

# AGENDA

## RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, December 8, 2014  
7:30 p.m.

Commission Meeting Room  
Courthouse Plaza East

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(Procedure: Open joint meeting of the Riley County Planning Board/Board of Zoning Appeals)

### **I. OPEN PUBLIC COMMENTS**

### **II. CONSENT AGENDA**

1. Consider the minutes of the November 10, 2014 meeting
2. Consider the Report of Fees for the month of November

(Procedure: Adjourn the joint meeting of the Riley County Planning Board/Board of Zoning Appeals and due to no agenda items for the Board of Zoning Appeals, convene as the Riley County Planning Board)

### **III. GENERAL AGENDA- RILEY COUNTY BOARD OF ZONING APPEALS**

1. No agenda items

### **IV. GENERAL AGENDA- RILEY COUNTY PLANNING BOARD**

1. Public Hearing at the request of the Board of County Commissioners to amend SECTION 2 – DEFINITIONS and amend SECTION 15 – SIGNS AND EXTERIOR LIGHTS of the Riley County Zoning Regulations. **ACTION NEEDED: Recommend approval/denial to the Board of County Commissioners.**
2. Pictometry demonstration
3. Manhattan Urban Area Comprehensive Plan update
4. Big Blue Floodplain Management Plan update
5. Agritourism Task Force update
6. Public hearing training reminder

(Procedure: Adjourn the Riley County Planning Board meeting)

## MINUTES

### RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, November 10, 2014  
7:30 pm

Courthouse Plaza East  
Commission Meeting Room  
115 North 4<sup>th</sup> Street

Members Present: Dr. Tom Taul, Vice-Chair  
Diane Hoobler  
John Wienck  
Julie Henton

Members Absent: Lorn Clement, Chairman

Staff Present: Bob Isaac – Planner and Lisa Daily – Administrative Assistant

Others Present: Kris Springer, Steve Springer, Ian Reekie, Wayne Kendall, Lorene Kendall, Vern Bulk, Ryan Lynch, Bill Carson, Leon Hobson, Kelly Adams, Duane Sherwood and Wayne Goff

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#### **OPEN PUBLIC COMMENTS**

None.

#### **CONSENT AGENDA**

The minutes of the October 13, 2014 meeting were presented and approved. The Report of Fees for the month of October (\$2,212.00) were presented and approved. The modified Final Development Plan Tegtmeier Winery was approved and signed.

Julie Henton moved to adjourn the joint meeting of the Riley County Planning Board/Board of Zoning Appeals and convene as the Board of Zoning Appeals. Diane Hoobler seconded. Carried 4-0.

#### **BOARD OF ZONING APPEALS**

##### **Carson – Variance**

Vice-Chair Taul removed from the table the request of Bill Carson, petitioner and Russell Briggs Trust, owner, for a variance authorization to permit construction of a detached accessory structure (garage) 2.8 feet below the required elevation of one (1) foot above base flood elevation.

John Wienck motioned to remove the request from the table. Diane Hoobler seconded. Carried 4-0.

Vice-Chair Taul opened the public hearing.

Bob Isaac explained to the Board that the request is for a vertical floodplain variance. Mr. Isaac described the history, location and physical characteristics of the subject property. He explained the building permit is pending and that even if the variance were to be approved, the structure must also meet the wet-floodproofing requirements found in the zoning regulations.

Mr. Isaac stated FEMA recognizes the “wet floodproofing” technique as acceptable and appropriate for accessory structures and certain criteria that should be followed, such as:

- Using flood-resistant building materials; adequately anchor the structure to prevent flotation, collapse or lateral movement;
- requiring the structure to contain openings that will permit the automatic entry and exit of floodwaters, locate all mechanical, electrical or other utility equipment above the base flood elevation or flood-proofed so they are in a watertight enclosure; and
- limiting the size of the accessory structures to no greater than 700 square feet.

Staff recommended approval of the request.

Diane Hoobler asked if staff has inspected the structure to verify if the electrical and other requirements have been met.

Bob Isaac explained the structure is not completed with the wet-floodproofing requirements pending the approval of the variance.

Vice-Chair Taul asked the Applicant if he had any comments.

Bill Carson apologized to the Board for missing the October meeting and that it was not intentional. Mr. Carson said he got the cart before the horse regarding building prior to obtaining a permit.

Vice-Chair Taul asked if there were any proponents or opponents. There were none.

John Wienck moved to close the public hearing. Julie Henton seconded. Carried 4-0.

Diane Hoobler moved to approve the request for a variance authorization to permit construction of a detached accessory structure (garage) 2.8 feet below the required elevation of one (1) foot above base flood elevation. John Wienck seconded. Carried 4-0.

### **Kendall – Variances**

Vice-Chair Taul removed from the table the request of Wayne Kendall, petitioner and L M Kendall Trust, owner, for a variance authorization to reduce the front yard requirement of the north property line from 25 feet to two (2) feet.

John Wienck moved to remove the request from the table. Diane Hoobler seconded. Carried 4-0.

Vice-Chair Taul opened the public hearing.

Bob Isaac asked if the Board would also open up the public hearing for the variance authorization request Pet. #14-29, to reduce the rear yard requirement of the east property line from 10 feet to 5 feet, as it pertains to the same structure, location and applicant.

Vice-Chair Taul asked if the other Board members concurred and they did.

Bob Isaac displayed a visual layout of the property explaining the front yard and rear yard requirements. Mr. Isaac explained that fences are allowed in setbacks and that the existing garage is already in noncompliance. He said if the variance for the rear yard is approved, it will bring the garage into compliance and allow for the construction to enclose the existing carport. He also stated that approval of Pet. #14-25 variance for the north property line will assist with bringing the house into compliance as well. Staff recommends that both variances be approved.

Diane Hoobler asked the Applicant if vehicles will be parked in front of the carport once it is enclosed.

Wayne Kendall replied no.

Vice-Chair Taul asked if there were any proponents or opponents.

Wayne Goff stated he is the local mailman and drives Ada Lane every day. He said he didn't see any obstructions being created from enclosing the structure.

John Wienck moved to close the public hearing. Diane Hoobler seconded. Carried 4-0.

Vice-chair Taul stated he drove by the site and noticed that the north end of the carport is exactly in line with the north side of the house. He said there is plenty of room.

John Wienck moved to approve the request for Petition #14-25 - a variance authorization to reduce the front yard requirement of the north property line from 25 feet to two (2) feet and Petition #14-29 - a variance authorization to reduce the rear yard requirement of the east property line from 10 feet to 5 feet. Julie Henton seconded. Carried 4-0.

### **Wildwood Estates, Inc. – Conditional Use**

Vice-Chair Taul opened the public hearing at the request of Wildwood Estates, Inc., petitioner and Steven & M. Kristine Springer, owners, for a conditional use authorization to allow for a commercial outdoor recreational facility (zipline park) in the "AG" (Agricultural District) zoning designation.

Bob Isaac presented the request. Mr. Isaac described the history, location and physical characteristics of the subject property. He stated that although the current floodplain map do not show any portion of the subject site within the designated 1% annual chance floodplain or floodway, the new FEMA FIRM maps (not yet formally adopted by Riley County), shows a portion of the subject site now within an unnumbered A Zone; such area will be used as the accessway connecting the park to Johnson Road.

