

CITY OF BASEHOR

SIGN REGULATIONS



2011

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 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.

- 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.

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.