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CLEAN

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ORDINANCE NO. 50-439

AN ORDINANCE CREATING SECTIONS 24.04.025, 24.04.045, 24.04.228, 24.04.252 AND AMENDING SECTIONS 24.04.010, 24.04.020, 24.04.030, 24.04.040, 24.04.050, 24.04.060, 24.04.070, 24.04.080, 24.04.085, 24.04.090, 24.04.100, 24.04.120, 24.04.130, 24.04.135, 24.04.140, 24.04.150, 24.04.160, 24.04.170, 24.04.175, 24.04.180, 24.04.190, 24.04.191, 24.04.192, 24.04.193, 24.04.194, 24.04.195, 24.04.196, 24.04.197, 24.04.198, 24.04.199, 24.04.200, 24.04.215, 24.04.220, 24.04.221, 24.04.222, 24.04.225, 24.04.230, 24.04.235, 24.04.250, 24.04.251, 24.04.260, 24.04.270, 24.04.280 AND REPEALING SECTIONS 24.04.185, 24.04.223, 24.04.240 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO SIGN REGULATIONS AND STANDARDS AND REPEALING THE ORIGINAL OF SAID SECTIONS.

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

SECTION 1. Section 24.04.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Title.

This Title shall be known as the Sign Code of the City of Wichita, Kansas.”

SECTION 2. Section 24.04.020 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Purpose.

The purpose of this Title is to create a comprehensive and balanced system of content and viewpoint-neutral regulation of signs to facilitate easy and efficient communication between people while protecting the First Amendment Rights of individuals and businesses, to avoid visual clutter harmful to traffic and pedestrian safety, and to preserve and promote property values, business opportunities and community appearance.”

SECTION 3. Section 24.04.025 of the Code of the City of Wichita, Kansas, is created as follows:

“Findings of City Council.

The Governing Body of the City of Wichita finds that:

- (a) Sign regulations impact First Amendment Rights and these rights are important constitutional rights that must be protected;
- (b) Unregulated signage has direct and secondary effects that are harmful to the safety and general welfare of the City as a whole and to its individual citizens;
- (c) These direct and secondary effects result from the visual clutter that occurs as a result of unregulated installation and lack of required maintenance of signs;
- (d) These direct and secondary effects include harm to traffic and pedestrian safety, decreased property values within the City, decreased business opportunities for individuals and businesses, community blight and an overall less pleasing appearance of the community;
- (e) Because of these direct and secondary effects, the City has a compelling interest in regulating signs;
- (f) The purpose of this Title is to provide content and viewpoint-neutral, reasonable time, place and manner restrictions that directly advance the interests of the City;

(g) The scope of these regulations is proportionate to the City's interests and narrowly tailored to achieve the City's stated objectives;

(h) A primary and compelling interest of the City is the ability of the City, other governmental entities and utilities to erect official signs and other warnings so that the information is conveyed to the public in order to protect the public safety and welfare; and

(i) A primary and compelling interest of the City is the ability of first responders to easily identify residents or addresses in emergency situations, therefore necessitating that residents and businesses erect Identification Signs and Nameplate Signs to serve that interest.”

SECTION 4. Section 24.04.030 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Applicability.

The provisions of this Title shall apply to the erection, construction, reconstruction, remodeling, relocation, alteration, hanging, use, location and maintenance of all signs located outdoors and to those signs painted on any part of a building. No sign shall be erected, constructed, reconstructed, remodeled, relocated, altered, hung, affixed or created by painting that would be contrary to the provisions of this Code. These provisions shall be considered together with the provisions of the Wichita-Sedgwick County Unified Building and Trade Code (UBTC) and Wichita Sedgwick County Unified Zoning Code (UZC), and shall regulate the size, height, location, number, setback, Sign Surface area and type of signs otherwise permitted.”

SECTION 5. The original of Section 24.04.040 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Exemptions from this Title.

The provisions of this Title shall not apply to:

1. Flags, symbols or emblems, when displayed by the owner on private property;
Official Signs as defined by this Title;
3. Address numbers not exceeding three (3) square feet in area;
4. Window Displays and On-Site Signs placed in or upon windows of a building, whether painted or attached;
5. Signs designed as an integral part of vending machines and dispensing equipment, or merchandise display racks, and similar merchandise and advertising displays. No such sign shall be located on the public Right of Way. This provision shall in no way be deemed to permit the display or storage of merchandise, vending machines or equipment not otherwise permitted by the provisions of this Code;
6. Traffic control devices on private or public property when erected and maintained in compliance with the Manual on Uniform Traffic Control Devices;
7. Temporary Decorations or displays on private property;
8. Signs on a truck, bus, trailer or other vehicle when the purpose or function of such vehicle is not primarily the display of such signs; and
9. Scoreboard structures in Athletic Stadiums, the face of which is not clearly visible from any residence or public street.”

SECTION 6. Section 24.04.045 of the Code of the City of Wichita, Kansas, is hereby created as follows:

“a. Definitions.

1. **A-frame or Sandwich Sign** means any sign supported from the ground utilizing one or more supporting braces in which a combination of sign and support forms

the letter “A.”

2. **Abandoned Sign** means any sign or any building, structure or premises which has been vacated for a six-month period or longer.
3. **Abutting** means touching or directly contiguous to.
4. **Adjacent** means no farther than one hundred fifty (150) linear feet unless otherwise provided by this Code.
5. **Animated Sign** means an Electronic Message Sign depicting action, motion, light or color changes through electrified or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic displays and may include video displays.
6. **Athletic Stadium** is an open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports or the viewing of sporting events.
7. **Balloon Sign** is a Sign that is inflated and exceeds five (5) square feet in area. Balloons may be tethered or mounted to a structure.
8. **Banner** means a Sign of lightweight fabric or similar non-rigid material with no fully enclosed framework and designed to be attached securely at each end or corner of the Banner to a wall, canopy, post(s) or stakes. Flags shall not be considered a Banner.
9. **Billboard** means a Junior or Standard Billboard Sign. Billboards do not include Off-Site Signs that meet the criteria set forth in Sections 24.04.190(2), 24.04.190(6), 24.04.190(10), 24.04.190(18) or 24.04.251.2(j) of this Code.
10. **Board of Code Standards and Appeals** means the Metropolitan Board of Code Standards and Appeals established by the Wichita-Sedgwick County Unified

Building and Trade Code (UBTC).

11. **Board of Zoning Appeals** means the Board of Zoning Appeals as designated by the City Council of the City of Wichita.
12. **Building Sign** is an On-Site Sign attached to or painted on a wall, awning, canopy, building or structure or that is attached to, but not painted on, a roof structure or roof surface, the height of which shall not exceed the height of the roof or wall parapet, or any of the following: (1) the highest point of the coping of a flat roof; (2) the deck line of a mansard roof; (3) the average height between the eaves and ridge line of a gable, hip or gambrel roof; or (4) three (3) feet above the finished roof deck if the average height of a gable, hip or gambrel roof is less than three (3) feet above the bottom or lowest edge of the roofline; except that of a building or structure that was constructed prior to May 4, 1990 that does not have an area at least three (3) feet tall and twenty (20) feet wide above a glazed portion of the building elevation, the bottom of which is at least seven (7) feet above grade, may have a Building Sign which shall not exceed four (4) feet, six (6) inches above the roof or parapet.
13. **Commercial Sign** means any Sign that directly or indirectly names, advertises or calls attention to a business, product, service or both, or other commercial activity.
14. **Directional Sign** means any Sign that provides direction for the safe and efficient flow of vehicular or pedestrian traffic and shall include signs marking entrances, exits, parking areas, loading areas or other operational features of the premises.
15. **Director** means the Director of the Metropolitan Area Building and Construction Department (MABCD) or designee.

16. **Directory Sign** means an On-Site Sign containing information in a list or map form of the individual components making up a planned unit development, master plan development, shopping center or other development.
17. **Electronic Message Sign** means a Variable Message Sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix, and may also enable changes to be made to messages from locations other than at the sign. Electronic Message Signs shall be classified as animated, flashing or moving signs when the rate of copy and/or graphic changes is more than one change per second.
18. **Flashing Sign** means a Sign that contains flashing lights or exhibits noticeable changes in light intensity with a basic on-off of the same light source or display pattern, or that includes the illusion of intermittent or flashing light by means of animation, or an externally-mounted intermittent light source. Generally, the sign's message, copy or flashing pattern is constantly repeated.
19. **Ground Sign** means a Sign placed upon or supported by, the ground independently of any building or structure on the property.
20. **Identification Signs** mean any Sign or set of numbers, letters or characters with respect to streets or to those homes or buildings around a principal building.
21. **Institution** means the building, group of buildings, place of confinement or use of an established organization or foundation.
22. **Junior Billboard** means an Off-Site Sign with a Sign Surface not greater than three hundred (300) square feet in area, and not exceeding ten (10) feet in height and

thirty (30) feet in length, plus any allowed extensions.

