CITY OF BASEHOR

SIGN REGULATIONS

2011

Roster of City Officials
(At time of adoption)

Mayor

Terry Hill

City Council

President James Washington

David Breuer
Iris Dysart
Dennis Mertz
William Moyer

Planning Commission

Ed Bush, Chairman
Jon Gallion
John Matthews
Russell Jacobson
Vernon Fields
Brian Healy

Planning & Zoning Staff

Mitch Pleak, P.E., City Engineer
Mark Lee, Building Inspector/Code Enforcement

Section 1

Table of Contents

Section 1 Table of Contents **3**
Section 2 Purpose **4**
2.1 Statement of Intent 4
2.2 Applicability 4
Section 3 Definitions **5**
Section 4 Administration **11**
4.1 Sign Permit 11
4.2 Removal of Sign 12
4.3 Sign Inspection 12
Section 5 General Standards 13
5.1 Sign Placement 13
5.2 Illumination 13
5.3 Noncommercial Messages 13
5.4 Building Code 13
5.5 Measurement 13
5.6 Monument Signs 14
5.7 Wall Signs 14
Section 6 Signs Permitted **15**
6.1 All Districts 15
6.2 Residential Zoning Districts 17
6.3 CP-1 Neighborhood Business Districts 18
6.4 CP-2 General Business Districts 19
6.5 Industrial Districts 19
6.6 Mixed-Use Districts 19
Section 7 Private Sign Criteria & Special Use Permit **20**
7.1 Private Sign Criteria 20
7.2 Special Use Permit 20
Section 8 Prohibited, Maintenance, Abandoned, Nonconforming Signs **21**
8.1 Prohibited Signs 21
8.2 Sign Maintenance 22
8.3 Abandoned Signs 23
8.4 Nonconforming Signs 23
8.5 Violations & Penalties 24
8.6 Schedule of Permitted Signs 25

Section 2

Purpose

2.1 Statement of Intent

To regulate and control all exterior signs placed for observation in order to preserve, protect and promote the public health, safety, and general welfare of the residents of the City of Basehor. Further, it is intended to encourage the reasonable, orderly and effective display of signs; enhance the physical appearance of the City; reduce visual clutter; prevent blighting influences; protect property values; provide minimum standards to safeguard life, health, and property by regulating and controlling the size, height, design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures; and authorize the use of signs which are compatible with their surroundings.

2.2 Applicability

No land, building, or structure shall be used for sign purposes, except as specified herein. All signs legally existing at the time of passage of these regulations may remain in use under the conditions of legal nonconformance. Signs in legal conformance shall not be enlarged, moved, lighted, or reconstructed; however, the change of the display shall not be restricted except as previously stated.

Section 3

Definitions

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meaning given herein:

"A" Frame Sign: A freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure, and which is usually two-sided. For the purposes of this ordinance, a portable swinger sign and/or sandwich sign shall be construed to be an "A" frame sign.

Address Sign: A sign indicating only the common street address and/or the occupant of a dwelling or structure. For the purposes of this definition, a nameplate shall be construed to be an address sign.

Abandoned Sign: A sign which no longer identifies or advertises a bona-fide business, service, owner, product, or activity, and/or for which no legal owner can be located.

Animated Sign: A sign that has movement or the appearance of movement of either the sign content or components, which is produced either mechanically or electronically.

Attention-Attracting Device: Any device intended to attract the attention of the public to an establishment, location, product or service, except signs as permitted by this ordinance. Such device or sign may include balloons, flags or pennants, searchlights, twirling signs, inflatable objects, and similar attention-attracting devices.

Awning: A shelter projecting from and supported by the exterior wall of a building, constructed of non-rigid materials on a supporting framework.

Awning Sign (Illuminated and/or non-illuminated): A sign which is mounted painted or printed on, or attached to an awning, or canopy. For the purposes of sign regulations this definition, a canopy sign shall be construed to be an awning sign.

Banner: Any sign of lightweight fabric or similar material that is mounted to a pole, building, fence or other structure at one (1) or more edges. National flags, state or municipal or the official flag of any institution or business shall not be considered banners.

Beacon: A stationary or revolving light which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention. This term is not intended to include any kind of lighting device which is required or necessary under safety regulations described by the Federal Aviation Agency or similar agencies. For the purposes of this ordinance, a beacon shall be construed to be an attention-attracting device.

Blinking or Flashing Sign: A sign where the light illumination alternates suddenly between fully illuminated, fully non-illuminated, and then fully illuminated more than once in a time frame of less than a second. For the purposes of this ordinance, a beacon shall be construed to be an attention-attracting device.

Building: As defined in the definition section of the most recent edition of the Building Code adopted by the City.

Business Sign: A sign that directs attention to a business or profession conducted, or to products, services, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed .

Canopy:

1. Building canopy: A roof-like structure attached to a building covering the entrance, exit, walkway, or loading dock, not including the building roofline extension. For the purposes of this document, when the pitch of a building canopy is 1:4 or less (twenty-five (25) degrees or less from vertical), the face of the canopy shall be considered part of the wall.
2. Freestanding Canopy: A self-supported, detached roof-like structure normally covering gas islands.

Changeable Copy Sign (Automatic): A sign on which the copy changes automatically on a lamp bank or through mechanical means; e.g. electrical or electronic time and temperature units.

Changeable Copy Sign (Manual): A permanent sign with a manually changeable face or message. This includes billboards, theater signs, and monument signs with letters that can manually be replaced to change the message of the sign. It does not include electronic message boards or directly illuminated signs of any kind.

City: Unless the context clearly discloses a contrary intent, the word "city" shall mean the City of Basehor, Kansas.

