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ORDINANCE NO 2018 - 1

AN ORDINANCE AMENDING ARTICLE VIII. SIGN REGULATIONS AND AMENDING CERTAIN SECTIONS OF ARTICLE IX. SUPPLEMENTAL REGULATIONS OF CHAPTER 27 OF THE CODE OF THE CITY OF HUTCHINSON, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HUTCHINSON, KANSAS:

Section 1. That Article VIII, Sign Regulations, be amended as follows:

Article VIII. Sign Regulations

Sec. 27-801 Signs.

A. Short Title.

This article shall be referred to as the "Sign Code" for the City of Hutchinson, Kansas.

B. Purpose.

These regulations are intended to balance the need to protect the public health, safety, welfare and aesthetics of the community with the need for adequate identification, communication, economic development and advertising. These sign regulations have the following specific objectives:

1. To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare;
2. To allow for and promote positive conditions for sign communication;
3. To reflect and support the desired ambiance and development patterns of the various zoning districts, overlay zones and adopted plans of the City;
4. To promote an attractive, urban environment; and
5. To allow for adequate and effective signs whose dimensions further the interest of public safety and the needs of the motorist in locations where signs are viewed from the street or roadway.

C. Applicability.

The requirements of this Code apply to all signs, sign structures, awnings and other types of sign devices located within the jurisdiction of the City of Hutchinson

that are visible from a roadway or other public location and which are clearly intended to attract the attention of the public.

Sec. 27-802 Definitions.

A-frame sign shall mean a temporary, freestanding sign constructed in such a manner that the faces of the sign form an “A” shape when viewed from the side.

Abandoned sign shall mean a sign that no longer identifies or advertises an ongoing business, product, location, service, idea or activity conducted on the premises where the sign is located.

Air-filled moving sign shall mean a temporary sign comprised of canvas-like, plastic or similar material that is moved by forced air.

Alteration, structural shall mean a change in the size or shape of an existing sign. Replacing a sign cabinet, altering or replacing sign supports and altering the cabinet frame are alterations. Refacing, changing copy or changing color of an existing sign is not an alteration. Changing or replacing a sign face or sign panel is not an alteration.

Architectural projection shall mean a projection from a building that is decorative and/or functional and not an occupiable part of the building, and that extends beyond the face of an exterior wall of a building. See also: Awning, Canopy and Marquee.

Awning shall mean an architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering made of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

Awning sign shall mean a sign displayed on or attached flat against the surface(s) of an awning.

Banner sign shall mean a temporary sign using a flexible substrate as its display surface. Banner signs mounted in a permanent frame are permanent signs.

Bench sign shall mean a sign applied or affixed to the seat or back of a bench and intended to be read by occupants of a bench and pedestrians in the immediate vicinity of a bench.

Billboard shall mean an off-premises sign displaying messages pertaining to the use of products sold or leased, services provided, or events which do not occur on the property where the sign is located, and which contains copy that is intended to change on a regular basis.

Building face shall mean the portion of any exterior elevation of a building extending vertically from the ground grade to the top of a parapet wall or eaves and horizontally across the entire width of the building elevation.

Canopy, attached shall mean a multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points.

Canopy, freestanding shall mean a multi-sided overhead structure supported by columns but not enclosed or supported by walls.

Canopy sign shall mean a sign affixed to the visible surface(s) of an attached or freestanding canopy.

Center identification sign shall mean a sign that contains advertising for three or more tenants located on the same lot or on adjacent lots. Two-tenant signs or signs advertising multiple functions of the same or related companies are not center identification signs for the purposes of this article.

Channel letter sign shall mean a sign comprised of individual letters or numbers, lit or unlit, which make up the name of an establishment, services offered or other information of interest to the public.

Cladding shall mean a non-structural covering designed to conceal the actual structural supports of a sign.

Conforming sign shall mean a sign that is legally installed in conformance with this article.

Dilapidated sign shall mean a sign that is unmaintained; has missing pieces, inserts or cabinets; has broken pieces or parts; poses a hazard or is otherwise in poor condition.

Directional sign shall mean a sign that is designed and erected solely to provide direction and/or orientation for pedestrians and/or vehicles.

Double-faced sign shall mean a sign with two faces that are placed back to back.

Electric sign shall mean a sign activated or illuminated by means of electrical energy.

Electronic message center (EMC) or sign shall mean a sign that utilizes computer-generated messages or some other electronic means of changing sign copy. EMC signs include displays using incandescent lamps, LEDs or LCDs, and may also enable changes to sign copy, message or content to be made remotely.

Exterior sign shall mean a sign placed outside of a building.

Fence sign shall mean a sign mounted upon a fence.

Flag shall mean a piece of cloth or similar flexible material which is typically oblong or square and which is attached by one edge to a pole or rope.

Flashing sign shall mean an electrically activated sign that uses intermittent light to attract attention. Signs containing lights that spin, flicker or turn alternately off and on are flashing signs.

Freestanding sign shall mean a sign principally supported by one or more columns, poles, braces or pedestals placed in or upon the ground.

Frontage, lot shall mean the full length of that part of a property which abuts a public street.