Mr. Isaac said a stormwater drainage study was completed by Schwab-Eaton and reviewed by the County Engineer. He stated that since the total area proposed to be disturbed (cleared/developed) was insignificant in relation to the size of the entire site, the study focused on the capacity of the drainage tubes located on the subject site that will be utilized as part of the accessway into and out of the park. He said the study concluded that the existing tubes are more than adequate and in good condition to handle a ten year storm. The County Engineer agreed with the findings and provided a list of conditions, which are included in this authorization, for all areas where the accessway may become inundated.

Mr. Isaac described the park and stated that it will consist of nine (9) ziplines, with associated take-off and landing points/towers, walking trails and natural areas.

- The park will be open late March through early November, with 2-4 full-time employees and 8-10 part-time employees.
- Park tours will be by appointment only and will take approximately 2½ - 3 hours to complete.
- Park hours will be from 10:00 am to 7:00 pm, Friday, Saturday and Sunday, and also Monday-Thursday by reservation only.
- The park will serve approximately 60 customers a day.

Mr. Isaac said staff recommended, as per the Table of Allowed Uses in Section 8 of the Riley County Zoning Regulations, that the requested Conditional Use be approved with the following conditions:

1. This Conditional Use permit shall only be for a Commercial Recreational Facility (outdoor), specifically, a Zipline Park. There shall be no overnight lodging.
2. All requirements of the Riley County Sanitary Code and/or Kansas Department of Health & Environment shall be met. A minimum of two (2) sanitary facilities must be provided with

one (1) portable hand washing station (if not part of the port-a-potty unit). If the Riley County Environmental Health Specialist finds that additional facilities are necessary to ensure public health, the park owner shall provide the recommended number or shall restrict patrons to the number that corresponds to the sanitary facilities available.

3. In the event permanent sanitary facilities are to be constructed, as per the future conditions of the site plan, the property owner must contact the Riley County Environmental Health Specialist and Riley County Planning & Development for permitting procedures.
4. All drives and parking areas (including handicap parking) shall be located within the conditional use boundary and consist of all-weather surfacing (asphalt, concrete or gravel). Such areas shall be maintained on a regular schedule or resurfaced as needed, to provide safe access for all vehicles year round and be traversable by emergency response vehicles.
5. Parking shall be permitted in designated parking areas only. Such areas shall be designed to allow for adequate maneuvering of motor vehicles. Parking along Johnson Road or along the accessway to parking areas shall be prohibited.
6. The accessway from Johnson Road to the parking area shall be a minimum of 20 feet wide in accordance with fire code and to provide two-way traffic. Additionally, the accessway shall end in a cul-de-sac treatment with a bulb no less than 100 feet in diameter.
7. The entrance into the park must have adequate site distance; existing vegetation and trees shall be removed during the installation of the entrance.
8. The two corrugated metal drainage pipes under the accessway into the park shall be kept cleared of debris, trees, brush, sediment and/or other obstructions to allow the full intended flow.
9. As per the recommendation of the County Engineer, in all areas where the accessway may become inundated the property owner shall:
  - Excavate the existing ground to a depth of 4 to 6 inches;
  - Place and compact a minimum of 4 inches of 2 inch road stone, with fines, in this area;
  - Place and compact 2 to 3 inches of 1.25 inch road stone on top of the base;
  - Refrain from raising the elevation of the surrounding ground more than 2 to 3 inches; and
  - Create a small ditch on the east side of the drive which drains to the Johnson Road ditch, if possible.
10. Emergency services shall be provided the ability to respond to emergency situations, including police, fire and emergency medical response needs.
11. All proposed lighting sources shall be aimed or shielded so the direct illumination is confined to the property on which the use is located. The operation of searchlights or similar lighting sources is prohibited.
12. One non-illuminated 4'x6' entrance sign, subject to all applicable provisions of Section 15 – Signs and Exterior Lights is permitted. Way-finding signs shall be permitted within the conditional use boundary.
13. Trash receptacles shall be located in appropriate locations throughout the park. The site shall be maintained and left free of debris or litter.
14. Designated personnel from Riley County Police Department, Riley County Fire District No. 1, Riley County Emergency Medical Service and/or Riley County Planning & Development shall be authorized to inspect the premises for compliance with the provisions of the conditions of this authorization.
15. The maximum number of persons on site at any given time shall be 100 persons, including patrons, guests, employees, etc., regardless of age.

Vice-Chair Taul asked if the Applicant would like to speak.

Steve Springer said he has received a lot of community support for this venture and feels a real need to get kids out in the woods.

Vice-Chair Tom Taul asked if there is a similar type facility anywhere close.

Mr. Springer replied no. He said they have been working closely with the Chamber (Manhattan Chamber of Commerce) and feels this will bring people to the area. He said that in between

ziplines there will be nature trails in which the tour guides will provide information, such as the native limestone rock used for buildings on K-State, type of trees and wildlife.

John Wienck asked if the Applicant will live on site.

Mr. Springer replied yes.

Vice-Chair Tom Taul asked if there were any proponents or opponents.

Duane Sherwood stated he is the treasurer for Manhattan Township and said it looks like a fun activity. He said speaking on his behalf, there are not any problems as far as the township is concerned. He told the Applicant if there are any trees in the right-of-way that need to be cut down or cleaned up to let the township know.

Vern Bulk stated he is also with Manhattan Township. He said a small portion of Johnson Road is gravel and services about five (5) vehicles per day. Mr. Bulk said he would like to request to require the applicant to apply an annual dust treatment in the spring at the applicant's expense.

Kelly Adams stated he lives directly east of the subject site which he hopes to develop someday. He said he would speak in favor of the request and that it will be unique to the area.

Diane Hoobler stated she took a tour of the site and was amazed at how hilly the site is. She said the Gateway Plan designated this area for housing but stated she didn't know how houses could be built in this area. Mrs. Hoobler said she thinks this is a really good idea because it keeps the site in its natural state and also cleans it up.

Vice-Chair Taul thanked Leon Hobson, County Engineer, for all his work on the drainage issues. He said the cleanup of the tubes should also benefit others.

Julie Henton moved to close the public hearing. John Wienck seconded. Carried 4-0.

Diane Hoobler moved to approve the request for a conditional use authorization to allow for a commercial outdoor recreational facility (zipline park) in the "AG" (Agricultural District) zoning designation with the addition of the following condition:

16. The applicant shall be responsible for the application of dust control materials on that gravel portion of Johnson Road, from the end of the asphalt to just west of the park entrance, annually, at the applicant's expense.

John Wienck seconded. Carried 4-0.

John Wienck moved to adjourn the Board of Zoning Appeals meeting and convene as the Riley County Planning Board. Julie Henton seconded. Carried 4-0.

## **RILEY COUNTY PLANNING BOARD**

### **Hargrave – Residential Use Designator & Plat**

Vice-Chair Tom Taul opened the public hearing at the request of Steven L. Hargrave, petitioner, and Steven L. & Debbie L. Hargrave, owners, to receive a Residential Use Designator - Extraneous Farmstead and plat a tract of land into one (1) lot in Sherman Township, Section 32, Township 7 South, Range 6 East, in Riley County, Kansas.

Bob Isaac presented the request. Mr. Isaac described the background, location and physical characteristics of the subject property. Mr. Isaac said the applicant wishes to sell the house to his daughter; such transaction will require a mortgage, thus requiring the subdivision of the parent tract.

Mr. Isaac said the shape of the lot is typically known as a "flag lot", which although are not encouraged, they are not prohibited and maybe necessary in certain circumstances. He said as typical with a flag lot and in this case, the flag pole portion is used for locating the driveway. Mr. Isaac said the Applicant wished to avoid taking any additional land out of agricultural production or out of his operation.