Commercial Complex Sign: A monument sign associated with a complex that directs attention to a business or businesses within the development where such sign is located. Such signs may contain a readily recognized symbol or logo.

Complex: A group of freestanding buildings, or buildings constructed in such a way as to give an appearance of being interrelated because of architectural similarity and/or interconnected drives and parking areas; or a building divided into three (3) or more separate offices, businesses or apartment provided that the building is not part of a large complex. A complex shall be limited to apartment, office or business complexes, shopping centers and/or industrial parks.

Copy Area (See Sign Face): The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.

Directional Sign: A sign which serves solely to designate any area or activity such as "exit," "one-way," "drive-in," "auto service," etc.

Directly Illuminated Sign: A sign where the source of illumination is located on the sign face. The source of illumination may include, but not be limited to neon tubes, incandescent bulbs, and fluorescent tubes.

Directory Sign or Name Plate: A single-faced, non-illuminated wall sign that displays only the name and occupation of the person or persons occupying space in the building.

Double-Faced Sign: A sign with two faces.

Erect: This term shall mean attach, alter, built, construct, reconstruct, and shall include the painting of walls signs, but does not include copy changes on any legal conforming sign.

Façade: The entire building front, including the parapet.

Free-Standing Sign: A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be firmly in or below the ground surface and not attached to any building or any other structure whether portable or stationary.

Frontage: The length of the property abutting on one side of the street, measured along the dividing line between the property and the street right-of-way.

Frontage, building: The length of an outside building wall on a public or private right-of-way.

Fuel Rate Sign: A sign which identifies gasoline and/or petroleum product rates or prices in words, numbers, figures or any combination thereof.

Government Sign: A sign for the control of traffic and other regulatory purposes, street signs, construction signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of any public officer in the performance of his/her public duty. A sign of a duly constituted governmental body, including signs depicting the name and/or seal of the city at or near the city limits.

Height of a Sign: As measured from the average ground elevation within a twenty (20) foot radius to the highest point of the sign.

Identification Sign: A sign whose copy is limited to the name and address of a building, institution, or person, and/or to the activity or occupation being identified.

Illegal Sign: A sign which does not meet the requirements of this code and which has not received legal nonconformance status.

Illuminated Sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Incidental Sign: A sign which indicates to the public, goods, facilities or services available on the premises. For the purposes of this definition, credit card signs, signs indicating hours of operation, "help wanted" signs, and similar signs shall be construed to be incidental signs.

Indirectly Illuminated Sign: A sign which is illuminated by a shielded light source.

Internally Illuminated Sign: A sign illuminated by an internal light source diffused through a translucent material.

Lot: A parcel of land legally defined on a subdivision map or defined by a legal record of survey map and recorded with the land registry office.

Maintenance: The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Monument Sign: A freestanding sign mounted on the ground and having a solid appearance and a low profile, normally consisting of a face and base. The width and length of the supporting base shall be no less than the sign face. Said sign may be constructed with stone, concrete, metal, routed wood planks or beams, brick or other materials consistent with the building the sign is representing.

Nonconforming Sign: A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations, or a sign which does not conform to the sign code requirements but for which a variance has been authorized.

Occupancy: The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

Off-Site Sign: A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which the sign is located.

On-Site Sign: A sign pertaining to the use of the premises on which it is located.

Owner: A person recorded as such on the official records. The owner of property on which a sign is located is presumed to be the owner of the sign, unless facts to the contrary are officially recorded or otherwise brought to the attention of the Planning Department; e.g. a sign is leased from a sign company.

Painted Wall Sign: Any sign which is applied with paint or similar substance on the face of a wall.

Parapet: The extension of a false front or wall above a roof line.

Person: Any individual, corporation, association, firm, partnership, or similarly defined interest.

Plat Sign: A sign erected on the platted ground in which development is taking place during the period of such development. Such sign may indicate the names of individuals and/or groups participating in the project, amenities, services, and a general layout of the development/plat.

Pole Sign: A self-supporting, permanent sign mounted on one or more freestanding poles, columns, or similar support.

Portable Sign: A sign which is not permanently affixed to the ground, building or other structure, which may be mounted on wheels, and can easily be transported from place to place, but does not include permitted temporary signs.

Premises: A parcel of land with its appurtenances and buildings.

Projecting Sign: A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure specifically designed to support the sign.

Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Roofline: The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

Roof Sign: Any sign erected over or on the roofline of a building.

Rotating Sign: A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

Sign: Any identification, description, illustration, message, symbol, logo or device which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanent or temporary display of merchandise, emblems, corporate flags, pennants or placards, designed to advertise, identify, or convey information, including all supporting structure.

Sign Alteration: The replacement, enlargement, rewording, reduction, reshaping, or repainting using different colors, of a sign to serve an establishment or business.

Sign Face: That area within a line including the outer extremities of all letters, figures, characters and logos; or within a line including the outer extremities of the framework or background.

Sign Maintenance: The normal care and minor repair that is necessary to retain a safe, attractive sign and supporting structures. Repainting with the same colors, or repairing copy or logo shall be considered maintenance if the name, product, service, place, activity, person, etc., depicted remains the same.

Sign Structure: The base, supports, uprights, braces, framework and face of a sign.

Snipe Sign: Any sign of any size, made of any material, including paper, cardboard, wood and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to premises upon which said sign is located.

Subdivision Sign: A monument sign used to identify a platted subdivision of twenty (20) or more single-family or duplex lots.

Temporary Subdivision Sign: A sign identifying an approved subdivision, condominium complex, or residential development for a temporary period for purposes of alerting the public that lots/units are available.