Home occupation see Sec. 27-901.

Home occupation sign shall mean a sign on a residential lot advertising the approved home occupation conducted on the premises.

Illegal sign shall mean a sign that does not meet the requirements of these regulations and which does not have nonconforming status.

Illuminated sign shall mean a sign characterized by use of artificial light, either projecting through its surface or reflecting on its surface.

Interior sign shall mean any sign located within the interior of a building.

Listed sign shall mean a sign manufactured and labeled in accordance with specifications promulgated by a recognized testing laboratory and designed to assure compliance with applicable standards.

Marquee sign shall mean a roof-like projection typically located at the entrance to a theatre or hotel which contains sign copy.

Moving sign shall mean any sign that employs motion and which is activated either electrically, mechanically or environmentally.

Multiple-faced sign shall mean a sign containing more than two faces.

Mural shall mean a painting or other work of art generally applied to the entire face of a building that does not contain an advertising message. Murals with advertising messages are wall signs.

Nonconforming sign shall mean a sign that was legally installed in conformance with the regulations in effect at the time of installation, but which does not comply with current sign regulations.

Off-premises sign shall mean a sign displaying messages pertaining to the use of products sold or leased, services provided, or events which occur on a property different

from that where the sign is located. A sign displaying both on-premises and off-premises messages shall be considered off-premises.

On-premises sign shall mean a sign displaying messages pertaining to the use of products sold or leased, services provided, or events which occur on the property where the sign is located.

Parapet shall mean the extension of a building face above the line of the structural roof.

Portable sign shall mean a temporary sign not permanently attached to the ground which can be readily removed and relocated.

Projecting sign shall mean a sign that is attached to a building face and which projects from the face at a perpendicular angle.

Revolving sign shall mean a sign that has the capability to revolve or spin about an axis.

Roof integral sign shall mean a sign incorporated into, but not projecting above, the roof of a building. A roof integral sign is a wall sign.

Roof sign shall mean a sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building.

Searchlight shall mean an apparatus used to attract attention to a property using a powerful beam of light or lights aimed skyward, usually constructed to be swiveled about.

Sign shall mean a device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations.

Sign area shall mean the area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. See Sec. 27-805 for examples of how to calculate the sign area.

Sign contractor shall mean a person or organization with a current and active license to install signs by the City of Hutchinson.

Sign copy shall mean the physical sign message including any words, letters, numbers, pictures and symbols, exclusive of a street address.

Sign embellishment shall mean a decorative detail or feature of a sign that is not part of the sign copy and is not a necessary part of the sign structure.

Sign face shall mean the surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, embellishments, or any areas that are separated from the

background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

Sign height shall mean the distance from the lowest point of the adjacent ground to the highest point of the sign or sign structure.

Sign structure shall mean a support feature, including a pole, pedestal or cabinet, that is designed to hold a sign.

Site shall mean the location where the sign is to be placed.

Streamers shall mean a sign display made of rope, string or wire affixed with flexible materials, often in triangular shape or reflective strips of material, that comprise a fluttering linear display.

Temporary sign shall mean a sign intended to display messages of a transitory or temporary nature (either commercial or noncommercial). Portable signs and signs not permanently embedded in the ground, or affixed to a building or sign structure that is permanently embedded in the ground, are temporary signs. Pennants and streamers are temporary signs.

V sign shall mean a wall sign containing two faces of equal size, positioned at an interior angle subtending less than 145 degrees at the point of juncture of the individual faces.

Wall sign shall mean a sign that is in any manner affixed to any exterior wall of a building or structure, which is oriented on a parallel plane to the building face, and that projects not more than eighteen inches from the building or structure wall at the farthest point. This also includes signs affixed to architectural projections of a building provided the sign area of such signs remains on a parallel plane to the face of the building face or to the face(s) of the architectural projection to which it is affixed.

Wayfinding sign shall mean a sign located in the public right-of-way and owned by the City, County, State or other public entity, specifically designed to provide directional or destination information pertaining to community attractions.

Window sign shall mean a sign affixed to the interior surface of a window with its message intended to be visible to the exterior environment.

Sec. 27-803 Exemptions.

The following are exempt from the provisions of this article, but may be subject to other regulations of the City of Hutchinson.

- A. Signs not visible from a roadway.
- B. Window signs.
- C. Signs required by federal, state or local law.
- D. Flags.

- E. Murals.
- F. Name and address signs, provided said signs do not exceed 2 square feet in area.
- G. Signs erected by government agencies or utilities, including traffic, utility, safety, railroad signs and wayfinding signs.
- H. On premises security and warning signs, such as “no trespassing”, “no hunting” and “no soliciting” signs.
- I. Public art approved by the Hutchinson Public Art Design Council.
- J. Crosses and other religious symbols, provided they do not exceed the height regulations of the underlying zoning district.
- K. Bench signs and bus shelter signs with sign copy lettering height smaller than 6 inches.

Sec. 27-804 Prohibitions.