- 23. **Menu Board Sign** means an On-Site Sign designed and used for the display of menu items and pictures and/or prices of menu items.
- 24. **Metropolitan Area Planning Commission** means the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) as established by a joint resolution/ordinance between Sedgwick County and the City of Wichita.
- 25. **Monument Sign** means a detached Ground Sign for which the width of the widest part of the base, pole or pylon cover of the sign is at least one-half the width of the widest part of the Sign Surface or for which the Sign or Sign Cabinet supports consist of visible poles or pylon supporting a Sign Cabinet and the height of the base is not more than two (2) feet above the average grade of the ground.
- 26. **Moving Sign** is a Sign that includes motion or movement or the illusion of motion or movement.
- 27. **Nameplate Sign** means any single-faced, non-illuminated Wall Sign that displays information regarding the person or persons occupying space in a building. Nameplate Signs may be incorporated within a Wall Sign and shall otherwise be subject to regulations restricting Wall Signs.
- 28. **Nit** means a unit of luminance equal to one candela (one candle) per square meter.
- 29. **Noncommercial Sign** means any sign that is not a Commercial Sign.
- 30. **Nonconforming Sign** means any sign that does not comply with the provisions of this Title or any other ordinance of the City of Wichita.
- 31. **Official Sign** means any Sign installed, authorized or erected by a governmental body or agency, public utility or railroad such as traffic signs, signals, regulatory

devices or warnings, signs designating properties or structures officially designated by the federal, state or local government as being of historical significance or other similar signs.

- 32. **Off-Site Sign** means a Sign delivering a message or advertisement which is unrelated to the activities conducted on the premises or the products sold or manufactured thereon.
- 33. **On-Site Sign** means a Sign which conveys a message or advertisement directly related to the lawful use of the premises on which it is located.
- 34. **Owner** means the property owner of record, manager, leasee, designated agent or any person exercising control over the sign.
- 35. **Pennant** means a Sign constructed of fabric or any non-rigid material with no enclosed framework, and designed to be attached securely to a permanent pole or post.
- 36. **Permanent Sign** means a Sign designated and intended for long-term use which is placed on private property and is attached to a wall, building, roof or to the ground by poles, metal braces or masonry.
- 37. **Planning Director** means the Director of the Metropolitan Area Planning Department.
- 38. **Pole, Pylon Cover or Wrap** means an enclosure for concealing and/or decorating poles or other structural supports of a Ground or Pole Sign.
- 39. **Pole or Pylon Sign** means a free-standing Sign supported by uprights, braces, columns, poles or other vertical members that are not attached to a building.
- 40. **Portable Sign** means a temporary On-Site Sign designated in such a manner as to

be readily moveable and not permanently attached to the property; such as A-Frames, trailer signs, signs placed on vehicles, beacon lights and other similar signs. Any such sign shall not exceed a height of ten (10) feet above grade and shall not exceed sixty (60) square feet per side in gross surface area.

41. **Projecting Sign** means an On-Site Sign suspended from or supported by a building or structure and projecting therefrom a distance exceeding one (1) foot from the face of the building or structure to which it is attached.
42. **Public Property** for the purposes of this Title means:
- (1) Any public building or premises owned by a governmental entity;
 - (2) Any sidewalk, public bridge, crosswalk, curb, paved portion of any street, highway, alley or the median strip of any divided street or highway;
 - (3) The paved or unpaved area between the street lines of any street adjacent to a tract of land;
 - (4) Any street sign, traffic sign or signal;
 - (5) Any telephone, electric wire, powerline, street lamppost or any other utility pole or fire hydrant located in the public Right of Way;
 - (6) Any tree or other vegetation on public property, including without limitation, those in the public Right of Way; and
 - (7) Any public park, open space, bench, drinking fountain or other property owned or leased by a governmental entity and used for governmental purposes.
43. **Right of Way** means the area on, below or above the present and future City streets, alleys, bridges, bikeways, parkways and sidewalks that is owned or controlled by

the City, county, state or federal government.

- 44. **Roof Sign** means a Sign erected, constructed and maintained fully upon or over the roof or parapet of a building or structure and having the roof or parapet as its principal means of support that does not meet the definition of a Building Sign.
- 45. **Rotating Sign** is a Sign that turns, spins on or around a pole or other similar axis point.
- 46. **Scrolling Sign** means an Electronic Message Sign that includes a message transition where the message that is leaving or appearing to move horizontally, vertically or diagonally across the sign display surface.
- 47. **Sign** means any device, object or surface, constructed, installed or painted, the purpose of which is to visually deliver a message of either a commercial or noncommercial nature, by attracting attention to the device, object or item.
- 48. **Sign Alteration** means the replacement, enlargement, reduction, reshaping, changing or adding to a Sign or Sign Structure or supporting members.
- 49. **Sign Cabinet** means the structural frame that encloses one or more Sign Surfaces.
- 50. **Sign Structure** means the support, poles, upright bracing or brackets and framework for any sign that is mounted on or affixed to a building, structure or the ground.
- 51. **Sign Surface** means the entire area within a square, circle, rectangle, triangle or combination thereof that encompasses the extreme limits of the writing, representation, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop of structure against which it is placed.

52. **Special Event** means a seasonal or temporary event lasting no longer than thirty (30) days occurring on private property.
53. **Standard Billboard** means an Off-Site Sign with a Sign Surface greater than three hundred (300) square feet in area, but not exceeding fourteen (14) feet in height and forty-eight (48) feet in length plus any allowed extension.
54. **Street Frontage** means the linear feet of a zoning lot directly adjacent to an adjoining street or street Right of Way. In determining Street Frontage, one-half the width of an adjoining alley may be considered as frontage.
55. **Temporary Decoration(s)** means displays erected on a seasonal or temporary basis that are not intended to be permanent in nature and that do not constitute Commercial Signs.
56. **Temporary Sign** means any sign intended to be displayed for a limited period of time which is supported by any means other than by a person and is typically constructed from nondurable materials, including but not limited to paper, cardboard, cloth, plastic or wallboard. Temporary Decorations, Banners, Portable Signs, Balloons or Window Signs shall be regulated by specific provisions set forth in this Title. Unless otherwise limited by specific provisions of this Title, or by the terms of any required permit, a Temporary Sign shall not be displayed for more than ninety (90) days. Temporary Signs shall be removed from a property for not less than thirty (30) days at the end of the maximum time period as set forth in this Title before another Temporary Sign can be located on a property.
57. **Variable Message Sign** means a Sign that includes the electronic or mechanical means for message or copy changes. These signs may include changeable messages

or copy with letters and/or numbers mounted in or on a track system, Electronic Message Signs, and signs with rotating sections or panels (i.e., tri-vision and similar type displays).

- 58. **Wall** means the exterior or surface of a building or structure. For the purposes of this Title, walls shall include mansard-type or sloped-roof structures.
- 59. **Wall Sign** means a Sign attached to and erected parallel to and within one (1) foot of the face or wall of a building.
- 60. **Window Sign** means an On-Site Sign either temporary or permanent that is placed on the inside of a window or upon the windowpanes and is visible from the exterior of the window.
- 61. **Zoning Administrator** means the Director of the Wichita-Sedgwick County Metropolitan Area Planning Department (MAPD) or their designee.
- 62. **Zoning District** means the zoning classifications established in the Wichita-Sedgwick County Unified Zoning Code (UZC).
- 63. **Zoning Lot** means a parcel of land that is designated by its Owner or developer, at the time of applying for a building permit as one lot, all of which is to be used, developed or built upon as a unit under single ownership. As long as it satisfies the requirement of the above and the requirements of the Subdivision Rules and Regulations of the MAPC, such lot may consist of (1) a single lot of record, (2) a portion of a lot of record, or (3) a combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record. For purposes of this Title, approved Community Unit Plans, Planned Unit Developments or "P-O"

Protective Overlays, as defined in the Wichita-Sedgwick County Unified Zoning Code (UZY), shall be considered as a single Zoning Lot.

- (b) To the extent they are not inconsistent with this Title, the definitions adopted by the Unified Zoning Code (UZY), as amended, shall apply to the terms used in this Title.
- (c) Whenever a Sign could be subject to more than one classification, the Zoning Administrator shall determine the most appropriate classification and apply all applicable regulations.”

SECTION 7. The original of Section 24.04.050 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Permits required.

Except as otherwise provided in this Title it is unlawful for any person to place, locate, erect, construct, reconstruct, remodel, relocate, alter, hang, affix or create by painting, a sign within the City without first obtaining a permit from the Director who shall issue permits for the following:

- (a) **Permanent Sign Permit.** This permit shall be required for all new Permanent Signs erected, constructed, reconstructed, remodeled, relocated, altered, hung, affixed or created by painting, or for signs altered to increase the height or area. A Permanent Sign Permit shall not have an expiration date.
- (b) **Temporary Sign Permit.** The Owner of any Temporary Sign shall obtain a Temporary Sign Permit under the conditions set forth by Section 24.04.070. Temporary Sign Permits shall have an expiration date and shall be valid only for

the duration of time noted on the permit and subject all the other applicable provisions of the City ordinances.

(c) **Exemption from Permits and Fees.** All provisions of this Title shall apply to the following signs, except that permits or permit fees shall not be required for:

- (1) Temporary, non-illuminated, signs, not more than eight (8) square feet in area as authorized by Section 24.04.190(5);
- (2) Temporary On-Site Signs displayed during a licensed miscellaneous sale, not exceeding four (4) square feet in area, and located on private property;
- (3) Directional On-Site Signs, not exceeding three (3) square feet in area;
- (4) Identification and Nameplate Signs, not exceeding three (3) square feet in area, that are painted or attached to the windows, doors or walls of a building or accessory to a dwelling;
- (5) Balloon Signs not exceeding five (5) square feet in area as measured at the largest cross-section; and
- (6) Temporary signs as authorized by Section 24.04.190(10).”

