devices.
 - 2) No sign shall be permitted which includes flashing signs, except as specifically permitted herein.
 - 3) No sign shall be permitted which includes shimmering signs, except as specifically permitted herein.
 - 4) No sign shall be permitted which includes audio devices, except as specifically permitted herein.
 - 5) No sign shall be permitted which revolves, pivots, or otherwise moves from a normal stationary or fixed position, except as specifically permitted herein.

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6. Signs Not To Be Located Within Public Right-of-Way: Any signs and supports which are located upon or over the public right-of-way, including streets, alleys and parkways, shall be prohibited; provided, however, the following exceptions shall be allowed:
 - A. Signs and supports required by governmental authority.
 - B. Signs on commercial vehicles or commercial trailers which denote the name and address of a bona fide business which owns or leases said vehicle when these vehicles are lawfully operated or parked and not used expressly for the purpose of advertising a product, service or activity.
 - C. A temporary sign located on public property used to announce a special event or activity when written authorization is granted by the Zoning Administrator that the sign will not constitute a traffic hazard or attractive nuisance, and the sign is located in a proper zone. The Zoning Administrator may utilize the opinions of both the Sheriff and the County Engineer in making a determination under this provision.
7. Obstruction to Exit: No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress.
8. Obstruction to Ventilation: No sign shall be erected which interferes with any opening required for ventilation.
9. Signs on Trees or Utility Poles: No sign shall be attached to a tree or utility pole whether on public or private property.
10. Corner and Double-Front or Through Lots: On corner and double-front or through lots, each lot line that abuts a street or highway shall be considered a separate street frontage. On corner and double-front or through lots, restrictions that are phrased in terms of "signs per zoning lot" shall be deemed to permit the allowable number of signs facing each street or highway that abuts the lot.
1. Maintenance Required: Signs shall be maintained so as to be structurally sound and in a safe condition, and shall be kept in a state of undeteriorated appearance by means of painting, sealing or coating and repair or replacement of damaged parts, panels or lights.
2. Clearance Drop Zone for Pole Signs: Pole signs shall be located so as to provide a clearance drop zone in all directions such that the pole sign would fall on the property on which it is located. This requires that the pole sign be setback from all property lines a minimum distance equal to the height of the pole sign.
3. Classification of Signs:
 - A. Functional Types
 - 1) Advertising Sign
 - 2) Advertising Decoration Sign
 - 3) Billboard Sign
 - 4) Bulletin Board Sign

- 5) Business Directional Sign
- 6) Business Sign
- 7) Construction Sign
- 8) Directional Sign
- 9) Electronic Messaging Sign
- 10) Farm/Ranch Directional Sign
- 11) First Amendment Sign
- 12) Identification Sign
- 13) Nameplate Sign
- 14) Official Sign
- 15) Political Sign
- 16) Project Directory Sign
- 17) Project Title Sign
- 18) Real Estate Sign
- 19) Service Sign
- 20) Special Sign
- 21) Temporary Sign
- 22) Video Display Sign

B. Structural Types:

- 1) Arch Sign
- 2) Awning Sign
- 3) Canopy Sign
- 4) Commercial Balloon Sign
- 5) Ground Sign
- 6) Marquee Sign
- 7) Pole Sign
- 8) Portable Sign
- 9) Projecting Sign

10) Roof Sign

11) Wall Sign

16-104 Procedural Requirements.

1. Permit: No sign, except for signs listed in section 16-104 (6) herein, shall be painted, constructed, erected, repainted, remodeled, relocated, or expanded unless such sign complies with the regulations of this Code. Permits shall be obtained from the Zoning Administrator. Fees for sign permits shall be as specified by the Governing Body. All signs shall be designed, constructed, erected and electrified in compliance with the adopted minimum standards as set forth in the adopted building codes of the Marion County.
2. Application for Permit: Application for a permit shall be made in writing upon forms provided by the Zoning Administrator and shall contain, or have attached thereto, the following information:
 - A. The name, address, and telephone number of the applicant.
 - B. The location of the building, structure or lot where the sign is to be located.
 - C. Position of the sign(s) in relation to nearby buildings and structures.
 - D. Two sets of prints showing the plans and specifications of the proposed sign and sign structure, along with the method of construction and attachment to the building or in the ground.
 - E. The name of the person, firm, corporation or association erecting the sign.
 - F. Written consent of the owner of the building, structure or land to which or on which the sign is to be erected.
 - G. Additional information as the Zoning Administrator shall require to show full compliance with this and all other applicable laws and regulations of the Marion County, Kansas.
3. Issuance of Permit: Upon the filing of an application for a sign permit, the Zoning Administrator or designate shall examine such plans and specifications, along with the premises upon which it is proposed to erect the sign, and other pertinent data, to determine if the provisions of the Sign Regulations of Marion County, Kansas, are complied with. If all such requirements are met, the permit shall be issued. If the work authorized by such permit is not started within 120 days from the date of its issuance, such permit shall become null and void.