Temporary Sign: A sign constructed of cloth, canvas, cardboard, plywood or other similar material, which is readily moveable and not permanently attached to the ground or any structure thereof, that does not constitute a structure and which is intended to be displayed for a short period of time.

Traffic Control Sign: A sign for the control of traffic and other regulatory purposes, street signs, construction signs, danger signs, railroad crossing signs, erected by or on the order of any public officer in the performance of his/her public duty, as well as signs erected on private property designed to facilitate traffic safety or traffic circulation on-site.

Under Canopy Sign: A sign that is placed under the canopy at right angles to the wall of the building. Its sole purpose is for communicating to pedestrian traffic the name of the tenant.

Use: The purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.

Vehicular Sign: Any sign which is attached to or placed upon a parked motor vehicle and placed in a position or location for the sole purpose of displaying the same to the public.

Wall Sign: A sign attached parallel to and extending not more than twelve (12) inches from the wall of a building, including painted, individual letter, cabinet signs, and signs on a mansard.

Window Sign: A sign installed inside or painted on a window and intended to be viewed from outside.

Section 4

Administration

4.1 Sign Permit

4.1.1 Sign Permit Required. It shall be unlawful for any person to erect, or alter any sign as defined in this document without first obtaining a sign permit. This requirement shall not be construed to require a permit for sign maintenance as defined in Section 8.2, altering changeable copy on theater signs, billboards or similar signs, or signs exempted from a permit as described elsewhere in this document.

4.1.2 Applications. Sign permits shall be made on a form provided and shall be accompanied by two (2) sets of plans drawn to scale indicating the sign size, location, method of illumination, colors, materials of the sign and structure, and method of attachment. In addition, the applicant shall submit other information relating to the placement, construction, design, etc., of the sign as may be required. The Planning/Codes Director shall approve or deny the sign permit application no later than thirty (30) days following the date of its submission. The failure of the Planning/Codes Director to act on an application within said thirty (30) day period shall be deemed approval of the sign permit application unless a request for continuance is submitted by city staff or applicant.

4.1.3 Issuance. It shall be the duty of the Planning/Codes Director, upon filing of an application for a permit, to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear that the proposed structure is in compliance with all the requirements of this article and all other laws and ordinances of the city, the Planning/Codes Director shall then issue the permit. If the work authorized under a permit has not been completed within 180 days after the date of issuance, the said permit shall be null and void.

4.1.4 Sign Permit Number. All signs hereafter installed shall have permanently affixed thereto a label, clearly visible at all times, indicating the sign permit number issued. The Planning/Codes Director will issue a permit number and affix a label to the sign once the sign is erected and approved.

4.1.5 Revocation and Denial. The Planning/Codes Director may, in writing, suspend or revoke a permit issued under the provisions of this section whenever the permit is issued on the basis of a misstatement of material fact or fraud. When a sign permit is denied by the Planning/Codes Department, written notice of the denial shall be given to the applicant, together with a brief written statement of the reasons for the denial.

4.1.6 Sign Permit Appeals. An appeal of denial may be made to the Board of Zoning Appeals upon denial of a sign permit. Said appeal shall be filed within thirty (30) days of the denial of the sign permit. The Board of Zoning Appeals shall make a final decision no later than forty-five (45) days after the appeal has been filed unless a request for continuance is submitted by city staff or applicant.

4.1.7 Effect of Permit Issuance. No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.

4.1.8 Permit Fees. Each applicant, before being granted a permit, shall pay a permit fee. Permit fees shall be paid prior to the issuance of a sign permit in order to cover the associated cost of sign permit review, processing of the permit application and required site inspections for the installation, erection and placement of any sign or advertising structure. Fees for permanent signs shall be $125. Fees for banners, temporary signs, attention-attracting devices and other temporary signs allowed by this ordinance shall be $25.

4.2 Removal of Sign

4.2.1 Violation. If it has been determined that any sign or other advertising structure regulated herein is unsafe, or has been constructed, erected or is being maintained in violation of the provisions of this ordinance, written notice shall be given to the sign owner. The owner shall immediately remove or repair the sign to bring it into compliance and/or make it safe. If the owner fails to remove or repair the sign so as to comply within ten (10) days after the notice, the Planning/Codes Director may cause the sign to be removed or alter it to be in compliance, at the expense of the permittee or owner.

4.2.2 Failure to Comply. The City Clerk shall mail a statement of the costs for removal or repair of the unsafe or unlawful sign to either the last known address of the owner of record of the property, the person in charge of such property, or the sign permittee. If said costs are not paid within twenty (20) days from the time of mailing the notice, the Governing Body of the City may proceed to pass an ordinance levying a special assessment for the cost against the subject lot or parcel of land. The City Clerk shall certify the assessment to the County Clerk for collection and payment to the City in the same manner as other assessments and taxes are collected and paid to the City.

4.3 Sign Inspection

4.3.1 Access and Right of Entry. The Planning/Codes Director, or a designated representative, shall have the right to make an inspection of any sign for the purpose of determining compliance with this document. Inspections shall be done at a reasonable time.

4.3.2 Inspection. If the building, premises or establishment to be inspected is occupied, the Planning/Codes Director, or a designated representative, shall first present proper credentials and request entry. If such building or premises is unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Planning/Codes Director or his/her designee shall have recourse as provided by law to secure entry.

4.3.3 Failure to Comply. If, after request, entry or access is refused, the Planning/Codes Director may acquire such access by application to a court of competent jurisdiction, provided, however, that the agency complies with the provisions of Section 15 of the Kansas Bill of Rights and the fourth amendment to the United States Constitution relating to unreasonable searches and seizures.