The following signs are prohibited:

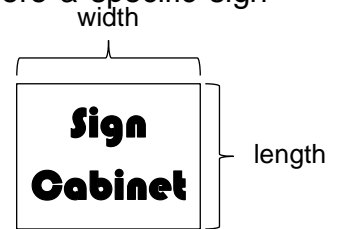
- A. Signs containing strobe lights, flashing parts, beacons, spotlights, reflective surfaces, mirrors and other such features that could be hazardous to the vision of passing motorists.
- B. Dilapidated signs, as defined by this article.
- C. Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by these regulations. This section does not prohibit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.
- D. Signs that imitate or resemble official traffic lights, traffic signs or traffic signals; signs that interfere with the effectiveness of any official traffic light, sign or signal.
- E. Moving signs, including but not limited to spinners, propellers, searchlights, revolving signs and air-filled moving signs.
- F. Inflatable signs, including balloons. Balloons smaller than 3 feet in diameter shall be exempt.
- G. Posters, signs and handbills affixed to any tree, vegetation, rock or utility pole.
- H. Roof signs (except in the C-5 and P/I Zoning Districts).
- I. A-frame signs, except in the C-5 Zoning District.
- J. Signs that emit smoke, visible vapors, sounds or odors. Open flames used to attract public attention are not permitted.
- K. Signs placed in the public right-of-way, other than governmental signs or wayfinding signs.
- L. Signs that infringe upon the sight triangle, as defined in Sec. 27-308 of the City Code.
- M. Street spanning banner signs, except as permitted by the Hutchinson City Council.
- N. Fence signs.
- O. Portable or temporary electronic message center signs.

- P. Off-premises signs except those permitted in the C-4, I-1, I-2 and I-3 Zoning Districts. Existing off-premises signs shall be nonconforming.
- Q. Abandoned signs.

Sec. 27-805 Sign Area.

Sign area shall be calculated based upon the following. The Zoning Administrator is authorized to make interpretations of these regulations in cases where a specific sign does not fit into the categories described.

- A. **Sign cabinets.** The area of sign faces enclosed in frames or cabinets shall be based upon the outer dimensions of the frame or cabinet and shall be calculated by multiplying the width by the length of the cabinet or frame.



- B. **Double-sided signs/V-signs.** Only one side of a double-sided sign or v-sign shall be counted when calculating sign area. The larger sign face shall be used in cases where the sign faces are not of an equal size.
- C. **Multiple-faced signs.** The sign area of multiple-faced signs shall be calculated by adding the area of all sign faces together and multiplying by 50%.

- D. **Round, oval or irregularly shaped signs.** The sign area of said signs shall be calculated using the appropriate mathematical formula or by dividing the sign into smaller geometric shapes that are then added together to calculate the sign area.

- E. **Channel letter signs.** The sign area for channel letter signs shall be calculated using the area of a rectangle enclosing the letters for each word or logo in the sign.



- F. **Awnings, canopies and marquees.** Sign area for awnings, canopies and marquees is calculated by computing the area of a standard geometric shape or combination of shapes drawn around the sign copy area or graphics. The side parallel to the plane of the building shall be counted as one sign face. Perpendicular sides shall count as a second sign face and shall be included in the total area as a double-faced sign.

Sec. 27-806 Sign Height Exception.

Exception. Freestanding signs abutting a roadway with a higher-grade level in comparison to the sign or sign structure shall have sign height measured from the roadway level adjacent to the sign to the highest point of the sign or sign structure.

Sec. 27-807 Maximum Sign Area and Height – Freestanding Signs

Except as otherwise noted in this article, the maximum sign area and height for freestanding signs shall be based upon the adjacent roadway type as follows:

Adjacent Roadway Classification	Maximum Sign	
	Area (square feet)	Maximum Height (feet)
Residential/Other	100	20
Collector	150	25
Arterial*	150/200	25/30
State Highway	250	35

*Signs located immediately adjacent to the following arterial roadways shall be permitted to have the larger height and area, as noted in the chart above:

1. East 30th Avenue from Elm Street to K-61 Highway
2. East 17th Avenue from Severance Street to Airport Road
3. East 4th Avenue from Severance Street to K-61 Highway
4. East 11th Avenue from Lorraine Street to Halstead Street

Sec. 27-808 Signs Permitted for Residential Uses.

A. Signs permitted for single family dwellings and duplexes in any zoning district are as follows:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Wall	1 per unit for home occupations	6 square feet	N/A	No
Temporary	No limit	16 square feet, total square footage of all temporary signs	3 feet	No

B. Signs permitted for multi-family dwellings (3+ units) in any zoning district are as follows:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Freestanding	1 per lot frontage or building	64 square feet	6 feet	Yes

Wall	1 per lot frontage or building	10% of the area of the building face	N/A	Yes
Temporary	No limit	16 square feet, total square footage of all temporary signs	3 feet	No
Directional	2 per drive entrance	6 square feet	3 feet	No

C. Signs permitted for residential subdivisions in any zoning district are as follows:

Sign Type	Maximum Number of Signs Per Subdivision	Maximum Sign Area	Maximum Sign Height	Permit Required
Freestanding	2 per subdivision entrance	64 square feet	8 feet	Yes
Temporary	1 per development while under construction	64 square feet	6 feet	No

D. Signs permitted for vacant lots in residential zoning districts:

Sign Type	Maximum Number of Signs Per Subdivision	Maximum Sign Area	Maximum Sign Height	Permit Required
Temporary	1 per lot frontage for lots that are for sale or lease	64 square feet	6 feet	No

Sec. 27-809 Signs Permitted for Commercial Zoning Districts (C-1, C-2, C-3, C-4, CR, EN & AE)

A. Signs permitted for all commercial and industrial uses located in the C-1, C-2, C-3, C-4, CR, TA and EN zoning districts are as follows. For residential uses, please refer to Sec. 27-808. For public and institutional uses, please refer to Sec. 27-812.