Staff recommends approval of the request to receive a Residential Use Designator – Extraneous Farmstead and the concurrent plat of Hargrave Addition based on a determination that all requirements of the Riley County Zoning and Subdivision Regulations, and Sanitary Code have been met.

The Applicant had no comments.

Diane Hoobler moved to close the public hearing. John Wienck seconded. Carried 4-0.

John Wienck moved to approve Petitions #14-31 and #14-32, for reasons listed in the staff report. Julie Henton seconded. Carried 4-0.

Mr. Isaac announced that the Board of County Commissioners would hear the plat request on November 24, 2014, at 9:00 am, in the County Commission Chambers.

### **Manhattan Urban Area Comprehensive Plan update**

Bob Isaac said the Manhattan Urban Area Comprehensive Plan and the Manhattan Area Transportation Strategy (MATS) drafts will be released on November 12, 2014. He said an open house will be held November 19, 2014 in the City Commission room to get feedback for the Plan. He stated that a Technical Advisory Committee meeting is scheduled for November 20, 2014 to review any feedback acquired.

### **Big Blue Floodplain Management Plan Update**

Bob Isaac said he had spoken with Steve Higgins and he reported that there are no new meetings scheduled.

### **Agritourism Task Force update**

Bob Isaac stated the task force will meet November 12, 2014. He reported that Monty Wedel collected some definitions from various municipalities and added a few items to the use table and use specific standards for discussion.

### **Sign Regulations Update**

Bob Isaac said public hearings are scheduled for December 1, 2014 for the Manhattan Urban Area Planning Board and December 8, 2014 for the Riley County Planning Board. Mr. Isaac said the Riley County Board of Commissioners will hear the request on December 11, 2014.

John Wienck moved to adjourned. Diane Hoobler seconded. Carried 4-0.

The meeting was adjourned at 9:06 P.M.



RILEY COUNTY  
PLANNING & DEVELOPMENT

REPORT OF FEES

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November 2014

<u>DATE</u>	<u>NAME</u>	<u>AMOUNT</u>
11-03-2014	Adams, Water Screening Report	\$ 10.00
11-12-2014	Spafford, Environmental Site Evaluation	100.00
11-12-2014	Kendall, Building Permit #14-0100	150.00
11-13-2014	Raymann, Water Screening Report	22.00
11-14-2014	Schapaugh, Building Permit #14-0102	150.00
11-14-2014	Steelsmith, Environmental Site Evaluation	100.00
11-14-2014	Flinthills, Repair Permit	75.00
11-14-2014	Wataha, Repair Permit	75.00
11-17-2014	Boice, Plat, Rezone & Utility fee	640.00
11-19-2014	Coble, Water Screening Report	20.00
11-19-2014	Stott, Environmental Site Evaluation	100.00
11-21-2014	Leonard, Repair Permit	75.00
11-21-2014	Gambrel, Environmental Site Evaluation	100.00
11-24-2014	Korenek, Repair Permit	75.00
11-24-2014	Korenek, Radon kit	5.00
11-25-2014	Pottawatomie County, 10 Water Screening Reports	100.00
11-26-2014	Frehn, Environmental Site Evaluation	100.00
11-26-2014	Gordon, Water Screening Evaluation	10.00
11-26-2014	Hofmann, Well Permit	75.00
11-26-2014	Hartman, Profile hole	150.00
11-26-2014	Freeborn, Water Screening Report	12.00

**TOTAL**

**\$2,144.00**

**DEPOSITS MADE:**

11-13-2014	\$ 22.00
11-14-2014	510.00
11-19-2014	20.00
11-21-2014	1,065.00
11-24-2014	75.00
11-26-2014	290.00
11-26-2014	162.00
<b>TOTAL</b>	<b>\$2,144.00</b>

Permit #	App Date	Ownr	Type of Bldg	Use of Bldg	Const Cost	Amnt Paid	Property Address	City & Zp
14-0099	11/03/2014	Phillip C. Boller	Barn	Hay	\$45,000.00	\$0.00	4212 Boller Rd	Junction City (66441)
14-0100	11/12/2014	Wayne Kendall	Garage (detached)	Enclosing carport - residential storage	\$1,500.00	\$150.00	3100 Keats Ave	Manhattan (66503)
14-0101	11/14/2014	Matt Thurlow	Storage (ag related)	Commodity shed	\$20,000.00	\$0.00	14960 Homestead Rd	Riley (66531)
14-0102	11/14/2014	Daniel & Danielle Schapaugh	House (site built)	Residence	\$95,000.00	\$150.00	11213 Lakeside Dr	Manhattan (66503)
14-0103	11/25/2014	Steve Austin	Addition (residential)	Mudroom, study room & family room	\$10,000.00	\$0.00	2560 Pillsbury Dr	Manhattan (66502)



# PLANNING & DEVELOPMENT

## STAFF REPORT

### Regulation Amendment

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**PETITION:** #14-33 Regulation Amendments

**APPLICANT:** Board of Commissioners of Riley County

**REQUEST:** Amend Section 2 (Definitions) and Section 15 (Signs and Exterior Lights) of the Riley County Zoning Regulations

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#### (PUBLIC NOTICE EXCERPT)

#### RILEY COUNTY ZONING REGULATIONS:

- Amend SECTION 2 – DEFINITIONS to include new definitions of Advertising Sign, digital Advertising Sign, Bulletin Board Sign, Business Sign, Abandoned Sign, Agricultural Directional Sign, Directional Sign, Identification Sign, Nameplate Sign, Real Estate Sign, Subdivision Identification Sign, Changeable Copy Sign, Sign Copy, Customary Maintenance, Digital Display, Digital Graphic Sign, Static Digital Graphic Sign, Dissolve, Electronic Message Board, Fade, Government Sign, Hold Time, Illuminated Sign, Immediate, Moving Light, Neon, Scrolling, Sign, Time and Temperature Unit, Transition Time and the following new subcategories of Business Signs: Awning Sign, Freestanding Sign, Marquee Sign, Projecting Sign, Roof Sign, Service Station Canopy Sign, Wall Sign and Window Sign.
- Amend SECTION 15 – SIGNS AND EXTERIOR LIGHTS as follows:
  - Insert paragraph 1. Purpose with a list of purpose statements.
  - Amend new paragraph 2. Permit Required for clerical updates.
  - Add headings and small clerical changes to new paragraphs 4, 5 & 6.
  - In subparagraph 6 a. insert prohibition for Digital Graphic signs and Electronic Message Boards in residential districts.
  - In subparagraph 6 b. insert new language regarding requirements for Digital Graphic signs and Electronic Message Boards in commercial districts.
  - In subparagraph 6 c. insert new language regarding requirements for Digital Graphic signs and Electronic Message Boards in industrial districts.
  - In subparagraph 6 d. insert new language regarding requirements for Digital Graphic signs and Electronic Message Boards in agricultural districts.
  - In subparagraph 6 e. insert new language regarding requirements for Digital Graphic signs and Electronic Message Boards in Planned Unit Development districts.
  - In subparagraph 6 f. insert new language regarding requirements for Digital Graphic signs and Electronic Message Boards in University Development districts.
  - Add paragraph 7. General Requirements for All Signs which outlines requirements regarding illumination and exterior lighting of signs and requirements for Digital Graphic signs and Electronic Message Boards.
  - Add paragraph 12. Abandoned Signs.