The issuance of the Sign Permit as required by this Code shall not act in lieu of any other permits or fees required by any other provisions of this Code or any other rules or regulations applicable to such sign and its placement.

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4. **Permit Revocation:** If the Zoning Administrator shall find that any sign subject to this Article is unsafe or structurally unsound, is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this Article, written notice shall be given to the owner, occupant, or person-in-charge, specifying the problem. If such person fails to remove or alter the sign so as to comply with the provisions of this Article within thirty (30) days of such notice, the Zoning Administrator may cause such sign to be removed or altered to comply with this Article.
5. **Sign Removal:**
 - A. All abandoned signs and their supports shall be removed within thirty (30) days from the date of notification of abandonment by the Zoning Administrator. The Zoning Administrator may grant a time extension not exceeding an additional thirty (30) days for an abandoned, non-damaged sign. All signs structurally damaged shall be repaired or removed within thirty (30) days of the date of notification by the Zoning Administrator.
 - B. If the owner, occupant, or person-in-charge, after due notice, fails or refuses to correct a violation of this Article, the Zoning Administrator shall cause such signs and their supports to be demolished and removed. If such sign cannot be demolished because it is painted on a building or other non-sign structure, such sign shall be painted over or removed by sandblasting.
 - C. When in the opinion of the Zoning Administrator any sign is in such condition as to constitute an imminent hazard requiring immediate action to protect the public, he may erect barricades or cause the sign to be taken down, repaired, shored, or otherwise made safe without delay. Such action, under such circumstances, may be taken without prior notice to or hearing of the owner, agents, lien-holders, and occupants.
 - D. Any cost incurred by the County associated with the demolition, removal or repair of any sign under the provisions of this Code shall be levied, certified, and collected as a special assessment against the lot or tract of ground upon which the sign was located. Said assessment, if not paid when due, shall be certified to the County Clerk for collection with other special assessments.
6. **Exemptions from Permits:** The following signs shall be exempt from paying fees and obtaining a sign permit; however such signs shall be subject to the Sign Regulations. (This exemption shall not be construed as relieving the owner of the sign from the responsibility for its meeting the structural and maintenance requirements as specified in this Code):
 - A. Real estate sign advertising the sale, rental or lease of the premises on which the sign is displayed, with the following limitations: One (1) unlighted sign per street frontage per listing, provided that a maximum of six (6) real estate signs be permitted on a zoning lot.
 - B. Real estate directional sign not exceeding six (6) square feet in area.
 - C. Advertising decoration signs, and any indoor signs, even though such signs may be visible from the outside of the building.

- D. No more than two (2) temporary on-site signs placed in or upon windows of a commercial or industrial building, whether painted or attached.
- E. Nonelectrical nameplates not exceeding two (2) square feet in area.
- F. Nonelectrical construction signs denoting the architect, engineer or contractor when placed upon work under construction, and not exceeding thirty two (32) square feet in area.
- G. Nonelectrical identification signs.
- H. Nonelectrical arch nameplate signs.
- I. Nonelectrical memorial signs or tablets giving names of persons or buildings and date of erection not to exceed twenty-five (25) square feet in size.
- J. Project title signs for subdivision identification, both on-site and off-site, subject to the following conditions:
 - 1) On-site signs shall be allowed as long as lots remain vacant within the subdivision. Off-site signs shall be allowed for a maximum of two (2) years; however the Zoning Administrator may grant six (6) month extensions until the subdivision is seventy percent (70%) sold to either a builder or an individual buyer.
 - 2) On-site and off-site signs shall be unlighted; shall be neither reflective nor fluorescent; and shall be used exclusively for the purpose of advertising the subdivision.
 - 3) No sign shall be authorized until the final subdivision plat has been duly recorded.
 - 4) On-site signs shall be located at or near entrances to the portion of the subdivision under construction, and not more than two (2) sign structures shall be maintained in any one (1) subdivision less than forty (40) acres in size. For each additional forty (40) acres or fraction thereof, one (1) additional sign may be erected.
 - 5) Off-site signs shall be located on the most direct routes from the major road network to the location of the subdivision. However, when said off-site sign is located along a highway that is regulated by the billboard provisions of this Article, the location of such off-site sign shall be subject to the billboard provisions of this Article.
 - 6) The maximum area shall be one hundred twenty eight (128) square feet for each sign.
 - 7) The maximum length of any sign shall be sixteen (16) feet.
- K. Signs of a duly constituted governmental body, including directional signs for public buildings and uses, traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping and other similar signs.
- L. Advertising decorations, temporarily displayed during special event periods only, such as grand openings, holidays, carnivals and the like, with a limit of twelve (12) such events and a total time limitation of eight (8) weeks within any calendar year for any business or institution.