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Freestanding	<ul style="list-style-type: none"> 1 per each 150 feet of lot frontage. Minimum of 1 sign regardless of frontage Separated by a minimum distance of 75 feet from other freestanding signage located on the same zoning lot 	See Sec. 27-807	See Sec. 27-807	Yes

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Wall	N/A	20% of the building face where signs are mounted	N/A	Yes
Temporary/Portable* a. Freestanding b. Wall	a. 1 per lot frontage b. N/A	a. 64 square feet b. 20% of building frontage where mounted	a. 6 feet b. N/A	No
Directional	2 per driveway entrance	6 square feet	4 feet	No
Projecting/V-Sign	1 per facade	32 square feet	8 feet minimum clearance over pedestrian walkways	Yes
Awning/Canopy/Marquee	1 per face	50% of awning, canopy or marquee face	N/A	Yes
Off-premises sign (billboard) [C-4 only]	<ul style="list-style-type: none"> • 1 per lot • Billboards count toward the total sign allotment for the property • Minimum separation of 1500 feet between billboards 	300 square feet	40 feet	Yes
Off-premises sign (non-billboard)	<p>Permitted in cases where a legally platted lot does not have public road frontage, provided:</p> <ul style="list-style-type: none"> • The sign shall be placed in a permanent sign easement • The sign is placed along the nearest public street to the establishment it serves 	See Sec. 27-807	See Sec. 27-807	Yes

	<ul style="list-style-type: none"> The establishment the sign serves is visible from the sign location 			
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***Maximum duration of 30 consecutive days and 60 days in a calendar year, other than on those lots that are for sale or lease.**

B. Electronic Message Center Signs

Electronic message center signs shall be permitted in all zoning districts pertaining to this section and shall be classified in accordance with the sign type (wall, freestanding, etc.), except that portable or temporary electronic message center signs are not permitted.

C. Center Identification Signs

To encourage efficiency in signage and reduce the aesthetic impact of multiple freestanding signs advertising businesses on the same or adjoining properties, Center Identification Signs are encouraged. Center identification signs shall comply with the following:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Center Identification	<ul style="list-style-type: none"> 1 per each 200 feet of lot frontage Separated by a minimum distance of 200 feet from other freestanding signage located on the same zoning lot 	300 square feet	40 feet	Yes

Sec. 27-810 Signs Permitted for the Downtown Commercial Zoning District (C-5)

A. Residential uses in the C-5 zoning district shall comply with Sec. 27-808. Signs associated with all other uses located in the C-5 zoning districts are as follows:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Freestanding	1	100 square feet	10 feet	Yes
Wall	N/A	20% of building face	N/A	Yes
Temporary/Portable*				
a. Freestanding	a. 1 per lot frontage	a. 6 square feet	a. 3 feet	No
b. Wall	b. 20% of building frontage where mounted	b. N/A	b. N/A	

Directional	1 per driveway entrance	6 square feet	4 feet	No
Roof	1**	20% of building face	6 feet, plus 1 foot per story above the first story	Yes
Projecting / V Sign	1 per building face	30 square feet	Minimum of 8 feet of clearance over pedestrian walkway	Yes
Awning/Canopy/Marquee	1 per face	50% of awning, canopy or marquee face	N/A	Yes

*Maximum duration is 30 consecutive days and 60 days in a calendar year, except for lots that are for sale or lease.

**Roof signs shall be permitted as replacements for existing roof signs, as well as in areas where the available façade does not allow for at least a 10-square-foot sign. No wall signs or projecting signs shall be allowed on buildings using roof signs.

B. Electronic Message Center Signs

Electronic message center signs shall be permitted in all zoning districts pertaining to this section and shall be classified in accordance with the sign type (wall, freestanding, etc.), except that portable or temporary electronic message center signs are not permitted.