**BACKGROUND:** In June of 2013, Planning & Development staff advised the Board of County Commissioners of the potential for placement of new digital business or digital bulletin board signs in the unincorporated areas of Riley County and the potential for such digital signs to detrimentally affect the public health, safety and welfare and the aesthetics of Riley County. Staff advised the Board that although the current zoning regulations prohibit digital billboards (off-premise signs), they do not restrict digital business or digital bulletin board signs (on premise signs). Consequently, on June 6, 2013, the Board of County Commissioners adopted Resolution No. 060613-39 declaring a one year moratorium, in the unincorporated area of Riley County, upon the acceptance and processing of applications for permits for digital “business signs” or digital “bulletin board signs” as defined in the Riley County Zoning Regulations.

During this period of moratorium, the Director of Planning and Development was instructed to undertake a comprehensive review of digital on premise signs, including impacts of such digital signs on Riley County. Additionally, the Director was directed to prepare zoning regulations to be considered by the Riley County Planning Board, the Manhattan Urban Area Planning Board, and the Riley County Board of Commissioners regarding the erection and placement of digital business or digital bulletin board signs, and to propose such other and further conditions and limitations appropriate to protect the public health, safety and welfare of the citizens of Riley County, and the aesthetics of the area.

Riley County contracted with planning and legal consultant, Elizabeth Garvin, to assist with drafting new regulations.

On May 19, 2014, the Board of County Commissioners adopted Resolution No. 051914-24 declaring a six-month extension of the existing moratorium, with an expiration date of December 12, 2014.

A copy of the full regulations showing all proposed changes is attached for your review.

**STAFF RECOMMENDATIONS:** Staff recommends that the Planning Board forward a recommendation of approval to adopt the proposed amendment(s) as published and as shown in the staff report.

### **POSSIBLE MOTION(S)**

#### **ACTION NEEDED:**

A. Move to forward a recommendation of approval to the Board of Commissioners of Riley County of the proposed amendments to the Riley County Zoning Regulations as published.

**Or**

B. Move to forward a recommendation of approval to the Board of Commissioners of Riley County of the proposed amendments to the Riley County Zoning Regulations with the following changes:

**Or**

C. Move to forward a recommendation of denial to the Board of Commissioners of Riley County of the proposed amendment to the Riley County Zoning Regulations as published.

**ATTACHMENTS:**

- Proposed sign regulation amendments

Prepared by: Bob Isaac, Planner  
November 1, 2014

# Sign Regulation Amendments

## SECTION 15 - SIGNS AND EXTERIOR LIGHTS

1. Purpose: The sign regulations are intended to implement the following planning and regulatory goals and purposes of Riley County:
  - a. To support the desired character of the County as expressed in adopted plans, policies, and regulations;
  - b. To promote an attractive visual environment while not creating or worsening visual clutter or visual blight;
  - c. To encourage the effective use of signs as a means of communication for businesses, organizations, and individuals,
  - d. To provide a means of wayfinding for visitors and residents,
  - a-e. To protect the safety and welfare of the public by minimizing hazards, confusion, and possible distraction for motorized and non-motorized traffic;
  - f. To ensure signs do not create a nuisance or safety hazard to the occupants of adjacent property by their brightness, size, height, or movement; and
  - b-g. To minimize the possible adverse effects of signs on the use or value of nearby public and private property.

**(NOTE: All Definitions to be moved to “Section 2: Definitions” under heading “Sign Definitions”)**

**Abandoned Sign:** A sign or any portion of a sign that refers to a discontinued activity or use formerly occupying the site; or a sign that contains no sign copy for a continuous period of 90 days.

**Agricultural Directional Sign:** A sign that is placed in an off-premise location for the purposes of providing directional information to a destination for one of the following permitted uses within the AG zoning district: Agriculture, Agritourism, and Agricultural Roadside Stand.

~~ADVERTISING SIGN, DIGITAL (A.K.A. “DIGITAL BILLBOARD”): ADVERTISING SIGN, DIGITAL (a.k.a. “Digital Billboard”) – A type of advertising sign that electronically changes the fixed display screen composed of a series of lights, including light emitting diodes, fiber optics, or other similar technology and which includes computer programmable, microprocessor controlled electronic, or digital displays of electronic images, graphics, or pictures, with or without textual information.~~

**Changeable Copy Sign:** Any sign where copy displayed on the sign can be changed periodically to display different messages. Where copy changes may be made through manual, mechanical, or other non-digital means the sign is a manual changeable copy sign. Where copy changes are made digitally the sign is an electronic message board. Signs on which the only change is a

periodic price change for the product or products customarily sold on the premises and on which the location, size and color of the numbers remains constant are not changeable copy signs.

**Copy, Sign Copy:** The visually communicative elements incorporated into and comprising a sign's message, including but not limited to words, letters, numbers, designs, figures, or other symbolic presentation.

**Customary Maintenance:** All manner of maintenance, repair, or component replacement of a legally permitted or lawful sign that is done to keep the structure and its various components in good repair. This definition applies to all parts of a sign, including the supporting structure, walkways, sign face, and all other component parts, except the base and foundation. An increase in height, a change in dimension or location, replacement of the base or foundation, installing additional support structures, or the addition of lighting or digital graphic display does not constitute customary maintenance.

**Digital Display:** The presentation of sign copy on any digital or electronic sign.

**Digital Graphic Sign:** A sign or portion thereof that appears to have movement or change to the copy caused by any method other than physically removing and replacing the sign or its components, which may or may not include text and/or images, including but not limited to television screens, plasma screens, digital screens, flat screens, LED screens, CCD devices, video boards, holographic displays, digital ink, or other technologies of a similar nature.

**Digital Graphic Sign, Static:** A digital graphic sign where all the sign copy is fixed for a 24-hour period of time.

**Dissolve:** A type of display transition between static copy displays that is achieved with varying light intensity and where the initial copy gradually appears to dissipate and lose legibility simultaneous to the gradual appearance and legibility of the subsequent copy.

**Electronic Message Board:** A changeable copy sign or portion of a sign that uses light emitting diodes or has the ability to display electronically illuminated, scrolling, or moving copy that is composed of an ordered sequence of alphanumeric characters against a contrasting background.

**Fade:** A type of display transition between static copy displays that is achieved with varying light intensity and where the initial copy gradually loses light intensity to the point of not being legible and the subsequent copy gradually increases intensity to the point of legibility.

**Government Sign:** Any temporary or permanent sign erected and maintained by a governmental entity for the display of government speech, including without limitation traffic signs, directional signs, warning signs, informational signs, and signs displaying a public service message.

**Hold Time:** The length of time that sign copy is fixed in place before changing.

**Illuminated Sign:** A sign that uses an internal or external source of light in order to make the message readable.

**Immediate:** A type of display transition that is achieved by the instantaneous changing from one copy to another.

**Moving Light:** The physical change in position of any visible illumination source while lighted or the simulation of movement achieved with a pattern of sequentially illuminating visible illumination sources within close proximity to each other.

**Neon:** Electric signs lighted by long luminous gas-discharge tubes that contain rarefied neon or other gases.

**Scrolling:** A type of display during which the copy is moved/shifted across the display area in a horizontal, vertical, or diagonal motion.

**Sign:** A name, identification, description, emblem, device, or structure that is affixed to, printed on, projected, or represented directly or indirectly upon a building, structure, or parcel of land and that directs attention to a person, place, product, institution, business, organization, activity, or service. Signs shall also include any permanently installed or situated merchandise, including any banner, pennant, placard, window sign, or temporary sign, that directs attention to a person, place, product, institution, business, organization, activity, or service, with the exception of internal window displays and national flags.