Section 5

General Standards

5.1 Sign Placement

5.1.1 Minimum Setback. All signs shall maintain a minimum setback of ten (10) feet from all property lines or twenty (20) feet from the roadway surface edge, whichever is greater.

5.1.2 Placement on Easement or Right-of-way. No private sign shall be placed on a public easement, unless, in the opinion of the City Engineer, such placement will not interfere with the intended use of said easement. No private sign shall be placed on a public right-of-way.

5.1.3 Placement on Private Property. All signs shall only be posted with the consent of the property owner or occupant. No sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, or any other type of street furniture, or otherwise create a hazard including a tripping hazard. In all cases such signs shall be placed outside the sight distance triangle.

5.2 Illumination

Illuminated signs shall be internally or indirectly illuminated. Neon tubes, incandescent bulbs, fluorescent tubes, and other sources of direct illumination that would be exposed to the human eye shall not be permitted. Illumination for electronic message centers shall adhere to Section 6.3.5.

5.3 Noncommercial Messages

Any commercial sign permitted under this ordinance is allowed to contain noncommercial speech in lieu of any commercial speech, subject to all applicable restrictions and performance standards.

5.4 Building Code

All signs shall comply with the appropriate detailed provisions of the City Building Code relating to design, structural members and connections. Signs shall also comply with the provisions of the National Electrical Code and the additional construction standards hereinafter set forth in this section.

5.5 Measurement

5.4.1 Copy Area. In determining the copy area of a sign, the entire face of the sign, including the advertising surface and any framing, trim or molding, shall be included. Should the sign structure or supports become part of the sign due to the design of the structure or supports in relation to the sign, said structure or supports shall be included in the determination of copy area.

5.4.2 Lettering. In the instance where a sign is composed of letters only, with no connection by the advertising structure between the letters, the copy area shall be determined by measuring the distance from the outside edges of the outside letters and from the top of the largest letter to the bottom of the lowest letter. Should one (1) letter be unequally large or small in comparison to the other letters composing the sign, the unequal letter shall be squared off, the remaining letters shall be measured from the outside edges, and the two (2) added for a total copy area determinations.

5.4.3 Face. Unless determined by the zoning district regulations, the allowable copy area of a sign shall be based on one (1) side of the sign. Double-faced copy area is allowed provided both sides of the sign are parallel to one another and the applicable zoning district regulations are not conflicted.

5.6 Monument Signs

5.5.1 Material. Monument signs must be free standing and shall be low in profile. The base of the sign shall consist of substantially the same material as the principal structure on the property, unless approved otherwise by the Planning/Codes Director.

5.5.2 Face. Monument signs may be single or double-faced.

5.5.3 Illumination. Monument signs may be non-illuminated, indirectly illuminated or internally illuminated. Illumination shall provide constant light and does not exceed seventy (70) foot candles as measured at a distance of two (2) feet from the source of light.

5.5.4 Base. The sign base area shall not exceed the actual sign face area by more than ten (10) percent. The sign face shall not exceed the width of the base by more than twenty-five (25) percent.

5.5.5 Height. The sign face and base shall not exceed twenty (20) feet in overall height above the natural or average grade. The sign shall not exceed one-hundred (100) square feet in area per face.

5.7 Wall Signs

5.6.1 Illumination. Wall signs may be non-illuminated, internally illuminated or indirectly illuminated. Illumination shall provide constant light and does not exceed seventy (70) foot candles as measured at a distance of two (2) feet from the source of light.

5.6.2 Sign Supports. When a wall sign is placed on a canopy and is perpendicular to the ground, all supports, braces and brackets shall not be visible.

5.6.3 Roofline. The top of the sign when placed on a parapet or a canopy shall not extend above the actual roofline.

5.6.4 Projecting. Wall signs shall not project more than twelve (12) inches from the building or structure surface.

Section 6

Signs Permitted

6.1 All Districts

The following signs shall be permitted in all districts and shall not require a sign permit, unless otherwise noted. The signs must be in conformance with all other regulations and ordinances of the City.

6.1.1 Address Signs. Address signs shall not exceed four (4) square feet in total area.

6.1.2 Awning or Canopy Signs. Such sign is permitted as an integral part of the awning or canopy to which it is attached or applied.

A. Signs may be lettered on awnings located on a one or two-story building. Awnings may be level of the building, and may face a parking lot, street right-of-way or a pedestrian walkway.
B. One (1) sign per awning or canopy containing the name and/or logo of the business, or primary service offered is permitted.
C. Such sign shall not extend beyond the canopy or awning.
D. Such sign shall occupy no more than thirty-five (35) percent of the canopy/awning.
E. The lower edge of a canopy shall be no closer than ten (10) feet to any sidewalk or fourteen (14) feet to any street or alley surface where vehicles may pass below.
F. Awnings or canopy signs may not be internally lighted. Lighting directed downward and not illuminating a sign is allowed.
G. Awnings and canopies shall be regularly cleaned and kept free of excessive dust or visible defects.
H. A sign permit is required.

6.1.3 Banner Signs.

A. Such sign will be permitted for all properties used for multi-family and non-residential purposes.
B. Such sign may be displayed for a period of fifteen (15) days. A maximum of four (4) banner permits per year may be issued for each business in commercial and industrial districts. Residential districts are allowed one (1) sign permit per year.
C. A maximum of one (1) banner sign is allowed per property.
D. Such sign shall not exceed thirty-two (32) square feet.
E. A sign permit is required.

6.1.4 Business/Identification Signs. Any business associated with dispensing of gasoline shall display on such sign the price of gasoline sold on the premises. A sign permit is required.