Sec. 27-811 Signs Permitted in Industrial Zoning Districts (A-I, I-1, I-2 and I-3)

A. Signs permitted for all commercial and industrial uses located in the A-I, I-1, I-2 and I-3 zoning districts are as follows:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Freestanding	<ul style="list-style-type: none"> • 1 per 150 feet of lot frontage • Minimum of 1 sign permitted regardless of lot frontage • Separation distance of 75 feet from other freestanding signs located on the same zoning lot 	See Sec. 27-807	See chart in Sec. 27-807B	Yes

Wall	N/A	20% of building face	N/A	Yes
Temporary/Portable* a. Freestanding b. Wall	a. 1 per lot frontage b. N/A	a. 64 SF b. 20% of building face frontage where mounted	a. 6 feet b. N/A	No
Directional	2 per driveway entrance	25 square feet	5 feet	No
Awning/Canopy/Marquee	1 per face	50% of awning, canopy or marquee face	N/A	Yes
Center Identification Sign	See Sec. 27-809.c.	See Sec. 27-809.c.	See Sec. 27-809.c.	Yes
Off-premises sign (billboard)	<ul style="list-style-type: none"> 1 per lot Billboards count toward the total sign allotment for the property Minimum separation of 1500 feet along the same side of the road for billboards 	300 square feet	40 feet	Yes

*Maximum duration is 30 consecutive days and 60 days in a calendar year, except for lots that are for sale or lease.

B. Electronic Message Center Signs

Electronic message center signs shall be permitted in all zones pertaining to this section and shall be classified in accordance with the sign type (wall, freestanding, etc.), except that portable or temporary electronic message center signs are not permitted.

Sec. 27-812 Signs Permitted for Public and Institutional Uses and the P/I Zoning District

A. Signs permitted for all uses located in the P/I Zoning District and public and institutional uses regardless of zoning district are permitted as follows:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Freestanding	<ul style="list-style-type: none"> 1 per 150 feet of lot frontage Minimum of 1 sign permitted regardless of lot frontage 	See chart Sec. 27-808.B. Lots > 5 acres shall be allowed a	See chart Sec. 27-808.B. Lots >5 acres shall be allowed a	Yes

	<ul style="list-style-type: none"> Separation distance of 75 feet from other freestanding signs on the same zoning lot 	50% increase	50% increase	
Wall	N/A	20% of façade face	N/A	Yes
Temporary/Portable* a. Freestanding b. Wall	a. 1 per lot frontage b. N/A	a. 64 SF b. 20% of building face where mounted	a. 6 feet b. N/A	No
Directional	No maximum number	24 square feet	8 feet	No
Projecting / V Sign	1 per façade	20 square feet	Minimum of 8 feet of clearance over pedestrian walkway	Yes
Awning/Canopy/Marquee	1 per face	90% of awning, canopy or marquee face	N/A	Yes
Roof	1**	20% of building face	6 feet, plus 1 foot per story above the first story	Yes

*Maximum duration of 30 consecutive days and 60 days in a calendar year, other than those lots that are for sale or lease.

**Roof signs shall be permitted as replacements for existing roof signs, as well as in areas where the available façade does not allow for at least a 10-square-foot sign. No wall signs or projecting signs shall be allowed on buildings using roof signs.

B. Electronic Message Center Signs

Electronic message center signs shall be permitted in the P/I Zoning District and for public and institutional uses in any zoning district. Electronic message boards shall be classified in accordance with the sign type (wall, freestanding, etc.). Temporary or portable electronic message signs shall not be permitted.

Sec. 27-813 Sign Regulations Pertaining to All Zoning Districts and Uses

A. Sign Placement.

1. Unless specifically authorized by these regulations, all signs shall be erected totally upon the property to which they pertain and shall not

overhang into or be located upon the public right-of-way, sidewalk, street, public easement or any other public travel way.

2. Sign placement exceptions:

- a. Projecting signs, awning, canopy and marquee signs shall be permitted to extend over a public sidewalk when located in the C-4 or C-5 Zoning District, when approved by the City Engineer.
- b. A-frame signs shall be permitted on a public sidewalk in the C-5 Zoning District, provided the following criteria are met:
 1. The sign is located entirely outside the street, alley or driveway.
 2. The sign meets the temporary signage requirements established in Sec. 27-810.A.
 3. A pedestrian travel zone a minimum of 6 feet in width remains on at least one side of the sign.
 4. The sign does not obstruct pedestrian and wheelchair access to bus stops, designated parking spaces or building exits, including fire escapes.

3. Wall signs shall not extend above the top of the building wall upon which they are mounted and shall not protrude more than 18 inches on average from the wall or structure to which they are attached.

4. All signs shall be located on the premises to which they pertain, with the exception of center identification signs and off-premises (billboard) signs, as specified herein.

B. Permanent construction. All signage, other than temporary signage, shall be constructed of permanent weatherproof materials typically associated with sign construction, including solid plastic, wood, masonry, metal or other rigid materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure. Signs printed on pliable plastic, fabric, cardboard, streamers or other non-rigid materials are temporary signage for the purpose of these regulations unless mounted upon a wall in a permanently affixed frame.

C. Illumination.

1. Temporary signs shall not be illuminated.
2. All other signage shall be allowed to have illumination provided, however, that nighttime illumination shall not exceed 0.3 foot candles above nighttime ambient lighting conditions upon an adjacent residential use as measured at the property line, regardless of the illumination method. Signs using external illumination shall have light sources that are fully shielded.