**Time and Temperature Unit:** A sign or portion of a sign displaying only current time and temperature in an electronic, digital fashion.

**Transition Time:** The length of time it takes to change from one sign copy to another.

- Permit Required.** No sign, except those specifically exempted within this Section 15, shall be constructed, reconstructed, remodeled, enlarged or otherwise structurally modified or relocated on any land or structure without first obtaining an approved permit from the County Zoning Officer (as per Section 21), Planning and Development Department. Applications for sign permits shall include a description and illustration of the location, dimensions, color, lighting and other details of the proposed sign. Applications for sign permits shall be accompanied by letters, leases or other documented evidence demonstrating that the applicant has permission or other established right to place the sign at the proposed location. No sign permit shall be issued for a sign which is subject to the regulations of the Kansas Department of Transportation, Bureau of Right-of-Way, Division of Billboard and Salvage Control unless the applicant has obtained prior approval ~~is obtained~~ from that agency. Highways in Riley County currently subject to state sign regulations are Interstate 70, U.S. 24, U.S. 77, K-16, K-18, K-82, K-113, K-114 and K-177.

3. **Sign Classifications.** For the purpose of this regulation the following terms shall be used to identify and classify various types of signs:

- a. ADVERTISING SIGN (a.k.a. "Billboard") - A commercial sign ~~which with copy that~~ directs attention to a business, product service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
- b. ADVERTISING SIGN, DIGITAL (a.k.a. "Digital Billboard") - ~~A type of advertising sign that electronically changes the fixed display screen composed of a series of lights, including light emitting diodes, fiber optics, or other similar technology and which includes computer programmable, microprocessor controlled electronic, or digital displays of electronic images, graphics, or pictures, with or without textual information. An advertising sign that is completely or partially a digital graphic sign.~~
- c. BULLETIN BOARD SIGN - A sign ~~which with copy that~~ gives the name of the institution or organization on whose premises it is located and which may include the names of persons associated with the institution or organization and announcements and messages pertaining to activities thereof.
- d. BUSINESS SIGN - ~~A commercial sign with copy that directs attention to a business, product, service, or entertainment conducted, sold or offered at the location of the premises upon which the sign is located. A commercial sign with copy that which directs attention to a business or service sold or offered at the location of the lot or structure upon which the sign is located.~~ Business signs may be further identified as follows:



Freestanding signs with digital displays



Monument sign with digital display

1) **Sign, Awning.** An on-site sign attached to or integrated into awning or canopy, but excluding a sign not exceeding one sq. ft. in size attached to or integrated into the underside of the awning or canopy identifying the manufacturer of the awning or canopy.



Awning Sign

2) **Sign, Freestanding.** 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. Freestanding signs include monument signs, pylon signs, pole signs, and A-frame signs.



Freestanding Monument



Freestanding Pole

3) **Sign, Marquee.** A sign attached to or integrated into a marquee, which is an overhanging, substantially horizontal structure of permanent construction attached to a building, whether or not supported by the ground or sidewalk, that projects more than 18 inches over a sidewalk or other right-of-way, but not including balconies or bay windows. The sign may be located on the face, top, or underside of the marquee.



Marquee Sign

4) **Sign, Projecting.** A sign that is in any manner affixed to, printed, or painted on any exterior wall of a building or structure such that the sign extends more than 12 inches from the face of the building or structure to which it is attached. A sign that is attached to or integrated into the side panel of an awning or canopy shall be considered a projecting sign.



Projecting Sign

5) **Sign, Roof.** A sign erected upon and constructed wholly on and over the roof of a building, supported by the roof structure or parapet wall of a building, and extending vertically.



Roof Sign

6) Sign, Service Station Canopy. A changeable copy or static digital graphic sign affixed to a permanent structure above gasoline pumps which structure is supported by the building independently or partially by the building and other means.



Service Station Canopy Sign

7) Sign, Wall. A sign, not including a window sign, that is in any manner affixed to, printed, projected, or painted on any exterior wall of a building or structure such that the sign extends forward of that wall by 12 inches or less; or a sign attached to or integrated into the front or sloped panel of an awning or canopy. Wall signs include a sign that extends by 12 inches or less from the wall of a bay window parallel to the building façade.



Wall Sign

8) Sign, Window. Any sign, including a decal, that is attached to, affixed to, etched into, leaning against, or otherwise placed within 18 in. of on a street-facing window, door, or other aperture in a manner so that the sign message is visible from the outside of the building



Window Sign

e. DIRECTIONAL SIGN – An on-premise sign indicating the location of or directions to a specific use or activity. Agricultural directional signs may be permitted off-premise subject to the requirements of Paragraph 7.d. Changeable copy is permitted for directional signs.

e.f. IDENTIFICATION SIGN - A sign with copy denoting only the name and address of a building or establishment upon whose premises the sign is located or a sign denoting only the name of a neighborhood or development wherein the sign is located.

f.g. NAMEPLATE - A sign with copy giving the name and address of the occupant of a building or premises on which it is located.

g.h. REAL ESTATE SIGN - A sign with copy pertaining to the sale or lease of land or structures on which it is located.

h.i. SUBDIVISION IDENTIFICATION SIGN - A sign with copy identifying the name of a neighborhood or development wherein the sign shall be located.

4. **Signs Exempt from Regulation.** The following signs shall be exempt from all regulations in this section:
  - a. Flags or emblems of a governmental, civic, philanthropic, educational or religious agency, when displayed on private property.
  - b. Traffic, regulatory, instructional and safety signs of a governmental agency.
  - c. Address numerals and any other signs required by law or governmental regulations.
  - d. Informational and directional signs not more than (five) 5 square feet in area used to direct the public to entrances, exits, parking lots, restrooms, etc. on private property.
  - e. Scoreboards on athletic fields.
  
5. **Signs Exempt from Permit but Subject to Sign Standards.** The following signs may be erected without obtaining a sign permit, but shall comply with all regulations herein:
  - a. Nameplate signs not exceeding two (2) square feet in area accessory to single family or two-family dwellings.
  - b. Identification signs not exceeding 40 square feet in area accessory to a multiple family dwelling.
  - c. Bulletin board signs not exceeding 40 square feet in area accessory to churches, schools or public or non-profit institutions.
  - d. Business signs located on land used for agriculture purposes pertaining to the sale of products produced on that land.
  - e. Real estate signs and signs pertaining to a structure under construction, all of a temporary nature, located on private property. Maximum sign area shall be 40 square feet.
  
6. **Signs Permitted by District.** The following signs are permitted within the districts ~~as stated listed~~ below, subject to all requirements and regulations stated within this ~~Section-section~~ 15 and further subject to all applicable State and Federal regulations and controls.
  - a. Residential Districts:
    - 1) One sign per lot or dwelling.
    - 2) Bulletin board sign, maximum 40 square feet.
    - 3) Nameplate sign, maximum two (2) square feet.
    - 4) Identification sign, maximum 40 square feet.

4)5) \_\_\_ Real estate sign.

5)6) \_\_\_ Temporary construction sign.

a) Minimum setback from any lot line = 15 feet.

7) \_\_\_ No sign illumination except indirect lighting of bulletin board signs.

a) Digital graphic signs are prohibited.

b) Electronic message boards are prohibited except as government signs.