SECTION 8. The original of Section 24.04.060 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Permit application and issuance

- (a) Application for permits shall be made to the Director upon forms provided by the City and shall be accompanied by such information as may be required to assure compliance with all appropriate regulations. The application shall include drawings of the sign, location, dimensions, height, construction and structural design for the sign. If deemed necessary, the Director may also require that a

licensed engineer furnish information concerning structural design of the sign and the proposed attachments.

- (b) The Director shall issue a permit for a sign when an application has been made and the sign complies with all applicable regulations of the City.
- (c) A Permanent Sign Permit issued under the provisions of this Title shall expire and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned for a period of one hundred twenty (120) days or more at any time after the work is commenced. The Director may grant extensions to these time limitations when a request is made in writing due to unusual circumstances. Before such work can be commenced or resumed thereafter, a new permit shall first be obtained and the fee therefore shall be one-half the amount required for a new permit for such work; provided no changes have been made in the original design of the sign, and provided further that such suspension or abandonment has not exceeded one (1) year.
- (d) Only licensed and bonded sign hangers may place, locate, erect, construct, reconstruct, remodel, relocate, alter, hang, affix or create by painting any sign requiring a permit.

Exceptions:

- (1) Temporary Signs as set forth in Section 24.04.230, except for Balloon Signs, provided that the Director may require such a sign hanger when the location or nature of such sign requires such sign hanger in the determination of the Director;

(2) Maintenance and repairing of existing signs by the Owner when no structural changes are made to a sign;

(3) Portable Signs.

(e) No permit for a sign issued under this Title shall be deemed to constitute permission or authorization to maintain a public or private nuisance, nor shall any permit issued hereunder constitute a defense in an action to abate a nuisance.

(f) No permit shall be issued for a new sign or the reconstruction, relocation or expansion of a Non-Conforming Sign, when the issuance of the permit would be contrary to this Title.

(g) Applications for Electronic Message Signs shall be accompanied by the following information:

(1) Specifications from the sign manufacturer providing the maximum Nit rating of the sign;

(2) Information from the sign manufacturer indicating the type of dimming control that will be provided with the sign to ensure the sign is appropriately dimmed at night;

(3) A signed letter from the property or business owner for whom the sign is being installed that acknowledges the property or business owner's agreement to abide by this Title governing dimming of the sign at night; and

(4) The provisions of Subsections (g)(2) and (g)(3) set forth above shall not be required for Electronic Message Signs that have a maximum brightness and/or light intensity rating of 3,000 Nits or less.”

SECTION 9. The original of Section 24.04.070 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Permit fees.

The fee as set forth in this Section must be paid to the City before any such permit is issued. Every sign, except those signs exempt from these regulations by Section 24.04.040 or from permits by Section 24.04.050, requires a permit. The fees set forth in this Section may be modified by such fee schedule as may be established by resolution or ordinance of the City Council. Such new or modified fees shall become effective upon publication.

(a) Permanent Sign Permit Fee:

- (1) For each Permanent Sign that is placed, located, erected, constructed, reconstructed, remodeled, relocated, altered, hung, affixed, or created by painting, the sign permit fee shall be twenty-five (25) dollars, plus six (6) dollars per each ten (10) square feet in gross surface area or fraction thereof.
- (2) For each existing Permanent Sign that is altered to increase the area or height of the sign, a sign permit fee of twenty-five (25) dollars plus six (6) dollars per ten (10) square feet of increase in gross surface area of the sign or fraction thereof.
- (3) For each existing Permanent On-Site Sign of which the copy is altered or changed by painting or replacing Sign Surfaces where no increase in height or area occurs, and does not involve structural changes, a sign permit fee of twenty-five (25) dollars shall be paid. This fee shall not apply when a change is made to add an additional face to a single face sign. Further, no permit is required for mere repainting or replacement of a damaged Sign

Surface when there is no substantive change or alteration to existing copy and no increase in the height or area of the sign.

- (4) For each sign that is placed, located, erected, constructed, reconstructed, remodeled, relocated, altered, hung, affixed or created by painting without first obtaining a Permanent Sign Permit, the fee shall be twice the amount specified above.
- (5) For temporary signs as described in Section 20.04.190(5) which exceed eight (8) square feet but are not greater than forty (40) square feet, the sign permit fee shall be fifteen (15) dollars, plus four (4) dollars for each ten (10) square feet in gross surface area or fraction thereof.

(b) Temporary Sign Permit Fees:

- (1) For Banner Signs permitted by Section 24.04.190 of this Code, a Temporary Sign Permit fee of five (5) dollars, plus four (4) dollars for each ten (10) square feet in gross surface area or fraction thereof, in excess of one hundred (100) square feet gross surface area of all Banners, streamers, posters or other similar devices, shall be paid, with a maximum time limit of thirty (30) days.
- (2) For Balloon Signs requiring a permit, the Balloon Sign Permit fee shall be fifteen (15) dollars for each five (5) day permit issued under the requirements of Section 24.04.235. Such Balloon Sign Permits shall be obtained by a licensed sign hanger.
- (3) For all other Temporary Signs requiring a permit, the permit fee shall be five (5) dollars plus one (1) dollar for each fifty (50) square feet, or fraction

thereof, shall be paid for each sign, with a time limitation as set forth in this Title.

- (4) For any Temporary Sign placed on any property without securing a permit and paying the fee therefor, the fee shall be twice the amount set forth above.
- (5) For Portable Signs permitted by this Code, a Temporary Sign Permit of ten (10) dollars shall be paid for each thirty (30) days the sign remains on a Zoning Lot.

Exception:

Portable Signs for which an annual Temporary Sign Permit has been obtained, as set forth in subsection (6) of this Section, need not have a separate Temporary Sign Permit; provided, however, the sign company placing any such sign shall notify the Director of the location of any sign, within twenty-four (24) hours of the placement of the sign, on a form furnished for such purpose.

- (6) For Portable Signs that are individually owned, leased or loaned to any business, institution or individual that are to be located in the City, an annual Temporary Sign Permit shall be obtained for each individual sign. Such annual Temporary Sign Permit shall be one hundred (100) dollars. Any such sign for which such permit is obtained shall bear a decal showing the expiration date of the permit and shall also have the name of the Sign Owner located on the sign.

(c) **Double Fee:**

The payment of a double fee for failing to obtain the appropriate permit prior to the placement, location, erection, construction, reconstruction, remodeling, relocation, alteration, hanging, affixing or creation by painting a sign shall not relieve any person from complying with other provisions of this Title or from the penalties prescribed herein.”

SECTION 10. The original of Section 24.04.080 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Requirements for maintenance of signs.

- (a) All signs, together with all their supports, braces, connections, anchors and any appurtenance thereto shall be kept in good repair and in proper state of preservation. The Sign Surfaces of all signs shall be kept neatly painted or posted at all times. Every sign and the immediate surrounding premises shall be maintained by the Owner or person in charge thereof in a safe, clean, and sanitary condition, and shall be kept free and clear of all rubbish and weeds.
- (b) Any crazing, fading, chipping, peeling or flaking of paint, plastic or glass, or any mechanical, electrical or structural defect shall be corrected within thirty (30) days upon notice by the Director or the sign shall be removed by the Owner.”

SECTION 11. The original of Section 24.04.085 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Nonconforming Signs.

- (a) Any Permanent Sign in existence on May 4, 1990 which does not conform to the provisions of this Title, but which was erected, constructed, reconstructed,

remodeled, relocated, altered, hung, affixed or created by painting in compliance with all previously applicable regulations shall be regarded as a Nonconforming Sign and may continue to exist as a Nonconforming Sign, except as hereafter provided.

- (b) Any Permanent Sign in existence on December 13, 1974, which did not conform to the then existing provisions of the sign regulations, but which was erected, constructed, reconstructed, remodeled, relocated, altered, hung, affixed or created by painting in compliance with all previously applicable regulations, shall be regarded as a Nonconforming Sign and may continue to exist as a Nonconforming Sign, except as hereafter provided.
- (c) The following signs must be removed or conform to all applicable provisions of this Title within fifteen (15) years from the first date of non-conformance:
 - (1) Off-site signs which are within six hundred sixty (660) feet of the established bank lines of the Big or Little Arkansas Rivers; and
 - (2) Signs which are projecting over public Rights of Way in a manner prohibited by Section 24.04.200.

SECTION 12. The original of Section 24.04.090 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Signs hereafter rendered nonconforming.

Any sign which becomes nonconforming subsequent to the effective date of the ordinance codified herein, either by reason of annexation to the City of the Zoning Lot upon which the sign is located or the amendment of this Title so as to render such sign nonconforming, shall be subject to the provisions of this Title. The period within which any sign required by this Title to be

removed or conformed shall commence to run upon the effective date of the annexation, amendment or the date upon which the sign otherwise becomes nonconforming.”

SECTION 13. The original of Section 24.04.100 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Alteration and repair of nonconforming signs.

No alteration or repair shall be made to any Nonconforming Sign unless such sign is brought into conformance with the provisions of this Title except for the following:

- (a) Altering or changing the copy of any Off-Site Sign, and the copy of On-Site Signs for another business on the Zoning Lot, and may include replacing the sign panels when no structural modifications of the sign are made, and such alteration does not increase the height of the sign or area of the Sign Surface;
- (b) Structural alterations or repairs to any Nonconforming Sign shall be limited to signs damaged by fire, explosion, act of God, traffic accident or other similar accident, and when the damage does not exceed fifty (50) percent of its structural value;
- (c) Normal maintenance and repairs required by Section 24.04.080 of this Code; and
- (d) Building Signs on a multi-tenant structure that became nonconforming on May 4, 1990 because they extend above the height of the roof or parapet may be altered or replaced by other such signs, on a building facade on which all the other existing Building Signs for other tenants occupying the building also extend above the height of the roof or parapet.”