6.1.5 Changeable Copy. Permits shall not be required for replacing or altering changeable copy on theater signs, billboards, or other similar signs.

6.1.6 Churches, schools, libraries, community centers, or other public/semi-public facilities.

A. Such signs shall adhere to the specific zoning sign regulations as the abutting property. In the case where multiple zoning abuts such property, the more restrictive zoning shall apply.
B. In lieu of the signs that would otherwise be permitted by the standards above, the owners of the facilities defined above may apply to the Planning Commission and/or City Council for approval of a sign and/or sign package following the guidelines and procedures set out in Section 7.1.
C. A sign permit is required.

6.1.7 Directional Signs. Such sign shall not exceed four (4) square feet, with two (2) faces permitted. The sign shall not exceed four (4) feet in height if freestanding.

6.1.8 Directory or Name Plate Signs. Such signs shall not exceed four (4) square feet in area.

6.1.9 Flags (In connection with a commercial promotion or as an advertising device). Official flags of government jurisdiction, flags which are emblems of religious, charitable, public, and nonprofit organizations shall be allowed. One (1) corporate flag shall be permitted in conjunction with at least one (1) governmental flag. No flag shall exceed fifty (50) square feet.

6.1.10 Governmental Signs, Traffic Control Signs, and Public Notices.

6.1.11 Memorial Signs or Tablets. Such signs contain the name of buildings and date of erection and/or other pertinent information, when cut into any masonry surface or when constructed of bronze or other non-combustible materials and attached flush with the wall surface. A maximum of twelve (12) square feet is permitted.

6.1.12 Offsite Signs. Such signs shall adhere to the specific sign regulations in coordination with the appropriate zoning district in where the sign is erected.

6.1.13 Plat Sign.

A. A plat approved by the City Council and filed with the Leavenworth County Register of Deeds office shall be granted one (1) non-illuminated sign per plat.
B. The sign must be on-site of the platted ground, and shall not exceed eight (8) feet in height, or exceed thirty-two (32) square feet. The minimum setback from any property line shall be thirty (30) feet. The sign may have two (2) faces.
C. Such sign for residential development shall be removed when certificates of occupancy, temporary or final, have been issued for ninety (90) percent of the dwelling units in the plat. Such sign for non-residential platted ground shall be removed prior to the issuance of any certificate of occupancy, temporary or final, for the last building in the plat.
D. A sign permit is required.

6.1.14 Real Estate Sign.

A. Single-Family and Two-Family Zoned Properties: Such signs shall not exceed six (6) square feet, with two (2) faces permitted. The maximum height of the sign shall not exceed four (4) feet in height.
B. Multifamily, Commercial and Industrial Zoned Properties: Such signs shall not exceed thirty-two (32) square feet per sign face, with two (2) faces permitted. The maximum height of the sign shall not exceed eight (8) feet in height.

C. Undeveloped Land for Sale Signs: In lieu of the signs permitted above, undeveloped and unplatted land over ten (10) acres in size shall be permitted two (2) signs not to exceed thirty-two (32) square feet, with two (2) faces permitted. The signs shall not exceed eight (8) feet in height.
D. A maximum of one (1) real estate sign per street frontage is allowed per property or building.
E. Such sign may be displayed for the time the subject property is offered for sale or for lease and for seven (7) days following such sale or lease. In the event more than one unit is for lease or for sale, a real estate sign may continue to be displayed as long as it is properly maintained.
F. Such sign shall be non-illuminated.

6.1.15 Sport Venue Signs. Property owner for such sign shall apply to the Planning Commission and/or City Council for approval of a sign package following the guidelines and procedures set out in Section 7.2. A sign permit is required.

6.1.16 Temporary Signs.

A. Residential Zoned Properties: Such signs shall not exceed eight (8) square feet. The maximum height of the sign shall not exceed four (4) feet in height.
B. Commercial and Industrial Zoned Properties: Such signs shall not exceed sixteen (16) square feet. The maximum height of the signs shall not exceed eight (8) feet in height.
C. Such sign is permitted two (2) faces per sign and shall be non-illuminated.
D. Three (3) signs shall be permitted per property.
E. Such signs may be displayed for sixty (60) days.

6.1.17 Traffic Control Signs on private property. Such signs shall not exceed four (4) square feet, with two (2) faces permitted. A sign shall not exceed four (4) feet in height if freestanding.

6.1.18 Window Signs. Signs painted or posted on the surface of any window, when the face area of the sign does not cover more than twenty-five (25) percent of the window.

6.2 Residential Zoning Districts

The following signs shall be permitted with an approved sign permit.

6.2.1 Wall Signs.

A. One (1) wall sign per building, not more than four (4) square feet, mounted on the building, indicating a permitted home occupation.
B. Such sign may be non-illuminated, internally illuminated or indirectly illuminated. In no case shall the source of light or any light fixture be visible from off-site.
C. Supports, braces and brackets shall not be visible.

6.2.2 Monument Signs.

A. One (1) monument sign shall be allowed per subdivision entrance.
B. Such sign shall not exceed six (6) feet in height and sixty (60) square feet.
C. Architectural features and permanent landscaping shall be integrated for assuring harmony and visual quality for the subdivision.
D. A sign permit is required.

6.2.3 Temporary Subdivision Signs.

A. One (1) temporary freestanding, non-illuminated sign is allowed per subdivision entrance.
B. Such sign shall not exceed eight (8) feet in height, and thirty-two (32) square feet.
C. Such sign shall be removed after six (6) months.
D. A sign permit is required.

6.3 CP-1 Neighborhood Business Districts

The following signs shall be permitted with an approved sign permit.