6)8) \_\_\_ Subdivision Identification Signs

a) Minimum setback from any lot line = 5 feet.

b) Maximum height shall not exceed six (6) feet above ground elevation.

c) Signs shall not be located in the visual sight triangle and all sign locations shall be approved by the County Engineer.

d) Signs shall not have more than two (2) sign faces and each face shall not exceed 40 square feet fronting on a public trafficway.

e) Maximum number of signs shall be two per subdivision entrance.

f) Sign lighting, if used, shall not produce glare or other traffic hazards and shall not have direct lighting to produce an annoyance to adjacent residential areas and shall be exempt from Paragraph 7 of this section Sign Regulations.

b. Commercial Districts:

1) Two signs per lot or business. Where the requirements of this Paragraph 6.b and Paragraph 7 can be met, one permitted sign may be either a digital graphic sign or an electronic message board.

2) \_\_\_ Any sign defined herein except Advertising Sign.

2)3) \_\_\_ Sign area shall not exceed one (1) square foot per lineal foot of lot facing street, maximum not to exceed 260 sq. feet, -or in shopping center district, maximum not to exceed 50 square feet.

4) \_\_\_ No minimum setback, but sign must be located on private property.

5) Digital graphic signs are permitted pursuant to Paragraph 7.d subject to the following requirements:

a) Digital graphic signs are restricted to wall, freestanding, and marquee signs.

b) The digital display may not exceed 50 sq. feet or 50% of the total allowable sign area, whichever is less. The remainder of the sign may not have any digital capability, even if it is not used.

6) Electronic message boards as permitted pursuant to Paragraph 7.e subject to the following requirements:

a) Electronic message boards shall be part of a wall or freestanding sign only.

3)b) The digital display may not exceed 50 sq. feet or 50% of the total allowable sign area, whichever is less. The remainder of the sign may not have any digital capability, even if it is not used.

7) Service station canopy signs shall not exceed 25% of the particular facade area of the canopy on which it is located and shall be permitted to have static digital displays limited to no more than 50% of the total sign area.

c. Industrial Districts:

1) Any sign defined herein. Where the requirements of this Paragraph 6.c and Paragraph 7 can be met, one permitted sign may be either a digital graphic sign or an electronic message board.

3)2) Maximum sign size: 50 sq. feet.

4)3) An advertising sign shall not be allowed unless there is an operating industrial use located on the premises. The advertising sign shall be removed within 90 days following ~~upon~~ the discontinuance of the industrial use.

5)4) No maximum number of signs, but a minimum of 400 feet shall be maintained between signs.

6)5) Minimum setback from any lot line = 15 feet.

6) Digital graphic signs are permitted pursuant to Paragraph 7.d subject to the following requirements:

a) Digital graphic signs are restricted to wall, freestanding, and marquee signs only.

b) The digital display may not exceed 50 sq. feet or 50% of the total allowable sign area, whichever is less. The remainder of the sign may not have any digital capability, even if it is not used.

7) Electronic message boards as permitted pursuant to Paragraph 7.e subject to the following requirements:

a) Electronic message boards shall be part of a wall or freestanding sign.

b) The digital display may not exceed 50 sq. feet or 50% of the total allowable sign area, whichever is less. The remainder of the sign may not have any digital capability, even if it is not used.

8) Service station canopy signs shall not exceed 25% of the particular facade area of the canopy on which it is located and shall be permitted to have static digital graphic displays limited to no more than 50% of the total sign area.

d. Agricultural ~~and Floodplain~~ Districts:

1) Any sign defined herein except advertising signs.

2) No maximum number of signs, but a minimum of 400 feet shall be maintained between signs except for agricultural directional signs.

3) Minimum setback from any lot line or right-of-way line = 15 feet.

4) Digital graphic signs and electronic message board signs are prohibited except as government signs.

e. Planned Unit Development Districts:

1) Any sign defined herein is permitted; however, all matters pertaining to signs shall be included in and approved as a part of the development plan. An advertising sign shall only be permitted in a commercial or industrial planned unit development and shall not be allowed unless there is an operating business or industry located on the premises. A condition shall be added to the development plan that requires the removal of the sign and associated structures upon the discontinuance of the business or industry. A planned unit development shall not be used to alter the minimum requirements for advertising signs.

2) Where digital graphic signs or electronic message board signs are permitted in planned unit development districts they shall be subject to the requirements of Paragraphs 7.d and 7.e. Digital graphic displays shall not exceed 50% of any total sign area and electronic message boards shall not exceed 50% of any total sign area.

f. University Development Districts:

1) Any sign defined herein except advertising signs. Where the requirements of this Paragraph 6.f and Paragraph 7 can be met, one permitted sign may be either a digital graphic sign or an electronic message board.

2) Digital graphic signs are permitted pursuant to Paragraph 7.d subject to the following requirements:

a) Digital graphic displays are restricted to wall, freestanding, and marquee signs only.

b) The digital display may not exceed 50 sq. feet or 50% of the total allowable sign area, whichever is less.

3) Electronic message board as permitted pursuant to Paragraph 7.e subject to the following requirements:

a) Electronic message boards shall be part of a wall or freestanding sign.

b) The digital display may not exceed 50 sq. feet or 50% of the total allowable sign area, whichever is less. The remainder of the sign may not have any digital capability, even if it is not used.

## 7. General Requirements for All Signs

~~g.a.~~ Externally illuminated signs shall be illuminated only with steady, stationary light sources that are have the light shaded so as to prevent the casting of direct light on any trafficway or residential property—or trafficway. Except on digital graphic signs as permitted in Paragraph 7.d and electronic message boards as permitted in Section 7.e, No flashing, rotating or otherwise moving signs and no signs lighted in such a way as to create the illusion of movement shall be located in any residential, commercial or industrial district. Any illuminated sign located within 150 feet of an existing dwelling or residential district shall not be lighted between the hours of 11:00 p.m. and 7:00 a.m.

~~h.b.~~ Exterior Lighting: No use permitted under these regulations shall erect or cause to be erected any exterior lighting device or devices that are situated in such a manner that the light emitting equipment is visible from any public right-of-way or adjacent residential properties so as to create either a hazard or a nuisance.

~~i.c.~~ No sign shall be so located, designed, colored or lighted so as to be confused with, or obscure or obstruct any traffic control sign or otherwise tend to confuse or mislead traffic.

d. Digital graphic signs may be permitted subject to the following:

1) Only one, contiguous digital graphic display is permitted per sign face. Static digital graphic signs may have up to three separate displays provided the hold time for each display is 24 hours. Time and Temperature units may be non-contiguous.

2) Message display requirements for digital graphic signs:

a) Minimum hold time: 30 seconds on roads with a speed limit of 45 mph or greater and 60 seconds on roads with a speed limit less than 45 mph.

b) Maximum transition time: No more than 0.25 seconds. Transitions between the display of a message, content, and/or image shall occur simultaneously on the entire display board. Fading, dissolving, scrolling, traveling, or any transition that creates the illusion of movement is prohibited.

c) No digital graphic display shall include animation/full motion, blinking, flashing, dissolving, fading, moving light, and/or scrolling messages, content, and/or images, nor shall it project a static image upon a stationary object.

d) All digital graphic signs shall incorporate systems/devices that will automatically freeze (remain static) the display should the sign malfunction or be damaged. The sign owner shall immediately stop the dynamic display when notified by the County that it is not complying with the standards of this regulation.

e) Sign copy shall not be configured to resemble a warning or danger signal or cause a driver to mistake the sign display for a warning or danger signal. A digital graphic display shall not resemble or simulate any lights or official signage used to control traffic.