- M. Auction signs placed along roads and highways on private property advertising auctions off said roads or highways; provided, said signs shall not be placed more than thirty (30) days prior to said auction and shall be removed within seven (7) days of the completion of said auction or sale. Said signs shall not be more than thirty two (32) square feet in area and shall not be illuminated.
 - N. Political signs, when located on private property with the permission of the owner or tenants, provided that not more than four (4) signs shall be allowed for each street frontage per zoning lot. Total area of all signs shall not exceed sixty-four (64) square feet per zoning lot. All signs shall be removed within seven (7) days following the election in which the candidate is elected to office or is eliminated from further participation in the election as a candidate, of after a ballot question has been decided.
 - O. Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organization, displayed on private property, but only if the flag or emblem is used solely as an identifying symbol and does not include advertising language.
 - P. Address numerals and other signs required to be maintained by law or governmental order, rule or regulation, provided that the content and size of the sign do not exceed the requirements of such law, order, rule or regulation.
 - Q. Such additional signs as "No Hunting," "No Fishing," "No Trespassing" and other like signs.
7. Exemption from Fees: The following signs shall be exempt from paying fees; however, a permit shall be obtained and they shall be subject to the Sign Regulations. (This exemption shall not be construed as relieving the owner of the sign from the responsibility for its meeting the structural and maintenance requirements as specified in this Article):
- A. Nonelectrical bulletin boards not exceeding 32 square feet in area for public, educational, charitable, fraternal or religious institutions when such sign is located on the premises of such institution.
 - B. Directional signs.
8. Prohibited Signs: Any signs and supports which are located upon or over the public right-of-way, including streets, alleys and parkways, shall be prohibited; provided, however, the following exceptions shall be allowed:
- A. Signs and supports required by governmental authority.
 - B. Signs on commercial vehicles or commercial trailers which denote the name and address of a bona fide business which owns or leases said vehicle when these vehicles are lawfully operated or parked and not used expressly for the purpose of advertising a product, service or activity.
 - C. A temporary sign located on public property used to announce a special event or activity when written authorization is granted by both the Sheriff and the Zoning Administrator that the sign will not constitute a traffic hazard or attractive nuisance, and the sign is located in a proper zone.

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16-105 Design and Construction Standards:

The design and construction of signs and sign structures shall be subject to the following standards:

1. Ground Signs:

- A. Letters, Materials to be Secured: All letters, figures, characters, or representations in cutout or irregular form maintained in conjunction with, attached to or superimposed upon any ground sign shall be safely and securely built or attached to the sign's structure.
- B. Premises to be Kept Free of Weeds, Etc.: The premises surrounding all ground signs shall be maintained by the owner thereof in a sanitary and uncluttered condition, free and clear of all noxious substances, rubbish, litter and weeds.

2. Projecting Signs:

- A. Removable Parts to be Secured: Any removable parts of a projecting signs, such as a cover of a service opening, shall be securely fastened by safety chains or hinges.
- B. Location: The horizontal clearance between a projecting sign and the curb line shall be not less than 2 feet. A projecting sign projecting more than two-thirds of the distance from the property line to the curb line shall be not less than 12 feet above the ground or pavement below. A projecting sign projecting less than two-thirds of the distance from the property line to the curb line shall be not less than 8 feet above the ground or pavement below.
- C. Awnings: Awnings, whether used as a sign or not, may extend over public property not more than 7 feet from the face of a supporting building but no portion shall extend nearer than 2 feet to the face of the nearest curb line measured horizontally. In no case shall the awning extend over public property greater than two-thirds of the distance from the property line to the nearest curb in front of the building site.

16-106 District Regulations.