3. Signs shall be equipped with a mechanism to automatically adjust the display's illuminative brightness and shall be controlled by means of a light detector/photo cell.
 4. Electronic message center signs shall be equipped with a default mechanism that shall freeze the sign in one position or static message if a malfunction occurs.
- D. Structural and engineering standards. All signs, sign structures, sign foundations and sign anchors shall meet the applicable provisions of the adopted building codes of the City of Hutchinson.
 - E. Obstruction prohibited. No sign shall obstruct any fire escape, required exit, window, opening, door or vent. Signage shall not interfere with property storm water drainage.
 - F. Proximity to electrical lines. Signs shall not be placed any closer than 8 feet vertically or horizontally from electrical lines, conductors or electrical guy wires.
 - G. Sight triangle. Signs shall be erected as to comply with the requirements of Sec. 27-308 of these regulations and shall not impede the sight triangle.

Sec. 27-814 Nonconforming signs.

Existing signs which were lawful at the time, but made nonconforming by adoption or amendment to this Code, shall be legal provided they are maintained in good condition. Nothing in this Code shall prohibit the ordinary maintenance, repair or refurbishment of a nonconforming sign or replacement of a broken part of a nonconforming sign, including replacement and upgrade of Electronic Message Center/electronic technology. Replacement of copy, content or message may be considered ordinary maintenance.

- A. A legal nonconforming sign shall not be:
 1. Changed to another type of nonconforming sign, except that conversion of changeable copy signs to electronic message center signage shall not be considered a change in sign type;
 2. Physically changed or structurally altered to increase the square footage or height, however, the shape can be changed;
 3. Continued after more than 12 months of abandonment or vacancy of the property;
 4. Re-established in a different location on the lot;
- B. Nonconforming signs that are destroyed by acts outside of the control of the property owner may be replaced so long as the size and height do not increase.

Sec. 27-815 Dilapidated signs.

All signs found to be dilapidated under this article shall have one year from the date of adoption of these regulations to be repaired. Any signs not repaired within the one-year timeframe shall be deemed to be in violation of this article and their legal nonconforming status, if any, is revoked. The following regulations shall apply.

- A. The Director of Planning and Development or designee shall provide a notice to the property owner of property containing a dilapidated sign advising him/her of the dilapidation determination. Said notice shall contain the following information:
 - 1. Photo(s) of the dilapidated sign.
 - 2. Determination of what sign features deem the sign to be dilapidated and appropriate corrective actions needed.
 - 3. Deadline for repair or removal of the dilapidated sign.
- B. Those dilapidated signs that are not corrected within 365 days of adoption of these regulations shall be removed.

Sec. 27-816 Abandoned signs.

- A. Within 365 days of the adoption of these regulations, abandoned signs that are not classified as dilapidated shall have their sign panel replaced with a blank panel. Signs abandoned after the initial 365 days of adoption shall have 180 days to install the blank panel following of the date of abandonment.
 - 1. Panels shall be constructed of wood, hard plastic or other material typically used for permanent signage.
 - 2. Panels shall be painted one color and shall be maintained.
- B. Abandoned signs that do not meet the requirements of Sec. 27-816.A. are illegal and shall be removed.

Sec. 27-817 Administration.

- A. The Director of Planning and Development or designee shall administer these sign regulations and is authorized to enforce and carry out all provisions thereof.
- B. Administrative authority shall include development of application forms, permit fees and procedures consistent with this section.
- C. The Director of Planning and Development or designee is permitted to enter onto any property in the City to inspect a sign, its structural supports and electrical connections, and to ensure compliance with all adopted codes. Such inspections

shall be conducted during regular business hours of the City unless an emergency exists.

D. Sign installer's license.

1. Persons or businesses desiring to engage in erecting, altering, reconstructing, replacing, renting or placing signs within the City shall not do so without first obtaining a sign installer's license from the Building Official. Sign installer licenses are effective for one calendar year. No sign installer's license is required for persons or businesses erecting, altering, reconstructing, replacing or placing signs only for their personal business on property they own or rent, provided that the requirements of Sec. 27-817.E. are met.
2. A sign installer's license shall not be issued unless the person or business seeking the license provides the City with a certificate of liability insurance and fulfills the other requirements of Sec. 21-109 of the Hutchinson City Code.

E. Sign installation.

The work necessary to construct, install, erect, illuminate or modify signage within the City shall be performed by a licensed sign installer or contractor in conformance with the provisions of this section.

1. Work required to be performed by a sign contractor, electrical contractor or other contractor licensed to perform such work:
 - a. Construction, installation, erection or electrical connection of any sign which is internally illuminated.
 - b. Construction, installation or erection of any permanent freestanding sign requiring wind load calculations.
 - c. Construction, installation or erection of any sign which is located above a pedestrian walkway or on a canopy over a pedestrian walkway.
 - d. Construction, installation or erection of any sign not described in subsection 27-817 E. 2.
2. Work which may be performed by a property owner or lessee:
 - a. Installation or attachment of any individual letters which do not require electrical service or structural modification of the surface to which such letters are being attached.
 - b. Construction and erection of any temporary sign.

F. Sign Permit required.

1. A sign permit shall be required, as established in this code, except for replacement of existing faces or panels, provided no structural alterations are made and the sign does not change in shape, size or area. Normal maintenance on a sign shall not require a sign permit.
2. A sign permit application shall be completed on forms provided by the Director of Planning and Development or designee and shall be completed by the owner, tenant, authorized agent or licensed sign installer.