SECTION 14. The original of Section 24.04.120 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Abandoned signs.

Any sign which is located on a property which becomes vacant and unoccupied for a period of thirty (30) days, or any sign which was erected for an occupant or business unrelated to the present occupant or his business shall be deemed to have been abandoned. Permanent Signs of a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. An abandoned sign is prohibited and shall be removed within thirty (30) days after notification by the Director or Zoning Administrator.”

SECTION 15. The original of Section 24.04.130 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Removal of signs.

(a) The Zoning Administrator or Director shall remove or cause to be removed any abandoned, dangerous, defective, illegal or prohibited sign subject to removal under the provisions of this Title which has not been removed within the time period specified in this Title, or any other sign maintained in violation of the provisions of this Title. The Zoning Administrator or Director shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within thirty (30) days, the sign shall be removed in accordance with the provisions of this Title;

(b) The notice shall be mailed or given to the Owner of the sign, or the occupant of the property upon which the sign is located or their employee or representative, or to the Owner of the property on which the sign is located as shown on the records of the Register of Deeds;

(c) In addition, any Temporary Sign placed on private property in violation of any provision of this Title may be removed and impounded by the Zoning Administrator or Director. The Zoning Administrator or Director shall prepare a notice and specify the violation involved which shall state that if the sign is not removed or the violation not corrected within seventy-two (72) hours, the sign shall be impounded. This notice shall be served upon the Owner. Such sign shall be retained by the Zoning Administrator or Director for a period of thirty (30) days, after which it may be disposed of in any manner deemed appropriate by the Zoning Administrator or Director. Such sign may be recovered by the Owner within thirty (30) days upon payment of a service charge of twenty-five (25) dollars per sign;

(d) Notwithstanding the above, in cases of emergency, the Director or Zoning Administrator may cause the immediate removal of a dangerous or defective sign without prior notice. Notice of removal shall be given to the Owner within seventy-two (72) hours of removal; and

(e) The Owner may appeal the determination of the Director or Zoning Administrator ordering removal or compliance by filing a written notice of appeal.”

SECTION 16. The original of Section 24.04.135 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Appeals.

Any aggrieved person may appeal the determination of the Director or Zoning Administrator as set forth in Section 24.04.130 by filing a notice of appeal. Such notice shall be filed in writing within ten (10) days of the determination by the Director or Zoning Administrator.

- (a) All appeals, involving determinations arising under the UBTC, shall be referred by the Director to the Board of Code Standards and Appeals for hearing on the matter in dispute.
- (b) All appeals on all other matters arising under this Title shall be filed with the Board of Zoning Appeals for hearing. The Board of Zoning Appeals is hereby granted jurisdiction to hear such appeals in the same manner as all other appeals to such body.”

SECTION 17. The original of Section 24.04.140 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Cost of sign removal.

Any sign removed by the Zoning Administrator or Director may be disposed of in any manner deemed appropriate by the Zoning Administrator or Director. The cost of abatement or removal shall include any and all incidental expenses incurred by the City in connection with the sign abatement or removal. The Owner shall receive notice of such costs, and if unpaid after thirty (30) days, these costs shall be certified to the City Clerk, who shall assess the costs as a special assessment against the lot or parcel of land on which the sign was located in the manner provided by law.”

SECTION 18. The original of Section 24.04.150 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“License to engage in business of sign hanger.

All persons engaged in the business of hanging or installing signs, including Balloon Signs, which involves in whole or part the placement, location, erection, construction, reconstruction, remodeling, relocation, alteration, hanging, affixing or creation by painting of such signs shall be

required to obtain a license from the City to conduct such business. This shall be an annual license and the fee therefor shall be one hundred (100) dollars.”

SECTION 19. The original of Section 24.04.160 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Bond required.

No license shall be issued to any sign hanger until a bond shall have been filed with the City Clerk in the sum of two thousand (2,000) dollars, such bond to be approved as to form by the City Attorney. Such bond shall be conditioned for the construction and erection of signs in accordance with the ordinances of the City, the provisions of this Title and the laws of the state, and to protect and save the City harmless from any and all claims or demands by reason of any negligence of the sign hanger or the sign hanger's agents, servants or employees by reason of the erection, demolition, construction, maintenance, repair, removal or defects in or collapse of any sign erected by or under the direction of the sign hanger named in such bond. This obligation shall be a continuing obligation and shall remain in full force and effect until canceled by the principal or surety after having given thirty (30) days’ written notice to the City. Such notice of cancellation shall be given to the Director.”

SECTION 20. Section 24.04.170 is hereby amended to read as follows:

“Liability for safe maintenance.

The granting of a permit by the Director shall not relieve the Owner of the sign or the owner, tenant or lessee of the premises upon which or to which the sign is attached, from the responsibility of safely maintaining such sign.”

SECTION 21. The original of Section 24.04.175 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Revocation of permits.

The Director or Zoning Administrator may revoke any permit under the provisions of this Title or stop the work or order the removal of any sign for any of the following reasons:

- (a) Whenever there is a violation of any of the provisions of this Title or any other ordinance relating to signs;
- (b) Whenever the continuance of any work becomes dangerous to life or property;
- (c) Whenever there is any violation of any condition on which the permit was based;
- (d) Whenever, in the opinion of the Director or Zoning Administrator, the person having charge of such work is not in compliance with all applicable codes;
- (e) Whenever any false statement or misrepresentation has been made on the application on which the issuance of the permit was based;
- (f) Whenever the Owner has failed to maintain a sign in conformance with this Title; and
- (g) Whenever the Owner has changed the Zoning Lot to make a sign nonconforming.

The notice to stop work or order for removal of a sign shall be as set forth in Section 24.04.130.”

SECTION 22. The original of Section 24.04.180 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Inspections—Right of entry.

The Director and Zoning Administrator or an authorized representative shall inspect all signs regulated by this Title. He or she may also enter any building or upon any premises at any reasonable time for the purpose of inspection or to prevent a violation of this Title upon presentation of the proper credentials.”

SECTION 23. The original of Section 24.04.185 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 24. The original of Section 24.04.190 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Signs permitted in all Zoning Districts.

The following signs shall be permitted in all Zoning Districts:

1. Directional On-Site Signs, not exceeding six (6) square feet in area, displayed on private property for the convenience of the public;

Permanent markers located on private property for the convenience of the public in the identification of a subdivision or the streets therein; provided, that they shall first have been submitted to the Planning Director for approval. The markers shall be determined to be in keeping with the general design of the area and the size shall be limited in height and area dependent upon their location on the property;
3. Identification Signs when consisting of letters fifteen (15) inches or less in height, carved into or securely attached in such a way that they are an architectural detail of the building or entrance way, and; provided further, they are not illuminated apart from the building or entrance way, are not made of reflecting material and do not project more than two (2) inches from the surface to which they are attached;
4. During the time that property is under construction, additional temporary signs may be displayed subject to the following limitations:
 - (a) One sign per Street Frontage;

- (b) Gross surface area per sign - thirty-two (32) square feet in "SF-10", "SF-5" and "TF-3" districts, one hundred twenty-eight (128) square feet in all other districts; and
 - (c) Sign may include illustration of project under construction.
- 5. During the time that a property is listed for sale, lease or rent, additional temporary signs may be displayed with the following limitations:
 - (a) Any such sign shall be unlighted and all lettering shall be permanently affixed to the sign;
 - (b) The maximum gross surface area per sign, in all residential Zoning Districts, except "B" multifamily, is eight (8) square feet; in all other Zoning Districts, including "B" multifamily, it is forty (40) square feet;
 - (c) There shall be only one sign per Street Frontage per listing in "MF-29" multifamily and more restrictive Zoning Districts, provided, that there shall be no more than two (2) Temporary Signs per Zoning Lot in all "MF-29" multifamily and more restrictive Zoning Districts; and
 - (d) In all Zoning Districts other than "MF-29" Multi Family and more restrictive Zoning Districts, there shall be no more than two (2) Temporary Signs per Street Frontage unless the signs can be separated by a minimum distance of 150'. In no event shall there be more than four (4) Temporary Signs per Zoning Lot in Zoning Districts other than "MF-29" multifamily and more restrictive Zoning Districts.