- 1. Agricultural and Single-Family Residential Districts: The following types of signs, along with applicable size, height, and setback requirements in districts zoned "A", "RR", "SR", "R-1", "ES", "LL" and "V-1", are permitted:
 - A. Functional Types:
 - 1) Advertising Decoration Sign.
 - 2) Bulletin Board Sign, except for single-family dwellings.
 - 3) Business Sign for permitted home occupation.
 - 4) Construction Sign.
 - 5) Directional Sign, except for single-family dwellings.
 - 6) First Amendment Sign.
 - 7) Identification Sign.

- 8) Nameplate Sign.
 - 9) Official Sign.
 - 10) Political Sign.
 - 11) Project Directory Sign.
 - 12) Project Title Sign.
 - 13) Real Estate Sign.
 - 14) Real Estate Directional Sign.
 - 15) Special Sign.
 - 16) Temporary Sign.
- B. Structural Types:
- 1) Arch Sign.
 - 2) Ground Sign.
 - 3) Wall Sign.
- C. Number of Signs Permitted: No more than one (1) ground sign and one (1) wall sign shall be permitted for each zoning lot having frontage on a public right-of-way, regardless of the functional type of sign; provided, however, that project title signs shall be permitted as authorized by Article 16-104(6)(j) of these Regulations in addition to the sign restrictions listed above.
- D. Maximum Gross Surface Area:
- 1) Advertising Decoration Sign: Eight (8) square feet per sign.
 - 2) Bulletin Board Sign: Twenty-five (25) square feet per sign.
 - 3) Business Sign: Eight (8) square feet per sign.
 - 4) Construction Sign: Thirty-two (32) square feet per sign.
 - 5) Directional Sign: Eight (8) square feet per sign.
 - 6) First Amendment Sign: Thirty-two (32) square feet per sign.
 - 7) Identification Sign: Eight (8) square feet per sign.
 - 8) Nameplate Sign: Four (4) square feet per sign.
 - 9) Official Sign: One hundred (100) square feet per sign.
 - 10) Political Sign: Thirty-two (32) square feet per sign.
 - 11) Project Directory Sign: Sixty-four (64) square feet per sign.

- 12) (Project Title Sign: One hundred twenty eight (128) square feet per sign.
 - 13) Real Estate Sign: Eight (8) square feet per sign.
 - 14) Real Estate Directional Sign: Eight (8) square feet per sign.
 - 15) Special Sign: The maximum size of the sign at those locations subject to the Highway Beautification Act of Kansas shall conform to the "Rural Business Directional Sign Policy" of the Kansas Department of Transportation. For all other locations, the maximum size of the sign shall be eight (8) square feet per sign.
 - 16) Temporary Sign: Eight (8) square feet per sign.
- E. Maximum Height:
- 1) For Arch Signs: Fifteen (15) feet.
 - 2) For Ground Signs: Six (6) feet.
 - 3) For Wall Signs: Not higher than the height of the top or ends of the wall section to which the sign is attached or affixed. In no case shall the sign be permitted to be placed on the roof.
- F. Required Setback: Unless otherwise provided within this Article, no sign shall project beyond the property line of the lot on which it is located along all street frontages; nor closer than ten (10) feet from any side or rear property line.
- G. Illumination: No sign shall be illuminated, except that Bulletin Board and Identification signs may be lighted indirectly with incandescent or fluorescent lights.
2. Conditional Uses: All signs permitted within this Article shall be available within any property subject to a Conditional Use Permit; provided that alternative or additional requirements concerning the type, size, height and location of any signs may be established on specific sites upon the approval of the Conditional Use Permit by the governing body.
 3. Portable Signs: Portable signs shall be prohibited.
 4. Commercial Balloon Signs: Commercial balloon signs shall be permitted only on property in Marion County when said sign is identified on an approved development plan associated with a Conditional Use Permit. Commercial balloon signs shall be subject to the following provisions:
 - A. Commercial balloon signs shall be limited to one balloon sign per zoning lot at any given time.
 - B. Commercial balloon signs shall be limited to a maximum of 160 square feet in area as measured at the largest cross section.
 - C. Commercial balloon signs shall be limited to seven (7) day permits issued no more than four (4) times per calendar year.