3) Brightness

a) A digital graphic sign may not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 250 nits (candelas per square meter) from dusk to dawn.

i. Brightness shall be measured from the brightest element of the sign's face.

ii. Before the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been pre-set so that it will not exceed 5,000 nits.

b) The sign shall contain either automatic dimmer software or solar sensors to control brightness for nighttime viewing and variations in daytime ambient light. The intensity of the light source shall not produce glare, the effect of

which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare.

- c) No digital graphic sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver or to otherwise interfere with the driver's operation of a motor vehicle.
- d) No digital graphic sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.
- e) The person owning or controlling the digital graphic sign must adjust the sign to meet the brightness standards in accordance with the County's instructions. The adjustment must be made immediately upon notice of non-compliance from the County.

4) Location requirements:

- a) Digital graphic signs shall be located at least 35 linear feet in any direction from any other digital graphic sign.
- b) Digital graphic signs are prohibited within 100 feet of a residential zoning district or public park.

5) The maximum height for any non-pole digital graphic sign is 15 feet above existing grade. Digital graphic pole signs shall be a minimum of 10 feet above the ground.

6) Audio speakers shall be prohibited in association with a digital graphic sign.

e. Electronic Message Boards: Electronic message boards may be permitted subject to the following:

- 1) Only one, contiguous electronic message board is permitted per sign face.
- 2) Electronic message board signs shall be subject to the brightness standards established in Section 7.d.3 and shall be equipped with dimming technology that automatically adjusts the display brightness based on ambient light conditions.
- 3) Flashing, intermittent, or moving light or lights are prohibited. There shall be no appearance of visual dissolving, fading, movement, animated text, video, or flow of message.
- 4) Each message shall be displayed for at least sixty (60) seconds before alternating to a new message. Transitions between messages shall be instantaneous and shall not involve animation or special effects.
- 5) The messages displayed shall be complete in and of themselves within the required dwell time.

6) The conversion of an existing sign to a sign with an electronic message board is considered a change of use requiring a permit as if it were an entirely new sign.

f. Agricultural Directional Signs: Agricultural directional signs may be permitted subject to the following:

1) Only one sign with a single face is permitted per destination.

2) Maximum sign size of 32 square feet.

3) Maximum sign height of 8 feet measured from existing grade.

4) Written consent for the placement of the sign on private property must be obtained from the property owner and submitted with the sign permit application. Signs are not permitted on public property.

5) A maximum of one (1) sign is permitted per off-premise lot or tract. Such sign shall not count toward the permitted number of signs on such lot or tract.

6) Electronic message boards and digital graphic signs are not permitted.

j-g. A time and temperature unit may be incorporated into any sign in a non-residential district and will be counted as part of the total sign area, subject to the requirements of Paragraph 7.d.

h. No sign shall be placed closer than 100 feet from the intersection of the right-of-way lines of intersecting streets or roads.

i. Message Substitution: Subject to the property owner's consent, a noncommercial message of any category or content may be substituted, in whole or in part, for any allowed commercial message or any non-commercial message, provided that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. Message substitution is a continuing right which may be exercised any number of times. This provision does not:

1) Create a right to increase the total amount of sign area on a site.

2) Create a right to substitute an off-site commercial message in place of an onsite commercial message or in place of a non-commercial message.

3) Affect the requirement that a sign structure or mounting device must be properly permitted.

~~3)4)~~ Authorize changing the physical method of image presentation (such as digital or neon) display without a permit.

## **7.8. Special Requirements for Advertising Signs**

### a. Configuration, size and appearance

- 1) Advertising signs shall not be erected with sign faces which exceed 12 feet in height, 30 feet in length or 360 square feet in area, per facing, including border, trim and embellishments, but not including base apron, supports, and other structural members.
- 2) The maximum size limitations shall apply to each sign facing.
- 3) Two sign displays not exceeding 360 square feet each may be erected in back-to-back or V-type arrangement only. "Stacked" or "double decked" signs shall not be permitted. Back-to-back or V-type signs shall be treated as one structure with a maximum area of 360 square feet permitted for each side or facing. To be classified as "back-to-back" there must not be more than 10 feet between structures or faces, to allow for cross-bracing. V-type signs shall be constructed so that the angle between the faces on a sign shall not exceed 24 degrees and the total distance between the open ends of the faces shall not exceed 10 feet;
- 4) The area of any advertising sign structure shall be measured by the smallest square, rectangle, circle or combination thereof which will encompass the area of the sign display or displays.
- 5) No part of an advertising sign shall extend more than 50 feet above the ground.
- 6) Cutouts or extensions shall be permitted on legal conforming signs at a size not to exceed 30% of the size of the main display area, with a maximum extension of five (5) feet along the top edge, two (2) feet along the sides and one and one-half (1 ½) feet along the bottom of the main display area. Cutouts or extensions shall not be permitted where the configuration and size requirements of this subsection will be exceeded.
- 7) Advertising sign faces shall not be divided into two or more individual signs.
- 8) Advertising signs shall be of only the following structural types: ground, pole, or wall.
- 9) Advertising signs that are pole signs shall be constructed using a unipole method and the pole shall be painted in Pantone color #465 or equivalent.
- 10) Audio speakers or any form of pyrotechnics are prohibited in association with any advertising sign.

b. Spacing

- 1) Advertising signs shall not be erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device or to obstruct or physically interfere with a driver's view of approaching, merging or intersecting traffic.
- 2) The minimum spacing between advertising signs shall be 800 feet radial distance measured from any part of the sign to the nearest portion of any part of any other advertising sign.
- 3) Advertising signs shall be no closer than 200 feet to a residential district.
- 4) Advertising signs shall be setback from all property lines and all right-of-way lines a minimum distance of 25 feet.

c. Lighting

- 1) Advertising sign lighting shall be effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled way of any highway and shall not be of such intensity or brilliance to cause glare or to impair the vision of the driver of any motor vehicle or to otherwise interfere with any driver's operation of a motor vehicle.
- 2) Advertising signs shall not be erected or maintained which are so illuminated that they obscure any official traffic sign, device or signal, or imitate or may be confused with any official traffic sign, device or signal.

3) Lighting for advertising signs shall be constructed so that illumination is directed upward.

d. Conversion:

- 1) Non-digital advertising signs may not be converted or updated to digital or other new technology.

~~8.9.~~ Digital Graphic Advertising Signs

- a. To promote the goals of the Comprehensive Plan by enhancing traffic safety and community aesthetics, digital graphic advertising signs, except those digital graphic advertising signs existing at the time of the adoption of these regulations, shall be prohibited in the unincorporated areas of Riley County.

10. Maintenance

a. All signs, whether new or existing, shall be kept adequately painted and in good structural repair at all times. The area under and adjacent to a post-mounted sign shall be kept neatly mowed and otherwise maintained.

b. Customary maintenance shall not include structurally altering a sign so as to enlarge or extend the area or height of the sign or to convert it from a non-digital to a digital sign.

b.c. Non-compliance with these requirements shall be cause for the Zoning Officer to order the sign removed after 15 days following written notice to the owner of such non-compliance. Non-compliance with these requirements shall also be cause for the denial of an application for a sign permit renewal.

#### 9.11. Nonconforming Signs

a. Signs not conforming to this regulation which were existing at the time of the adoption of this regulation and were permitted under previously issued sign permits or were a lawful non-conforming use may remain in existence as a lawful non-conforming use provided that they are maintained in accordance with the provision herein.

b. A lawful non-conforming sign which is damaged, by any reason, beyond 50% of its assessed value shall not be reconstructed until a new sign permit has been applied for and issued.