6.3.1 Wall Signs. Each business or establishment shall be permitted not more than two (2) wall signs, limited to one (1) per wall. The area of the wall sign shall not exceed two (2) square feet per lineal foot of the area of the wall upon which it is mounted or no more than twenty-five (25) percent of the area of wall on which the signage is placed. Wall signs include canopy or awning signs.

6.3.2 Monument Signs.

A. In lieu of one (1) of the above permitted wall signs, one (1) monument sign shall be permitted for each freestanding building housing one (1) tenant. The sign shall not exceed eighty (80) square feet and ten (10) feet in height.
B. In addition to the signs permitted above, each complex, as defined in Section 3.1, shall be permitted one (1) identification (monument) sign with names of tenants.
C. In complexes, or single business sites, on property more than five (5) acres in size and with more than one (1) street frontage, or one thousand (1,000) feet of street frontage, a second identification (monument) sign shall be permitted on each street frontage.

6.3.3 Projecting Signs.

A. In lieu of one (1) of the above permitted monument signs, one (1) projecting sign shall permitted.
B. Such projecting sign shall not exceed sixteen (16) square feet, with two (2) faces permitted.
C. The sign shall not extend more than six (6) feet from the face of the building.
D. In the event the property has more than one (1) street frontage, a second projecting sign shall be permitted on each street frontage.
E. A sign permit is required.

6.3.4 Attention-Attracting Devices or Signs. Such device or sign may be permitted upon approval by the Planning Commission and/or City Council. A sign permit is required.

6.3.5 Changeable Copy Signs. Such sign shall be a component of a monument sign defined in Section 6.3.2.

A. Such sign shall not exceed a face area of thirty-two (32) square feet.
B. Existing freestanding signs constructed without a changeable copy sign shall not be permitted to add a changeable copy sign component.

C. No Changeable copy sign (automatic) shall be erected without a light detector/photocell, or a scheduled dimming timer by which the sign's brightness shall be dimmed when ambient light conditions darken.
D. Changeable copy sign (automatic) shall be turned off no later than 10:00 p.m. if located within one hundred (100) feet and/or abutting a residentially zoned district.
E. Illumination for changeable copy sign (automatic) shall not exceed seventy (70) foot candles as measured at a distance of two (2) feet from the source of light.
F. Changeable copy sign (automatic) shall be approved by the Planning Commission and/or City Council. A sign permit is required.

6.3.6 Under Canopy Signs. In complexes with three (3) or more tenants, under canopy signs shall be permitted in addition to the signage described above. One (1) such sign will be permitted for each business. Under canopy signs shall not exceed two (2) square feet.

6.4 CP-2 General Business Districts

The following signs shall be permitted with an approved sign permit.

6.4.1 Wall Signs. Same as permitted in Section 6.3.1.

6.4.2 Monument Signs.
A. Same as permitted in Section 6.3.2.
B. The sign shall not exceed one-hundred (100) square feet and twenty (20) feet in height.
C. Complexes, or on property more than ten (10) acres in size, shall be required to prepare a set of sign criteria, as defined in Section 7.1, governing all exterior signs in the complex.

6.4.3 Attention-Attracting Devices or Signs. Same as permitted in Section 6.3.4.

6.4.4 Under Canopy Signs. Same as permitted in Section 6.3.6.

6.4.5 Menu-Boards. Drive-through restaurants and car washes may have two (2) menu boards located in conjunction with each drive-through lane. Such sign shall not exceed eight (8) feet in height and thirty-two (32) square feet. A sign permit is required.

6.5 Industrial Districts

Signs associated with such districts shall be required to prepare a set of sign criteria, as defined in Section 7.1, governing all exterior signs in the development.

6.6 Mixed-Use Districts

Signs associated with such districts shall be required to prepare a set of sign criteria, as defined in Section 7.1, governing all exterior signs in the development.

Section 7

Private Sign Criteria and Special Use Permit

7.1 Private Sign Criteria

All hotels and motor hotels, shopping centers, business parks, office parks, mixed use districts, or industrial districts shall be required to prepare a set of sign criteria governing all signs in the development. Such criteria shall be binding upon all subsequent purchasers or lessees within the development. Unless the Planning Commission and/or City Council approves an alternate sign design, the criteria shall specify that wall signs shall be individual letters for the primary sign elements. Secondary sign elements, including logo signs, may be allowed as cabinet type signs. The design of any monument sign must be included within the sign criteria. The size, colors, materials, styles of lettering, appearance of logos, types of illumination and location of shall be set out in such criteria. In all respects, the criteria shall be within the regulations set out in this Code and shall be for the purpose of assuring harmony and visual quality throughout the development. Final development plans (in the case of a planned zoning district) or building permits (in the case of a conventional zoning district) shall not be approved until the Planning Commission and/or City Council has approved the sign criteria. No sign permit shall be issued for a sign that does not conform to the criteria. For the purposes of this Section, the terms "shopping centers, business parks, offices parks or industrial parks" shall mean a project of one or more buildings that has been planned as an integrated unit or cluster on property under unified control or ownership at the time zoning was approved by the City. The sale, subdivision or other partition of the site after zoning approval does not exempt the project or portions thereof from complying with these regulations relative to the number of detached signs, harmony and visual quality of signs to be installed. Once the sign criteria has been approved, the Planning Commission and/or City Council may modify the sign criteria in whole or in part upon application by the property owner. Where the ownership of the development is divided among two or more entities, proposed amendments to the sign criteria must have written support from all owners or be specifically designed to affect only the property owned or represented by the applicant. A sign permit is required.