- D. Commercial balloon signs shall be limited in height to a maximum of forty-five (45) feet above grade when mounted or tethered on a roof or structure, and to twenty-five (25) feet above grade when mounted on or tethered to the ground.
 - E. Commercial balloon signs must be anchored and/or tethered in accordance with the commercial balloon sign manufacturer's recommendations.
 - F. Commercial balloon signs must be deflated and properly secured when wind speeds exceed forty (40) miles per hour or the manufacturer's maximum wind speed, whichever is less.
 - G. Commercial balloon signs shall be located in accordance with all applicable Federal Aviation Administration regulations.
 - H. Any gas used in commercial balloon signs must be non-combustible.
 - I. Commercial balloon signs shall be fire retardant.
 - J. Commercial balloon signs shall be located no closer than the height of the commercial balloon sign plus ten (10) feet from any electric power transmission line.
5. Billboard Signs: Advertising or billboard signs shall be permitted only on property in Marion County when said sign is identified on an approved development plan associated with a Conditional Use Permit.
- A. All advertising or billboard signs shall conform to the following requirements:
 - 1) Advertising or billboard signs shall be located a minimum of seventy-five (75) feet from a residential structure.
 - 2) Advertising or billboard signs shall be erected so that all elements of the sign and its structure remain on or over the lot on which the sign is constructed. No portion of any billboard sign shall encroach upon or over, or project over any public right-of-way.
 - 3) Advertising or billboard signs shall have a maximum height of thirty-five (35) feet.
 - 4) All lighting of advertising or billboard signs shall be so shielded as not to produce intensive or excessive light or glare on adjacent property or roadways.
 - 5) All advertising or billboard signs shall be free-standing structures only.
 - 6) All advertising or billboards signs shall be limited to one advertising face per direction.
 - B. In addition to the requirements of 18-106(5)(A) above, advertising or billboard signs erected along or intended to be viewed from US-50, US-56, US-77, or K-15 shall be subject to the following additional requirements:
 - 1) The gross surface area of any advertising or billboard sign shall not exceed 800 square feet, not including cut-outs and embellishments, which may not exceed twenty-five percent (25%) of the face area of the advertising or billboard. In addition, the maximum vertical dimension of an advertising or billboard sign shall be twenty (15) feet and the maximum horizontal dimension of an advertising or billboard sign shall be sixty (60) feet, including cut-outs and embellishments.

- 2) There shall be a minimum separation of 500 feet between all advertising or billboard signs.
- C. In addition to the requirements of 18-106(5)(A) above, advertising or billboard signs erected along or intended to be viewed from K-150, K-168, K-215, or K-256 shall be subject to the following additional requirements:
- 1) The gross surface area of any advertising or billboard sign shall not exceed 500 square feet, not including cut-outs and embellishments, which may not exceed twenty-five percent (25%) of the face area of the advertising or billboard. In addition, the maximum vertical dimension of an advertising or billboard sign shall be twenty (15) feet and the maximum horizontal dimension of an advertising or billboard sign shall be sixty (60) feet, including cut-outs and embellishments.
 - 2) There shall be a minimum separation of 300 feet between all advertising or billboard signs.
- D. In addition to the requirements of 18-106(9)(A) above, advertising or billboard signs erected along or intended to be viewed from the rural major collector and/or rural minor collector roads in Marion County shall be subject to the following additional requirements.
- 1) The gross surface area of any advertising or billboard sign shall not exceed one hundred sixty (160) square feet, not including cut-outs and embellishments, which may not exceed twenty-five percent (25%) of the face area of the advertising or billboard. In addition, the maximum vertical dimension of an advertising or billboard sign shall be ten (10) feet and the maximum horizontal dimension of an advertising or billboard sign shall be twenty (15) feet. The total maximum height of the structure shall not exceed twenty-five (25) feet.
 - 2) There shall be a minimum separation of 1,315 feet between all advertising or billboard signs.
 - 3) Advertising or billboard signs may be located on property in any zoning district by the approval of a Conditional Use.
- E. Advertising or billboard signs proposed to be erected along or intended to be viewed from rural local roads shall be allowed only upon approval of a Conditional Use Permit for such advertising or billboard sign following the procedures for Conditional Use Permit approval contained within these Regulations.

16-107 Nonconforming Signs:

Every sign in existence at the time these Sign Regulations become effective may continue in existence subject to the following:

1. It shall not be altered structurally or moved unless it is made to comply with the provisions of these Regulations. However, the changing of the movable parts of an existing sign that is designed for such changes, or the repainting or changing of display matter shall not be deemed a structural alteration.
2. The lawful use of a sign existing on the effective date of these Regulations, although such sign does not conform to the provisions hereof, may continue; but if usage of such sign is discontinued for a period of six months, any future use of such sign shall be in conformity with the provisions of these Regulations.
3. No sign which has been damaged by fire, wind, explosion, or act of God to the extent that 50 percent or more of the sign is destroyed, shall be restored except in conformity with these Regulations. Any sign which has been damaged to an extent less than 50 percent may be restored to its condition which existed as a nonconforming use prior to its damage.