

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;
- 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
- g. To minimize the possible adverse effects of signs on the use or value of nearby public and private property.

2. 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 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 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.

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 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”) - An advertising sign that is completely or partially a digital graphic sign.
- c. BULLETIN BOARD SIGN - A sign with copy that gives the name of the institution or organization on whose premises it is located and which may include the names of 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.

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 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.
- 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.
- g. **NAMEPLATE** - A sign with copy giving the name and address of the occupant of a building or premises on which it is located.
- h. **REAL ESTATE SIGN** - A sign with copy pertaining to the sale or lease of land or structures on which it is located.
- i. **SUBDIVISION IDENTIFICATION SIGN** - A sign with copy identifying the name of a neighborhood or development wherein the sign shall be located.

3. 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.

4. 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.

5. SIGNS PERMITTED BY DISTRICT

The following signs are permitted within the districts listed below, subject to all requirements and regulations stated within this section 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.
 - 5) Real estate sign.
 - 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.
- 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.
- 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.
 - 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.
 - 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.
 - 2) Maximum sign size: 50 sq. feet.
 - 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 180 days following the discontinuance of the industrial use.
 - 4) No maximum number of signs, but a minimum of 400 feet shall be maintained between signs.
 - 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 District:
- 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 District:
- 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.

6. GENERAL REQUIREMENTS FOR ALL SIGNS

- a. Externally illuminated signs shall be illuminated only with steady, stationary light sources that are shaded so as to prevent the casting of direct light on any trafficway or residential property. 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.
- 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.
- c. No sign shall be so located, designed, colored or lighted so as to be confused with, 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.
- 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.
 - 4) Authorize changing the physical method of image presentation (such as digital or neon) display without a permit.

7. 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. 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.

9. 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.
- 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.

10. 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-confirming 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.

11. 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.