7.2 Special Use Permit

Any signs or advertising structures, which are not specifically permitted under this ordinance, may be approved by a special use permit. In the case of special use permits, all wall and detached signs shall be approved by the Planning Commission and/or City Council, except where private sign criteria have been previously approved for the development. In reviewing and approving such signs, the Planning Commission shall take into consideration (1) the use of the facility, (2) the height of the building, (3) the surrounding land uses and zoning districts, (4) the relationship of the site to surrounding roadway systems, (5) topography of the site, and (6) duration. Where appropriate, the sign regulations of the underlying zoning district or the most analogous zoning district may be followed. Pole signs may be permitted for the main use. A sign permit is required.

Section 8

Prohibited, Maintenance, Abandoned, Nonconforming Signs

8.1 Prohibited Signs

It shall be a violation of these zoning regulations to erect, install, place or maintain the following signs.

A. Any signs or advertising structures which are not specifically permitted under the sign subsection in the schedule of district regulations or otherwise specifically permitted under these zoning regulations.

B. Any sign or advertising structure which constitutes a traffic hazard or a detriment to traffic safety by reason of it's size, location, movement, content, coloring, or method of illumination, or by obstructing the vision of drivers, or signs that obstruct or detract from the visibility of traffic control devices or emergency vehicles. The use of flashing lights or revolving lights is prohibited in any signs as constituting a hazard to traffic. Any sign which by glare or method of illumination constitutes a hazard to traffic is prohibited. Exterior neon lighting, illuminated banding or other types of lighting that creates a glow is prohibited unless it is approved by the Planning Commission as part of an overall theme for the development area.

C. Any sign or advertising structure with words, scenes or graphics which are obscene, indecent and prurient, within the meaning of K.S.A. 21-4301, as amended.

D. Any sign or advertising structure (other than those erected by a governmental agency or required to be erected by a governmental agency for a public purpose) erected, installed or placed on the right-of-way of any street, road or public way, or signs overhanging or infringing upon the right-of-way of any street, road or public way, except as specifically permitted by these regulations.

E. Any sign or advertising structure erected on City of Basehor property or other governmental property other than signs erected by said governmental entity of public purposes.

F. Any sign or advertising structure which is erected, installed or maintained that obstructs any fire escape, required exit, window or door opening intended as a means of ingress or egress.

G. Signage is prohibited on the rear of a building, except for the following:
   1. A sign located on a rear exit door to identify the tenant of the building. Such sign may consist of the business name and/or address with no greater than six (6) inch non-illuminated letters painted, printed, stenciled or attached to the face of the rear door and covering no greater than twenty (20) percent of that door.
   2. Where the rear of a commercial building is oriented toward street right-of-way or an internal shopping center access drive, a wall sign in accordance with Section 6.4.1 may be permitted on the rear wall of the building only if the building façade is architecturally designed to resemble the principal or front facade of the building by including similar architectural features such as windows, doors, awnings, building materials, etc. The rear of a building is that side of a building opposite from the principal or main entrance to a building.

H. "A" Frame Sign.

I. Signs emitting audible sounds (except menu boards), odors, or visible matter.

J. Attention-attracting devices, unless approved by the Planning Commission and/or City Council.
K. Animated signs or elements of signs, that are animated, moving, flashing, blinking, reflecting, revolving and/or rotating including search lights, strobe lights, and disco balls.
L. Abandoned signs.
M. Obsolete signs.
N. Snipe signs, except warning signs posted by public utility companies.
O. Roof signs.
P. Portable signs, excluding real estate signs.
Q. Signs on Trees, Fences, or Utility Poles. No sign shall be attached to a tree, fence, or utility pole on public property, other than warning signs posted by the utility company, or greater than two (2) square feet on private property.
R. Pole signs.
S. Temporary signs, unless authorized by this ordinance.
T. Vehicular signs, except that company or corporation name or logo painted on a motor vehicle or semi-trailer normally in motion during use shall not be considered a vehicular sign when moved at least one (1) time during a twenty-four (24) hour period.
U. Painted wall signs which are painted directly on the wall of a building or surface, except signs painted on a window in a commercial building (as part of the permitted wall sign) shall be permitted.
V. Directly illuminated signs, except to the extent specifically authorized in this ordinance.
W. Signs containing false or misleading advertising.
X. Signs falsely stating that property is zoned for specified land uses or signs stating that property will be zoned for specified land uses in the future.
Y. Signs declaring property is reserved for or is being held for a future land use which is inconsistent with the existing zoning classification for the land.

8.2 Sign Maintenance

8.2.1 Sign Maintenance. Any sign or advertising structure erected or installed under the provisions of this section shall be maintained in safe, functional and sound structural condition at all times. General maintenance of said sign shall include the replacement of nonfunctional, broken, or defective parts, painting, cleaning and upkeep of the premises immediately surrounding the sign or advertising structure, and any other action required for the maintenance of said sign or advertising structure. All signs and supporting structures shall be kept painted or treated in some manner to prevent rust, decay or deterioration.

8.2.2 Public Easement. Should any sign, which is placed in a public easement, be damaged due to maintenance of utilities in that easement by the City or others, the cost for repairs or replacement of said sign shall be borne by the sign owner.

8.3 Abandoned Signs

8.3.1 Definition. Except as may be otherwise provided for in this ordinance, any sign which is located on a building, structure, or real property which becomes vacant and unoccupied for a period of three (3) months or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be removed by the owner of the sign or the owner of the premises. When a wall sign is removed, the wall of the building or structure shall be restored to its normal appearance. Removal of a monument or highway sign shall include the face and base. Any sign structure that is in conformance with this ordinance may remain as long as it is maintained and does not become unsafe or unsightly.