#### 12. Abandoned Signs

Any person who owns or leases a sign or sign structure that becomes abandoned shall completely remove such sign and sign structure when it has been abandoned for 90 days:

a. If the person who owns or leases such sign fails to remove it as provided in this section, the Director shall give the owner of the building, structure or premises upon which such sign is located 60-days written notice to remove it;

b. If the sign has not been removed at the expiration of the 60-day notice, the Director may pursue available legal and equitable remedies in state district court.

# EXCERPT OF MINUTES MANHATTAN URBAN AREA PLANNING BOARD

December 1, 2014

Page 1

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## MANHATTAN URBAN AREA PLANNING BOARD

Notes taken by Bob Isaac

**Monday, December 1, 2014**  
**7:30 pm**

**Planning & Development Offices**  
**110 Courthouse Plaza**

Board Members: Phil Anderson (Chair), John Ball (Vice Chair), Ron Hageman, Linda Morse, Neil Parikh, Jerry Reynard, Gary Stith.

Presenter: Monty Wedel – Director of Riley County Planning & Development

Others Present: Bob Isaac, Planner (county), Eric Cattell, Assistant Director of Community Development (city), Chad Bunger, Senior Planner (city), Lance Evans, Senior Planner (city), Chase Johnson, Planner (city)

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### **Amend Section 2 (Definitions) and Section 15 (Signs and Exterior Lights) of the Riley County Zoning Regulations**

Phil Anderson (Chair) opened the public hearing for the item.

Monty Wedel spoke on the item, explaining that there were only minor changes to the document that was brought before the Board's workshop meeting in November. He stated that in response to concerns brought to the Board by Bart Thomas regarding the requirement that any off premise advertising signs must be removed if the industrial use occurring on the same property ceases, he included a 90-day grace period to allow for removal of the sign(s).

Stith asked Wedel if the Manhattan Urban Area Planning Board (MUAPB) were the first public hearing for the amendment.

Wedel affirmed.

Stith was concerned that 90 days was not enough time to allow for the removal of off premise advertising signs because it can sometimes take much longer for a commercial or industrial property to change hands or get reestablished.

Ball asked that if a business goes out-of-business, wouldn't they take down their own sign.

Stith clarified that these signs typically advertise things off premise and are not necessarily associated with the industrial activity occurring on that site.

Anderson asked if ownership of the property had any impact

Wedel explained that the property owner typically has a lease agreement with the sign owner that should have a built-in clause that reflects the requirements of the zoning regulations.

Anderson clarified that it's all about the language in the lease and once the industrial use is discontinued, the lease becomes null and void.

Morse agreed.

Ball stated that he understood and agreed with the purpose of the requirement to remove off premise advertising signs if an industrial use is discontinued to deter rezoning property for sham businesses that are discontinued as soon as the signs are erected. He stated that as long as the sign owner is informed of the regulations prior to installing a sign, then they have been informed and are understanding the risks involved.

Wedel stated that this provision is very similar to what the State has as they do not allow off premise advertising signs to be placed on property without having a legitimate industrial use on the property.

Stith stated that he doesn't have a problem with what the regulation is trying to accomplish, but feels 90 days is too short of a period of time.

Anderson agreed with Stith and asked Wedel if he would be amenable to six (6) months.

Wedel stated that he would need a consensus from this Board and would take the recommendation to the Board of County Commissioners.

Stith directed the Board and Wedel to Section 12 of the proposed amendment and asked if there was anywhere in the regulations that defined "abandoned signs" and how do you know when a sign has been abandoned.

Wedel stated that abandoned signs are not defined anywhere else in the regulations.

Anderson asked if sign owners were required to have their name anywhere on the sign.

Wedel stated that it was a State requirement.

Stith recommended that staff look into language regarding abandoned signs.

Stith asked if there was any thought given to the creation of nonconformities by having different standards for signs in the County versus the City when an area is annexed that includes signs.

Cattell stated that the City allows five (5) for nonconformities to be brought into compliance. He also said that it depends on the facts as some signs may be conforming. Cattell also stated that with digital signs, it is easy to make adjustments regarding light intensity and animation.

Hageman commented that if you have a perfectly functioning sign on a site totally unrelated to the underlying industrial use on the site, what difference does it make if the industrial use is discontinued?

Wedel explained that the purpose was to deter sign businesses from rezoning property, temporarily establishing phony businesses that are discontinued as soon as the signs are erected. Wedel also clarified that if a billboard is already in place when the regulations are adopted, the sign is “grandfathered” and not subject to the particular requirement.

Morse asked if the KSU Foundation was considered a governmental entity by these regulations.

Monty stated that they are not considered a municipality.

Anderson asked Wedel if the digital sign on Anderson Avenue (KSU parking garage) conformed to the size requirements of the proposed regulations.

Reynard stated that the KSU sign was not in the jurisdiction of the proposed regulations.

Anderson clarified by asking if the sign *would* conform.

Wedel and Cattell stated that it appears to be smaller than the maximum size requirement in the proposed regulations.

Parikh asked the Board that if the original purpose of the 90-day removal period was to act as a deterrent for businesses wanting to establish fraudulent industrial uses for the sole purpose of erecting a sign, would 180 days still be considered enough of a deterrent?

Stith stated that he believed that with the considerable cost that goes into erecting a billboard, sign companies would not likely take the risk for 180 days and may not even put up a sign.

Parikh stated that it could be construed that having a time limit could be infringing on the capital investment the sign company has with materials and advertising space leases.

Wedel stated that the regulations require an industrial use be located on the property and that it doesn't even require a building be constructed.

Stith asked if someone were to, with the proper screening, place a stack of pallets and call it an industrial use, they could have an advertising sign?

Wedel stated that it depends on whether the zoning district in which the storage is occurring permits it.

Ball asked how signs could be erected on the Thomas owned tract on K-18 without an existing industrial use.

Wedel explained that Mr. Thomas combined that property with a contiguous tract that had an existing, active industrial use and by doing so, was allowed to erect the signs.

Ball stated that it illustrates his point to the rest of the Board that there are those who will do this specifically to put up billboards.

Ball commented on how he appreciated the county/city sign comparison chart and found it very useful.

Anderson asked in regard to digital graphic signs why there was a limit to three (3) separate displays with a 24-hour hold time.

Wedel explained that if the display is static, there can be three (3) signs; if the displays are not static, there can only be one contiguous graphic display per sign face. He said that digital graphic includes logos, alpha-numeric, etc. He said it can't have movement, but the display can change every 30-60 seconds or so, depending on where you're at.

Anderson asked about the 24-hour change rate.

Wedel stated that applies to digital gas station signs displaying fuel prices.

Stith asked that a gas station won't be able to change its gas prices on their signs more than once every 24 hours.

Wedel said yes and emphasized that the amendments have been discussed with Chris Dara, the sign companies and both planning boards with no concerns with this specific criterion.

Anderson asked how NITs would be measured to ensure signs are in compliance.

Wedel stated that light intensity or NIT level can be measured with a NIT gun, but it would be required that the sign owner submit documentation of the NIT level which the sign would be operating and also require an automatic dimmer for cloudy days and lower ambient light levels.

Anderson asked if a government sign could be digital.

Wedel stated that they could be digital but would be subject to the minimum requirements for digital signs.

Ball moved to forward a recommendation to the Board of Commissioners of Riley County approving the proposed amendments of the Riley County Zoning Regulations with the following two modifications:

1. Staff explore adding a definition of "abandoned sign" to the amendments; and
2. Change the proposed 90-day sign removal period for off-premise advertising signs to 180 days.

Stith seconded.

Motion passed 7-0.