6. During the time that a construction project is being marketed, developed or is under construction, additional Temporary Signs with the following limitations, unless otherwise indicated in an approved Community Unit Plan:

- a. Time period, two (2) years; however, the Zoning Administrator may grant extensions every six (6) months until all lots in the subdivision are sold provided the sign is adequately maintained;
- b. Unlighted or indirectly lighted from an external source only and constructed with neither reflective nor luminous materials;
- c. Permit issued only after the final subdivision plat has been duly recorded; except that a permit may be issued for a property which is governed by an approved Community Unit Plan or for which a preliminary subdivision plat has been approved, for a period of six (6) months, and then may be extended as provided for in subsection a. above if the final plat has been recorded;
- d. Located at or near entrances to tract sections under construction;
- e. Not more than two (2) Sign Structures shall be maintained in any one subdivision less than forty (40) acres in size. For each additional forty (40) acres or major fraction thereof, one additional sign may be erected;
- f. Maximum area of two hundred (200) square feet for each sign;
- g. Maximum height of twenty (20) feet;
- h. Up to two (2) Temporary Signs to direct the public to the project may be permitted off-site, subject to the limitations set forth above and the following additional limitations:

- (1) Must be located on a vacant lot or tract that is at least five hundred (500) feet, and no more than one mile, from the project.
- (2) May not be located within one hundred and fifty (150) feet of a residential structure, or from any other sign facing the same direction of travel, or in a location prohibited by Section 24.04.200 of this code.
- (3) Off-site Signs permitted under this subsection are not required to be placed on a single pole.
- (4) This provision is not intended to further limit the number or location of Off-Site Signs as established in Subsection 24.04.222 or other Sections of this code;

7. Nameplate Signs with a maximum area of three (3) square feet;

8. Temporary Banner Signs shall not exceed a total of sixty-four (64) square feet. Banner Signs shall be limited to one banner per business or location. Banners shall only be temporarily displayed. Such Banners shall not be displayed for more than thirty (30) days and shall be limited to being on display only on property during special events occurring on such property;

9. Temporary Signs displayed during a licensed miscellaneous sale not to exceed four (4) square feet in area, when located in a residential district, and not on public property;

10. No more than one (1) Temporary Sign per fifteen (15) linear feet of street frontage or portion thereof may be located on private property with the permission of the Owner or tenant. Such Signs may be displayed no longer than forty-five (45) days prior to

any election and the two (2) day period following any such election. Such signs shall not exceed eight (8) square feet in area, no more than five (5) feet in height and be located no closer than eight (8) linear feet to a side property line. Such signs may not be lighted or illuminated;

11. Signs for an Institution only, not exceeding twenty-five (25) square feet gross area, which may be lighted by direct or internal illumination of white light only except that Institutions located along designated collector, arterial or expressway streets may have one sign for each collector, arterial or expressway frontage, not exceeding forty-eight (48) square feet in size for each sign. Exception: Institutions located along designated collector, arterial or expressway streets with two hundred (200) feet or more of frontage along such street may have one sign for each collector, arterial or expressway frontage, not exceeding one hundred (100) square feet in size for each sign, or up to two (2) signs for which the combined total sign area does not exceed one hundred (100) square feet, and where such signs are separated by a minimum distance of one hundred fifty (150) linear feet.

12. Building Sign unlighted and not exceeding two (2) square feet in area when allowed by UZC IV. E;

13. Portable Sign for an Institution, provided only one Portable Sign shall be permitted on a Zoning Lot. Any such sign shall not be located closer than one hundred fifty (150) feet to any other Ground or Portable Sign, and shall be located in accordance with all other applicable regulations including, but not limited to, the location of the Portable Sign in relation to the street Right of Way line and the distance from driveway

approaches. Any Portable Sign permitted by this Section shall not exceed sixty (60) square feet in Sign Surface per side;

14. Banners are permitted, except in the “SF-5” or “SF-10” Single Family or “TF-3” Two-Family Zoning Districts subject to the following limitations:

Only one Banner shall be permitted for each building elevation, any such building elevation shall be required to have any one of the following:

- a. Street Frontage,
- b. Be adjacent to an "NO" Neighborhood Office, "GO" General Office, "NR" Neighborhood Retail, "LC" Limited Commercial, "GC" General Commercial, "CBD" Central Business District, "OW" Office Warehouse, "IP" Industrial Park, "LI" Limited Industrial or "GI" General Industrial Zoning District, or
- c. If adjacent to a residential use or Zoning District, there must be a parking, loading or open space area with a depth of one hundred fifty (150) feet or more as measured from the sign surface to the property line which adjoins the Residential Zoning District or use.

No Banners shall exceed thirty (30) square feet of Sign Surface area except as otherwise allowed by subsection (8) of Section 24.04.190, and shall be securely attached to a building, wall or fence;

15. Menu Board Signs, except in any residential Zoning District or any "NO" Neighborhood Office, "GO" General Office or "NR" Neighborhood Retail Zoning District, provided that any Ground Menu Board Sign is located no closer to a front property line than the front wall elevation of the principal use structure, and no closer to a rear or side

property line than the building or compatibility setback allowed by the (UZC) or a special purpose or overlay Zoning District standard or requirement. Menu Board Signs shall be limited to a maximum of two (2), fifty (50) square foot signs per business, or one (1) maximum one hundred (100) square foot sign per business. Smaller Signs of up to six (6) square feet may be located at individual parking stalls without meeting the building or compatibility setback requirements outlined above;

16. Pennant Signs, except in the "SF-5" Single Family, "SF-10" Single Family, or "TF-3" Two-Family Zoning Districts, with the following limitations:

- a. Limited to a maximum area per Pennant of twenty-four (24) square feet;
- b. Limited to two (2) Pennants for each permanent pole, provided the total area of the Pennants does not exceed twenty-four (24) square feet per pole;
- c. Limited to a minimum horizontal separation between Pennants, or between dual Pennants as set forth above where attached to poles, of fifty (50) feet;
- d. Limited to a minimum height of ten (10) feet above adjacent grade at the lowest part of the Pennant;
- e. Limited to a maximum height of thirty (30) feet above adjacent grade at the highest part of the Pennant; and
- f. If along an undesignated street which is adjacent to residential use or zoning, every Pennant must be set back a minimum of fifty (50) feet from the property line.

17. Other signs which the Zoning Administrator may determine fall within the intent and purpose of this Section.”

SECTION 25. The original of Section 24.04.191 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Signs permitted in the MF-18, MF-29 and "B" Residential Zoning Districts.

Ground or Pole Signs for multifamily dwellings and other major offices and Institutions. Such signs shall not exceed twenty-five (25) square feet in area except along designated collector, arterial or expressway streets where the maximum sign area shall be forty-eight (48) square feet. Said signs shall be no more than twenty (20) feet in height, and shall be limited to indirect or internal illumination of white light only.”

SECTION 26. The original of Section 24.04.192 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Signs permitted in the "U" University District.

1. Ground or Pole Signs, provided no individual sign shall exceed thirty-two (32) square feet of Sign Surface area or exceed a height of twenty-five (25) feet. Only one Ground or Pole Sign shall be permitted for any office or business; provided, however, when more than one business is located on a Zoning Lot additional signs may be permitted when a distance separation of one hundred fifty (150) feet along the Street Frontage is maintained. When the distance separation of one hundred fifty (150) feet does not permit each individual business a sign, the business shall share the use of the permitted number of signs. Under no circumstance shall the total Sign Surface area of all Ground or Pole Signs on a Zoning Lot exceed one-half (1/2) square foot per lineal foot of Street Frontage; provided, however, a Zoning Lot with sixty-four (64) feet or less Street Frontage shall be permitted a sign of thirty-two (32) square feet of Sign Surface area. No

Ground or Pole Sign shall be located closer than fifteen (15) feet to an adjacent property. Any sign permitted by this Section shall be limited to indirect or internal illumination of white light only and without flashing or moving images. Notwithstanding the provisions of Section 24.04.190 of this Code, Portable Signs shall not be permitted.

3. Building Signs not exceeding thirty-two (32) square feet in area or thirty (30) feet in height, and be limited to one for each major use in the building. Such signs shall be limited to indirect or internal illumination of white light only and without flashing or moving images.”

SECTION 27. The original of Section 24.04.193 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Signs permitted in the "NO" Neighborhood Office, "NR" Neighborhood Retail, and "GO" General Office districts.

1. Ground or Pole Signs, provided no sign shall exceed thirty-two (32) square feet of Sign Surface area on a single-tenant Zoning Lot. Multi-tenant lots sharing the same Sign Structure may have up to twenty-four (24) square feet each not to exceed a total of ninety-six (96) square feet on the Zoning Lot. Sign height shall not exceed twenty-two (22) feet. Only one Ground or Pole Sign shall be permitted for any office or business; provided, however, when more than one business is located on a Zoning Lot, additional signs may be permitted when a distance separation of one hundred fifty (150) feet along the Street Frontage is maintained. When the distance separation of one hundred fifty (150) feet does not permit each individual business a sign, the businesses shall share the use of the permitted number of signs. Under no circumstance shall the total Sign Surface area of all Ground or Pole Signs on a Zoning Lot exceed one-half (1/2) square

foot per linear foot of Street Frontage; provided however, a Zoning Lot with sixty-four (64) feet or less frontage shall be permitted a sign of thirty-two (32) square feet of Sign Surface area. No Ground or Pole Sign shall be located closer than fifteen (15) feet to an adjacent property. Any sign permitted by this Section shall be limited to indirect or internal illumination of white light only and without flashing or moving images.

2. Portable Signs shall not be allowed except for an Institution as specifically set out in Section 24.04.190.

3. Building Signs provided that the building elevation to which any sign is to be attached shall have one of the following:

- a) Street Frontage;
- b) Be adjacent to a nonresidential Zoning District; or
- c) If adjacent to a residential Zoning District, there must be a parking, loading or open space area with a depth of one hundred fifty (150) feet or more as measured from the Sign Surface to the property line which adjoins the residential Zoning District line or use.

The sum of all Sign Surfaces for each business shall be limited in total area to ten (10) percent of each tenant space elevation with no sign exceeding two hundred (200) square feet in area, and there shall be no more than one (1) sign for each tenant or business on each building elevation.

Such signs shall be limited to direct or internal illumination of white light only and without flashing or moving images.”

SECTION 28. The original of Section 24.04.194 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Signs permitted in the "G" Manufactured Home District.