8.3.2 Violation. If after the three (3) month time period has elapsed and the sign has not been removed, the Code Enforcement Officer shall notify, in writing, the property owner of record that the sign shall be removed within thirty (30) days after the date of the notice. If the sign has not been removed within thirty (30) days after the date of the notice, the Code Enforcement Officer may have the sign removed and the associated costs assessed to the property.

8.3.3 Failure to Comply. The City Clerk shall mail a statement of such cost for the removal of said sign to the last known address of the owner of record of the property, or a person in charge of such property. If such costs are not paid within ten (10) days from the mailing of such notice, the Governing Body of the City shall proceed to pass an ordinance levying a special assessment for such cost against the lot or piece of land. The City Clerk shall certify such assessment to the County Clerk for collection and payment to the City in the same manner as other assessments and taxes are collected and paid to the City.

8.4 Nonconforming Signs

Nonconforming signs are declared by this zoning ordinance to be incompatible to, and inconsistent with, land development and other permitted signs set forth within any particular zoning district. It is the intent of this section to allow those nonconforming signs to continue until they are removed under the terms of this ordinance, but not to encourage their survival.

8.4.1 Alterations of Nonconforming Signs. Nonconforming signs or advertising structures shall be expanded, relocated or restored unless said signs or advertising structures are brought into conformance with the provisions of this section or any other applicable City code requirement.

8.4.2 Replacement, Restoration or Reconstruction. In the event that any existing nonconforming sign, as provided for in this section, is damaged by any means, including, but not limited to, fire, flood, wind, explosion, act of God, or act of a public enemy, to an extent of fifty (50) percent or more of the replacement, restoration or reconstruction value of the sign, or fifty (50) percent of the square footage of the sign copy area, said sign shall not be replaced, restored or reconstructed unless it is brought into full compliance with the provisions of this Zoning Ordinance. Any nonconforming sign which remains damaged or in disrepair, regardless of the percentage of construction (or damage) value or area of square footage which is damaged, for a period of three (3) months following the date of damage without the issuance of a valid sign

permit, shall not be replaced, restored or reconstructed unless it is brought into full compliance with all applicable codes and ordinances.

8.4.3 Repair and Maintenance. Routine repairs and maintenance of nonconforming signs necessary to maintain health and safety may be permitted. Said repairs and maintenance shall include such activities as painting and the replacement of a damaged or deteriorated sign face. The cost of said repairs and maintenance shall not exceed fifty (50) percent of the value of the sign which is to be repaired or maintained. Said value shall be that which is current at the time of the repair or maintenance. Prior to said repair and maintenance taking place, the Planning department shall be consulted to determine if a sign permit is necessary. If such determination is made, then all applicable work performed shall be accomplished through the issuance of a valid sign permit as required by this ordinance.

8.4.4 Termination of Nonconforming Signs. Upon the discontinuance of a use to which any nonconforming sign or advertising structure is accessory to, the tenant or property owner shall remove all nonconforming signs, supports and structures upon the building or property upon which said use was located.

8.5 Violations and Penalties

8.5.1 Enforcement Personal. It shall be the duty of the Planning Director, or his/her designee, to enforce all provisions of this ordinance. It shall be unlawful for any person to interfere with the designee in the performance of the duties assigned under this ordinance.

8.5.2 Declaration of Nuisance. The Governing Body hereby determines that the public peace, safety, health and welfare requires that all signs and sign structures hereafter constructed or erected shall conform and comply with such requirements forthwith. All signs which shall hereafter be constructed or erected in violation of the provisions of this ordinance shall be declared public nuisance, and shall be removed and abated in the manner provided by law.

8.5.3 Violation. Any violation of this ordinance may be punished by imprisonment of not more than six (6) months, nor a fine in excess of one thousand (1,000) dollars. Any violation of this ordinance may be prosecuted in Municipal Court for the City of Basehor. Each twenty-four (24) consecutive hour period during or on which a violation occurs or continues shall constitute a separate offense and shall be punished as such under the provisions of this ordinance. The court may impose a fine of not more than one thousand (1,000) dollars, or a period of imprisonment of not more than six (6) months or both.

8.6 Schedule of Permitted Signs

SIGN TYPE	Zoning District						
	R-1	R-2	R-3	CP-1	CP-2	Industrial	Mixed-Use
Address Number Signs				S	S	S	S
Attention-Attraction Devices or Signs				P	P	P	P
Awning or Canopy Signs	S	S	S	S	S	P	P
Banner Signs			S	S	S	S	S
Changeable Copy Signs				S		P	P
Complex (multi-tenant) Signs				S	S/P	P	P
Directional Signs							
Directory or Name Plate Signs							
Flags							
Governmental Signs	S	S	S	S	S	S	S
Memorial Sign or Tablets	S	S	S	S	S	S	S
Menu Board Signs					S		
Monument	S	S	S	S	P	P	P
Plat Sign	S	S	S	S	S	S	S
Pole Signs			SUP	SUP	SUP	SUP	SUP
Projecting Signs				S		P	P
Public/Semi-Public Facility Signs	S/P	S/P	S/P	S/P	S/P	S/P	S/P
Real Estate Sign							
Sports Venue Signs	P	P	P	P	P	P	P
Subdivision Signs	S	S	S				
Temporary Signs							
Temporary Subdivision Signs	S	S	S				
Traffic Control Signs on Private Property							
Under Canopy Signs							
Wall Signs	S	S	S	S	P	P	P

NOTE:
S = CITY STAFF APPROVAL
P = PLANNING COMMISSION APPROVAL
SUP = SPECIAL USE PERMIT