G. Issuance of permits.

1. Within 14 days of receipt of a complete sign permit application, the Director of Planning and Development or designee shall:
 - a. Issue the permit;
 - b. Deny the permit, including a written statement of the reasons for denial; or
 - c. Request additional information pertaining to the permit.
2. Sign permits may be revoked if:
 - a. There is any false statement or misrepresentation made in the application;
 - b. Work authorized by the permit has not commenced within 180 days from the date of permit issuance; or
 - c. The work authorized by the permit has not been completed within 365 days from the date of permit issuance.
3. The Director of Planning and Development or designee may levy a charge of triple the permit fee for signs erected, placed, relocated, altered or substantially repaired without obtaining permits, as required in this article.
4. The City may require removal of a sign even if a permit was issued, if the permit was issued in error and in violation of these regulations.

H. Sign permit fees.

1. Sign permit fees shall be as established in the Master Fee Schedule and shall be paid at the time of permit application.
2. Substantial changes to an issued permit may result in additional permit fees being assessed.

I. Enforcement.

1. All signs shall be maintained in a safe and attractive manner and shall be free from structural, material and electrical defect or hazard. The property owner is responsible for assuring that signs on their property comply with the provisions of these regulations.

2. The Director of Planning and Development is authorized to exercise the following enforcement authority:
 - a. Arranging for immediate removal of any dangerous sign that poses an immediate threat to the public safety. Such removal may be conducted without notice.
 - b. Ordering, via written notification, removal or repair of any sign which endangers the public safety, health or welfare and/or which has become a public nuisance. The order shall specify the defect or hazard and require correction within 20 days of the date of the letter.
 - c. Ordering, via written notification, removal of an abandoned sign within 35 days of the date of the letter.
 - d. Ordering, via written notification, removal of any illegal temporary signs within 7 days of the date of the letter.
 - e. Confiscating any signs located in the public right-of-way or on public property, other than those specifically required to be permitted under state statute. Confiscated signs may be recovered by the sign owner within 14 days of the date of confiscation, pursuant to payment of a service charge as established in the Master Fee Schedule.
 - f. Deny issuance of a sign permit for property that has outstanding sign violations or assessments, as established in this article.

J. Administrative correction, removal and forfeiture.

1. The Director of Planning and Development or designee may correct a violation of this code or remove any defective, dilapidated, abandoned or illegal sign if an order has been correctly issued and mailed or delivered and if:
 - a. The sign has not been removed or repaired within the specified time limit; and
 - b. The property owner or authorized representative has failed to file an appeal with the Board of Zoning Appeals by the specified time limit.
2. The City shall have the right to recover from the owner or tenant placing such a sign the full costs of removal and disposal of said sign. If the cost is not recovered, the expenses may be assessed as a special assessment against the parcel on which the sign was located.
3. For the purposes of this section, the term "sign" shall include all sign embellishments and supporting structures.

K. Appeals.

1. Any applicant, property owner or authorized representative may appeal the following decisions/determinations of the Planning and Development Director or designee:

- a. Denial of a sign permit.
 - b. A written order issued pertaining to a sign.
2. Appeals shall be filed within 14 days of the date of determination and shall be made on forms as provided by the Planning and Development Director or designee. Appeals shall be accompanied by payment of the required application fee.
 3. Appeals shall follow the procedure as established in Sec. 27-1109 of these regulations.

L. Variances.

1. Requests for variances from the requirements of these regulations may be made for any sign standard contained in these regulations, including sign type. Sign type variances shall not be allowed for billboards.
2. Variance applications shall be filed using forms provided by the Director of Planning and Development or designee and shall include the established application fee.
3. Sign variances shall be subject to the regulations and procedures established in Sec. 27-1110.

M. Penalties.

Any person or business found to be in violation of the provisions of these regulations may be subject to general penalties as provided by Sec. 27-1210.

N. Violations.

Any of the following shall be a violation of these regulations and shall be subject to the enforcement remedies and penalties provided for in Sec. 27-1210.

1. To install, create, erect or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zoning lot on which the sign is located.
2. To install, create, erect or maintain any sign requiring a permit without such permit.
3. To fail to remove any sign that is installed, created, erected or maintained in violation of these regulations, or for which the sign permit has lapsed.
4. To continue any such violation. Each day of a continued violation shall be considered a separate violation when applying the penalty portions of these regulations.

5. Each sign installed, created, erected, or maintained in violation of these regulations shall be considered a separate violation when applying the penalty portions of these regulations.

Section 2. That Article IX, Section 27-901 Home Occupations, be amended as follows:

Sec. 27-901 Home Occupations.

A. Intent.

Home occupations are activities accessory to legal residential uses. Special regulations apply to such activities to ensure that the residential character of the property shall be maintained. These regulations are intended to assure that the home occupation remains subordinate to the residential use and that the residential visual quality and environment of the neighborhood is maintained.