Signs for a manufactured home park. Such sign shall not exceed twenty (20) feet in height or exceed sixty-four (64) square feet in area, and shall be limited to indirect or internal illumination of white light only.”

SECTION 29. The original of Section 24.04.195 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Signs permitted in the "LC" Limited Commercial District.

1. Illuminated On-Site Ground or Pole Signs as permitted by Section 24.04.221;

Illuminated Building Signs, provided that any building elevation on which such sign is placed shall be required to have or comply with any one of the following:

- a) Street Frontage;
- b) Be adjacent to an "NO" Neighborhood Office, "GO" General Office, "NR" Neighborhood Retail, "LC" Limited Commercial, "GC" General Commercial, "CBD" Central Business District, "OW" Office Warehouse, "IP" Industrial Park, "LI" Limited Industrial or "GI" General Industrial Zoning District; or
- c) If adjacent to a residential use or Zoning District, there must be a parking, loading or open space area with a depth of one hundred fifty (150) feet or more as measured from the Sign Surface to the property line which adjoins the residential Zoning District or use.

The sum of all Sign Surfaces for each business shall be limited in total area to twenty (20) percent of each tenant space elevation with no sign exceeding four hundred (400) square feet in

area, and there shall be no more than three (3) signs for each tenant or business on each building elevation.

If adjacent to a residential use or Zoning District, building elevations not having Street Frontage, but facing onto parking or loading areas exceeding fifty (50) feet but less than one hundred fifty (150) feet in depth, may provide Identification Signs for each place of business having an entrance therefrom, providing such signs shall not exceed fifteen (15) square feet in area nor be more than twelve (12) feet above grade at their highest point.

3. Illuminated Off-Site Signs as permitted by Section 24.04.222.

4. Portable Signs; provided, however, only one sign shall be permitted for an individual business. Any such sign shall be located in accordance with all other applicable regulations including, but not limited to, the area and spacing limitations for Pole and Ground Signs, the location of the sign in relation to the street Right of Way line and the distance from driveway approaches. Such signs may be illuminated; however, strobe lights or flashing bulbs and flashing or moving images shall not be permitted. Any sign permitted by this Section shall not exceed sixty (60) square feet in Sign Surface area or exceed a height of ten (10) feet above grade.

5. Balloon Signs as permitted by Section 24.04.235.”

SECTION 30. The original of Section 24.04.196 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Signs permitted in the "GC" General Commercial and "LI" Limited Industrial districts.

1. Illuminated On-Site Ground or Pole Signs as permitted by Section 24.04.221;
Illuminated Off-Site Signs as permitted by Section 24.04.222;

3. Illuminated Building Signs, provided that these signs shall be limited in total area to twenty (20) percent of each building elevation, and no individual sign shall exceed four hundred (400) square feet;

4. Roof Signs, except for Balloon Signs, shall not be permitted except by a variance approved by the Board of Zoning Appeals;

5. Portable Signs; provided, however, only one sign shall be permitted for an individual business. Any such sign shall be located in accordance with all other applicable regulations; including but not limited to, the area and spacing limitations for Pole and Ground Signs, the location of the sign in relation to the street Right of Way line and the distance from driveway approaches. Such signs may be illuminated; however, strobe lights or flashing bulbs and flashing or moving images shall not be permitted. Any sign permitted by this Section shall not exceed sixty (60) square feet in Sign Surface area; and

6. Balloon Signs as permitted by Section 24.04.235.”

SECTION 31. The original of Section 24.04.197 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Signs permitted in the "CBD" Central Business District.

1. Illuminated On-Site Ground or Pole Signs as permitted by Section 24.04.221;

Illuminated Building Signs, provided that these signs shall be limited in total area to twenty (20) percent of each building elevation, and no individual sign shall exceed four hundred (400) square feet in area;

3. Roof Signs, except for Balloon Signs, shall not be permitted except by a variance approved by the Board of Zoning Appeals; and

4. Balloon Signs as permitted by Section 24.04.235.”

SECTION 32. The original of Section 24.04.198 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Signs permitted in the "GI" General Industrial District.

1. Illuminated On-Site Ground or Pole Signs as permitted by Section 24.04.221;

Illuminated Off-Site Signs as permitted by Section 24.04.222;

3. Illuminated Building Signs; provided that these signs shall be limited in total area to twenty (20) percent of each building elevation, and no individual sign shall exceed four hundred (400) square feet in area;

4. Roof Signs, except for Balloon Signs, shall not be permitted except by a variance approved by the Board of Zoning Appeals;

5. Portable Signs; provided, however, only one sign shall be permitted for an individual business. Any such sign shall be located in accordance with all other applicable regulations including, but not limited to, the area and spacing limitations for Pole and Ground Signs, the location of the sign in relation to the street Right of Way line and the distance from driveway approaches. Such signs may be illuminated; however, strobe lights or flashing bulbs and flashing or moving images shall not be permitted. Any sign permitted by this Section shall not exceed sixty (60) square feet in Sign Surface area; and

6. Balloon Signs as permitted by Section 24.04.235.”

SECTION 33. The original of Section 24.04.199 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Signs permitted in the "OW" Office/Warehouse and the "IP" Industrial Park Districts.

1. On-Site Ground or Pole Signs shall be allowed under the following provisions:

- a. **Number Permitted.** The number of Ground or Pole Signs permitted on a Zoning Lot shall be determined by the linear feet of Street Frontage of the Zoning Lot. Where a Zoning Lot has Street Frontage on more than one street, the provisions of this Section shall apply to each Street Frontage; provided, however, signs permitted by a Street Frontage must be adjacent to, and face the direction of travel along said street.

Exception: On Zoning Lots adjoining designated collector or arterial streets or expressways to which the Zoning Lot has no direct, legal vehicular access, one Ground or Pole Sign not exceeding sixty-four (64) square feet in area and twenty (20) feet maximum height above grade shall be permitted along such collector or arterial street or expressway; provided that any such Ground or Pole Sign shall only be permitted in lieu of Building Signs otherwise allowed on the building elevation facing the same street.

One Ground or Pole Sign shall be permitted for any Street Frontage; provided, however, additional Ground or Pole Signs may be permitted when a distance separation of one hundred fifty (150) feet along the Street Frontage is maintained between Ground or Pole Signs. When the distance separation of one hundred fifty (150) feet does not permit each individual business a sign, the businesses shall share the use of the permitted number of signs.

Under no circumstance shall the total gross surface area of all Ground or Pole Signs on a Zoning Lot Street Frontage exceed the table of areas maximum square feet of all signs per linear foot of Street Frontage set forth in subsection (1)(b) of this Section.

- b. **Size Permitted.** The size of an On-Site Ground or Pole Sign shall not exceed the maximums set forth in the Table of Areas below; provided, however, the total sign area of all on-site Ground or Pole Signs on the Zoning Lot shall not exceed the total permitted area in square feet of all signs per linear foot of Street Frontage adjacent to Street Frontage providing legal, direct vehicular access onto the Zoning Lot.

TABLE OF AREAS

Maximum Permitted Areas for On-Site Ground or Pole Signs in "OW" and "IP" Districts

Type of Street*	Maximum Area of Individual Sign in Square Feet	Total Permitted Area in Square Feet of All Signs per Linear Foot of Street Frontage
Undesignated	50	0.5
Collector	100	0.5
Arterial	150	0.80
Expressway	150	0.80

*As designated on the official zoning map.

Exception: A Zoning Lot with sixty-four (64) feet or less of linear frontage shall be permitted a Ground or Pole Sign of up to thirty-two (32) square feet of Sign Surface area.

- c. **Height Limit.** No Ground or Pole Sign shall exceed a height of twenty (20) feet except when the number of permitted Ground or Pole Signs along a Street Frontage of the Zoning Lot which is adjacent to an arterial street or expressway, as set forth in subsection (1)(a) in this Section, is not utilized. If one or more allowed Ground or Pole Signs along an arterial street or expressway are not utilized, one Ground or Pole Sign along the same arterial or expressway may be increased by five (5) feet in height, or to a maximum of twenty-five (25) feet, provided that the number of businesses on the Zoning Lot exceeds the number of Ground or Pole Signs otherwise allowed in this Section.
- d. **Location on Property.** On-site Ground or Pole Signs shall not project over public Right of Way, and shall be located not closer to an adjacent property line than one-third the frontage of the Zoning Lot or fifteen (15) feet, whichever is less. The centerline of an alley shall be considered an adjacent property line. When more than one Ground or Pole Sign is permitted on a Zoning Lot, there shall be maintained a minimum horizontal distance between signs of one hundred fifty (150) feet, along the same Street Frontage.
- Exception:** A sign located within fifty (50) feet of the intersection of two (2) streets on a corner lot may be placed so that it may face both directions of travel, such as a sign being erected on an angle. When this occurs, it shall be considered a sign adjacent to each street, and one-half of the sign area

shall be charged against the total permitted sign area of each Street Frontage.

Exception: The Zoning Administrator may vary these minimum horizontal distances up to thirty (30) percent when circumstances related to the physical features of the Zoning Lot prevent the installation of the sign at the minimum horizontal distances. The reduction of these minimums shall in no way change the number of signs permitted on a Zoning Lot.

2. Portable Signs shall only be allowed for Institutions as specifically set out in Section 24.04.190.

3. Building Signs not exceeding one hundred fifty (150) square feet in area and thirty (30) feet in height above grade, and limited to one per building elevation for each major use in the building; provided that the total amount of building signage per building elevation shall be limited in total area to ten (10) percent of the building elevation, or a total of three hundred (300) square feet, whichever is less. The building elevation to which any sign is to be attached shall have one of the following:

- a) Street Frontage;
- b) Be adjacent to a nonresidential Zoning District; or
- c) If adjacent to a residential Zoning District, there must be a parking, loading or open space area with a depth of one hundred fifty (150) feet or more as measured from the Sign to the property line which adjoins the residential Zoning District.

4. Any sign permitted by this Section shall be limited to direct or internal illumination of white light only. Signs shall not rotate or have flashing or moving images.

5. For industrial parks within "IP" Industrial Park Districts, Directory Signs and Temporary Signs as allowed by Section 24.04.190(6) shall be allowed with the following limitations:

- a. Exclusively for the businesses located within the industrial park in which the sign is located;
- b. Direct or internal illumination of white light only or reflective or luminous materials. Signs shall not rotate or have flashing or moving images;
- c. Not more than one Directory Sign shall be maintained in any one industrial park less than forty (40) acres in size. For each additional forty (40) acres or fraction thereof, one additional Directory Sign may be erected.
- d. Maximum area shall be as shown in Subsection (1)(b) of this Section under the table of areas "Maximum Area of Individual Sign in Square Feet," regardless of amount of linear Street Frontage.
- e. Maximum height of Directory Signs shall be twenty (20) feet.
- f. Directory Signs must be separated by a minimum distance of three hundred thirty (330) feet from any other Temporary or Directory Sign for the industrial park, and by a minimum distance of one hundred fifty (150) feet from any other on-site Pole or Ground Sign within the industrial park.

6. For purposes of this Section, "Street Frontage" shall be the linear feet of Street Frontage directly adjacent to an adjoining street or street Right of Way from which there is direct, legal vehicular access to the zoning lot. In determining Street Frontage, one-half the width of an adjoining alley may be considered as frontage.”

SECTION 34. The original of Section 24.04.200 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Prohibited locations—General requirements.

- (a) **Obstructing Windows, Doors, Etc.** No sign shall be placed or erected across or so as to obstruct in any way the use of any window, door, exit or entrance or, to or from any building, whether occupied or not, but this provision shall not prohibit placing a sign across a transom. No sign of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape, nor shall any sign be attached to any fire escape.
- (b) **Interfering with Public Safety and Convenience.** No sign shall be erected, constructed, reconstructed, remodeled, relocated, altered, hung, affixed or created by painting, or maintained in any way that will interfere with public safety and convenience or with the proper and convenient operation of the Fire Department for protection of property.
- (c) **Across Streets or Alleys.** No sign shall be suspended or constructed across any street or alley, except as provided in this Title.
- (d) **Use of Public Property.** No sign, except as provided in Subsection (f) of Section 24.04.230, shall be supported in any way by public property. No sign shall project over public Right of Way except Projecting Signs permitted on buildings located within eight (8) feet of a Right of Way line. No part of any Projecting Sign extending over any public property shall be less than ten (10) feet from the surface immediately below,

except signs not exceeding four (4) square feet in area and not projecting more than two (2) feet may be hung not less than eight (8) feet from the surface of the public property immediately below. No part of any sign permitted to extend over any alley or public roadway, however, shall be less than fifteen (15) feet from the surface immediately below. In no case shall the outer edge of a Projecting Sign extend closer to the vertical plane of a street curb than two (2) feet, unless the bottom of such sign is thirteen (13) feet, six (6) inches or more from the sidewalk immediately below. Any permit for a sign over public property issued under the provisions of this Title, or any previous ordinance, shall be revocable at the will of the City Council, upon notice and opportunity for hearing before the City Council.

- (e) **Interfering with Traffic.** No sign of any kind shall be erected or maintained in such a manner as to interfere with, mislead or confuse traffic or to obstruct the line of sight of any traffic signal, or traffic device as may be determined by the Traffic Engineer.
- (f) **Near Residences.** No Off-Site Sign shall be located within fifty (50) feet of a residential structure.
- (g) **Close to Rivers, Parks.** No Off-Site Sign shall be located closer than six hundred sixty (660) feet to the established bank lines of the Big Arkansas or the Little Arkansas Rivers, to any park or recreation area under the jurisdiction of any public body including the Board of Park Commissioners of the City.

Off-Site Signs may be erected within six hundred sixty (660) feet of the established bank lines of the Big Arkansas or the Little Arkansas Rivers or of any such park or recreation area when such Off-Site Signs are located in athletic field facilities owned or operated by a public body.

- (h) **Near Highways.** No Off-Site Sign shall be located closer than six hundred sixty (660) feet to any portion of the existing or designated Right of Way of State Highway K-96 between Interstate 135 and the east City limits.
- (i) **Near Driveway Approach.** No Ground Sign exceeding a height of three (3) feet, permanent or temporary, shall be located within a triangle, the sides of which are formed by the property line, the edge of the driveway as extended from the street, and a line from a point on the property line twenty-five (25) feet from the driveway to a point on the edge of the driveway six (6) feet behind the property line.
- (j) **Posting on Utility Poles.** Except for Official Signs as defined by this Title and Temporary Signs erected by public utilities placed on such utility poles, no sign, notice, poster or other paper or device calculated to attract the attention of the public shall be posted on any lamppost, public utility pole, or traffic control device located in the public Right of Way.”

SECTION 35. The original of Section 24.04.215 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Signs in the Right of Way or on Public Property.

(a) An unauthorized Temporary Sign in the Right of Way or on public property which is not supported or held by a person or persons is hereby declared to be a nuisance.

(b) The following acts are prohibited:

(1) No person shall place or cause the placement of a Temporary Sign in the Right of Way or on Public Property, including but not limited to any street, sidewalk, park, tree or utility poles. The act of placement will be deemed to continue until such sign is removed.

(2) Any Temporary Sign placed or installed in the Right of Way will be deemed an unlawful sign and an abandoned sign and will be subject to immediate removal by the City of Wichita, or as authorized herein.

(3) The existence of a Temporary Sign in the Right of Way or on Public Property directing attention to a person is prima facie evidence that such person has caused the placement of such sign in the Right of Way or on Public Property.

(4) The existence of a Temporary Sign in the Right of Way or on Public Property directing attention to a business, product or service is prima facie evidence that the Owner or the agent for the Owner of that business, product or service caused the placement of such sign in the Right of Way or on Public Property.

(5) The existence of a Temporary Sign in the Right of Way or on Public Property directing attention to an event is prima facie evidence

that the promoter of that event or the agent for the promoter caused the placement of such sign in the Right of Way or on Public Property.

(c) Exception.

Temporary Signs installed by any of the following and directly related to the use of the Right of Way or Public Property, including the control and direction of traffic shall be exempted from the provisions of subsections (a) and (b):

- (1) City, county or state government entities;
- (2) Any road construction work;
- (3) Any public utility with a franchise or other agreement with the City of Wichita; or
- (4) Any other government entity or person expressly authorized by local, state or federal law or contract to install a sign in the Right of Way.

(d) Enforcement.

(1) Penalties. Any violation of this Section may be prosecuted as a misdemeanor in municipal court. The penalty for the first violation of this Section shall be fifty (50) dollars. The penalty for the second or subsequent violation of this Section shall be a fine of not less than fifty (50) dollars but not more than one thousand (1,000) dollars for each sign.

(2) Other remedies and enforcement powers.

a. The City, or its authorized representative as described herein, may remove any unauthorized sign in the Right of Way at any time.

b. The City may notify the presumed Owner of the sign through the contact information on the sign (or through any other available information) that

the Owner has seventy-two (72) hours (or three (3) business days) to remove the sign before a citation may be issued. This seventy-two (72) hour (or three (3) business days) enforcement delay will not be offered to any person or business that has previously been notified regarding the sign at issue or any other sign.

c. Any Temporary Sign removed pursuant to which is six (6) square feet or larger and composed entirely of metal or wood shall be kept by the City or other department designated to remove such sign for a period of twenty (20) days, after which it may be disposed of in any manner deemed appropriate by the City. All other signs removed pursuant to these provisions may be disposed of in any manner deemed appropriate by the City.

d. Any such metal or wooden sign removed pursuant to these provisions may be recovered by the Owner within twenty (20) days upon payment of a service charge of twenty-five (25) dollars per sign.

The City may seek such other remedies and use such other enforcement powers as allowed by law.

(3) Citizen enforcement.

a. For any Temporary Sign posted in violation of this Section, any individual authorized by the Zoning Administrator, after appropriate training provided by the City of Wichita, may:

- (i) remove the sign; and
- (ii) either:
 - (A) discard the sign in an appropriate manner; or

(B) submit the sign to the Zoning Administrator for further enforcement proceedings.

b. A submission to the Zoning Administrator for further enforcement proceedings must be accompanied by an affidavit, in the form required by the Zoning Administrator that describes the circumstances of the violation and removal of the sign.

(4) Right of adjacent property owner to remove signs.

Any property owner or tenant may remove an unauthorized Temporary Sign which is placed in the Right of Way when such Right of Way immediately abuts or is adjacent to the owner or tenant's property in compliance with Sections 10.04.100 or 10.04.125 of the Code of the City of Wichita."

SECTION 36. The original of Section 24.04.220 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"General requirements.

The signs regulated by this Title shall be subject to all applicable ordinances, conditions and special requirements as may be specified herein.