The intent of the regulations of this section is to establish performance standards for all home occupations rather than to limit uses and activities to a specific list. Home occupations that comply with the performance standards of this section are allowed by right unless otherwise expressly stated.

B. Exemptions.

The following uses shall be exempt from the regulations of this section.

1. Home Product Demonstrations:
Occasional home product demonstrations for guests (no more than two per week).
2. Accessory Retail Sales:
Retail sales of goods that are clearly subordinate and subsidiary to a service provided on site (such as hair care products sold to hair cutting clients).

C. Site-Related Standards.

1. Signs:
One non-animated, non-illuminated, accessory identification sign of no more than six square feet in area shall be permitted. The allowed sign shall be placed flat against a wall or door, or displayed in a window.
2. Alterations:
The home occupation shall be limited to the principal structure on the premises and shall not occupy more than 50 percent of the gross floor area of such structure.
3. Outdoor Activities:

There shall be no outdoor storage including but not limited to inventory, equipment and materials used in a home occupation.

4. **Appearance:**
The dwelling and site shall remain residential in appearance and characteristics. External changes that would make the dwelling appear less residential in character or function shall be prohibited. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or the addition of commercial-like exterior lighting.

D. Impact-Related Standards.

The following are additional regulations that shall apply to home occupations. Waivers or variances from the regulations in this section shall be prohibited.

1. **Noise:**
No equipment or process shall be in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses of a person off the lot if the occupation is conducted in a single family detached dwelling, or outside the individual dwelling unit if conducted in a structure other than a single family detached dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
2. **Traffic:**
No traffic shall be generated by such home occupation in substantially greater volumes than would normally be expected in a residential neighborhood.
3. **Nonresident Employees:**
No more than one person other than the persons occupying such dwelling unit as their residence shall work as an employee. For the purpose of this section, the term "employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation who does not live at the site but who regularly visits the site as part of the home occupation.
4. **Other Regulations:**
Home occupations must comply with all other city, county, state and federal regulations.

E. Prohibited Uses.

The following uses shall not in any event be considered home occupations within this definition:

1. Wholesale or retail sales (online and catalog sales are permitted);
2. Any type of business activity involving the repair or assembly of vehicles or equipment with internal combustion engines (such as motor vehicles, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws and other small engines) or of large appliances (such as washing machines, dryers and refrigerators) or any other work related to vehicles and their parts;
3. Tourist accommodations including bed and breakfast establishments;
4. Funeral and interment services;
5. Stables, veterinary services or animal hospitals;
6. Restaurants and other on-site commercial food service or sales are not allowed as home occupations. Catering for off-premises consumption is not prohibited so long as all applicable city, county and state regulations are met;
7. Construction contractor's shop including the storage of materials, goods, equipment, and trailers except when such materials, goods, equipment and trailers are stored inside a completely enclosed building;
8. Grocery stores;
9. Liquor stores, bars and taverns;
10. Tattooing and body piercing facility;
11. Sale, manufacture or storage of explosives, including ammunition;
12. Adult entertainment; and
13. Industrial uses.

F. Home Occupation Permit.

1. Purpose.

Permits for home occupations shall, prior to their establishment, be obtained from the zoning administrator. The permit requirements are intended to ensure:

- a. That the applicant is aware of the provisions of the zoning regulations governing home occupations;
- b. That the city has all information necessary to evaluate whether the proposal initially meets, and continues to meet these regulations; and
- c. That the permit protects the interests of the home occupation and provides the zoning administrator with documentation to respond to inquiries in an informative and timely manner.

2. Procedure and Renewal Process.

Home occupations shall be required to register with the zoning administrator prior to their establishment. At the time of registration, the applicant shall provide an affidavit pledging compliance with the standards, conditions and

the documentation of the home occupation. The permit is tied to the land occupied by the home occupation and is not transferable to other sites or to other operators.

The applicant shall complete the home occupation permit that describes the standards set forth in this section, the type of business activities to take place at the site, the hours of operation, and either the existence of a nonresident employee or the expected number of customers/clients on a daily basis. The zoning administrator may impose such conditions on a home occupation permit as is necessary to meet the purposes of these regulations and protect the public health, safety and welfare of adjacent and nearby uses.

3. Revocation.

- a. If a complaint has been signed and filed with the zoning administrator by the owners of 30 percent or more of the total land area within 200 feet of the boundaries of the parcel of the home occupation, the zoning administrator shall reconsider the permit and upon showing of a violation may terminate the authority to operate the home occupation.
- b. When a home occupation permit has been terminated due to non-compliance with conditions of the existing permit on file, a new home occupation permit will not be issued to the applicant or other persons residing with the application for two years.

Section 3. That the existing Hutchinson City Code Article VIII of Chapter 27 and Section 27-901 of Chapter 27 are hereby repealed.

Section 4. That all other sections of Article IX of Chapter 27 shall remain in full force and effect.

Section 5. This ordinance shall take effect and be in force from and after its passage and publication once in the official City newspaper.

PASSED BY THE GOVERNING BODY, this 16th day of January, 2018, for the City of Hutchinson, Kansas.

Steve Dechant, Mayor

ATTEST:

Karen Weltmer, City Clerk