- (a) All signs shall comply with the provisions of the Wichita/Sedgwick County Unified Building and Trade Code relating to the design, structural members, connections and subject to all required permits therein.
- (b) All signs shall comply with the limitations of height, area, type, and illumination requirements as set forth in this Title.
- (c) No signs, except for Pennant Signs, shall be erected that will allow the sign to swing or rotate due to wind action. All signs shall be securely fastened so that movement in any direction is prevented.

- (d) Every sign, except for Banners or Pennant Signs, shall be erected level and plumb and be constructed of galvanized metal or otherwise protected from corrosion.
- (e) No Ground or Pole Sign of combustible material shall be erected closer to a property line or to a building than the distance required by the UBTC for type VN construction, except for Temporary Signs.
- (f) Sign Structures shall be fabricated of noncombustible materials and supported by concrete foundations or anchored with metallic connections to the supporting structure. All electrically illuminated signs shall be constructed as set forth in the UBTC; however, signs may be constructed of heavy timber or faced with combustible materials upon approval of the Director.
- (g) Wall signs shall not extend beyond the top or ends of the wall surface on which the sign is placed without the approval of the Zoning Administrator.
- (h) No Projecting Sign shall be erected closer to an adjacent property than the distance the sign projects from its support. All Projecting Signs shall be constructed entirely of incombustible material.
- (i) Signs erected on, attached to or made a part of a canopy or marquee projecting over public Right of Way shall be considered Projecting Signs.
- (j) Roof Signs shall be constructed of incombustible material and shall be so located as not to interfere with the drainage of the roof, or to prevent access onto any portion of the roof. A permit for any Roof Sign shall be issued only after compliance by the applicant with the following provisions:
 - (1) The applicant shall give a bond in the sum of five thousand (5,000) dollars to save and hold the City free and harmless from all damages which may be

occasioned by the erection and maintenance of such sign; the bond is to be signed by the sureties acceptable to the City and to be approved as to form by the City Attorney.

- (2) In lieu of this bond of five thousand (5,000) dollars for each Roof Sign permitted under this Section, it shall be permissible to file with the City Clerk a blanket surety bond to cover all roof signs erected and maintained by a person within the City.
- (3) Such bond shall be of such nature as to cover such Roof Sign erected and maintained, in the amount of five thousand (5,000) dollars. Such blanket surety bond shall be conditioned to save and hold the City free and harmless for any and all damages, claims or demands which may be occasioned by the erection and maintenance of such sign. Such bond shall be signed by sureties acceptable to the City and shall be approved as to form by the City Attorney.
- (k) Each sign, except Temporary Signs for which permits have been issued for thirty (30) days or less, shall have the name of the sign Owner affixed to the sign in a manner approved by the Zoning Administrator.
- (l) Sign Surface of an On-Site Sign. The Sign Surface area of a sign shall be the sum of all surface areas of all the Sign Surfaces, except that Ground or Pole Signs designed as double-faced signs, with both faces parallel and when the distance between the faces does not exceed three (3) feet, then only one face of the sign shall be considered in determining the sign area.

In determining the surface of a sign, each face of a sign may be broken down into two (2) areas. Each surface area shall include the total area within a single continuous perimeter enclosing the extreme limits of the sign elements. Such perimeters need not include any structural elements lying outside the limits of such sign when they do not form an integral part of the display, nor shall it include either: (i) architectural embellishments when such do not contain any advertising or printed copy, are not lighted and do not exceed ten (10) percent of the permitted sign area; or (ii) a sign Pole or pylon cover or aesthetic wrap when such does not contain any advertising or printed copy and is not internally lighted.

- (m) **Limitations.** Limitations apply to the type, height, setback, number, and gross surface area of signs on each Zoning Lot.
- (n) **Height of Sign.** Sign height shall be measured from grade at the base of the sign to the highest portion of the Sign Structure.
- (o) **Illuminated Signs.** Signs shall be shaded wherever necessary to avoid casting bright light upon property located in any Residential Zoning District or upon any public street. Any Illuminated Sign located on a lot adjacent to or across the street from any Residential Zoning District, which sign is visible and within two hundred (200) feet of any Residential Zoning District, shall not be illuminated between the hours of eleven (11) p.m. and seven (7) a.m. Signs may not be illuminated unless so designated to permit same.
- (p) **Electronic Message Signs.** No Electronic Message Sign shall be erected or installed without dimming controls to ensure the sign is appropriately dimmed at night. Acceptable dimming controls include automated light sensing devices

(photocells) and/or programmable controls that are set by the user to automatically dim the sign at night. Generally, the maximum nighttime brightness and/or light intensity shall not exceed 3,000 Nits (or equivalent). For Electronic Message Signs that have a maximum brightness and/or light intensity of 3,000 Nits or less (or equivalent), dimming controls shall not be required.

- (q) **Flashing or Moving Signs.** No Flashing Signs, Rotating or Moving Signs, animated signs, signs with moving lights, or signs which create the illusion of movement shall be permitted in a Residential Zoning District, or in the "NO" Neighborhood Office District, "GO" General Office District, "NR" Neighborhood Retail District, "OW" Office/Warehouse District, or the "IP" Industrial Park District.
- (r) **Facing Direction of Travel.** A sign shall be considered facing the direction of travel when it is visible from any lane of traffic proceeding along a street and the face of such sign is a plane within thirty (30) degrees of a line perpendicular to the centerline of the street. A sign shall be considered facing both directions of travel along a street if the angle exceeds the thirty (30) degrees as described above. Exception: A sign located within two hundred fifty (250) feet of an intersection of arterials or expressways, or combination thereof, shall be considered facing the line of traffic it is more directed toward providing the face of the sign is in a plane within thirty (30) degrees of a line perpendicular to the centerline of that street.
- (s) **Distance between Off-Site Signs.** Distance between Off-Site Signs facing a direction of travel shall be measured at the centerline of a street at the points where

lines are projected perpendicular to the center line of the street to the center of the signs.

- (t) No portion of a sign that is located within the triangle formed by the imaginary intersection of curb lines at the intersection of two streets, and extending for a distance of fifty (50) feet each way from that imaginary intersection of a curb line of any corner lot, shall be permitted to extend closer than ten (10) feet to grade of adjacent roadway surface.
- (u) Any sign authorized in this Title is allowed to contain noncommercial copy in lieu of any other copy.
- (v) Alternative or additional requirements concerning the type, size, height, and location of signs may be established on specific sites by the requirements of a Planned Unit Development (PUD) or any Zoning Overlay District in accordance with procedures set forth therein.”

SECTION 37. The original of Section 24.04.221 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Specific regulations—On-Site Ground or Pole Signs as referred to in subsections 24.04.195, 24.04.196, 24.04.197, and 24.04.198.

1. **Number Permitted.** The number of Ground or Pole Signs permitted on a Zoning Lot shall be determined by the linear feet of Street Frontage of the Zoning Lot. Where a Zoning Lot has frontage on more than one public Right of Way or street, the provisions of this Section shall apply to each frontage; provided, however, signs permitted by a Street Frontage must be adjacent to, and face the direction of travel along said street. (Exception: signs located within fifty (50) feet of the intersection

of two streets on a corner lot may be placed so that it may face both directions of travel, such as a Rotating Sign or be erected on an angle. When this occurs, it shall be considered a sign adjacent to each street, and one-half of the sign area shall be charged against the total permitted sign area of each Street Frontage). Every Zoning Lot shall be permitted one Ground or Pole Sign. Whenever more than one On-Site Ground or Pole Sign is permitted, it shall be determined by the required minimum horizontal distance from any adjacent property line and the minimum horizontal distance between On-Site Ground or Pole Signs on the Zoning Lot as set forth in subsection (6) of this Section. This will permit two (2) signs on an interior Zoning Lot of one hundred eighty (180) feet or more, and two (2) signs on a corner lot of one hundred sixty-five (165) feet or more. For each additional one hundred fifty (150) feet of frontage above these minimums, one additional sign may be erected. In determining lot frontage, one-half the width of an adjoining alley may be considered as Street Frontage.

EXCEPTION: Whenever a Zoning Lot of less than three hundred thirty (330) feet of Street Frontage, contains a greater number of separate leasehold tenants than the number of permitted On-Site Ground or Pole Signs as set forth above, the following provisions may apply:

- a. No individual business shall be permitted more than one On-Site Ground or Pole Sign, nor in any event, shall the distance between signs be less than seventy-five (75) feet.
- b. No individual business shall install a sign with a Sign Surface area greater than that permitted by the "Table of Areas" set forth in Subsection (4) of

this Section based on that frontage of the building occupied by the leasehold tenant. Whenever the building is more than one story, the frontage shall be divided by the number of floors involved.

- c. Whenever the number of permitted On-Site Ground or Pole Signs based on the seventy-five (75) foot separation requirement does not allow one sign per business, it shall be necessary for tenants to share space on the same pole or base.
- d. Any sign permitted by this exception shall not exceed a height of thirty (30) feet.

2. **Size Permitted.** The size of an On-Site Sign shall not exceed the maximum permitted square feet of sign area as set forth in the Table of Areas of Subsection (4) of this Section; provided, however, the total sign area of all On-Site Ground or Pole Signs on the Zoning Lot shall not exceed the total square feet of area along a Street Frontage as permitted by Subsection (4) of this Section.

3. **Height Limit.** No Ground or Pole Sign shall exceed a height of twenty-five (25) feet except when the number of permitted signs along a Street Frontage of the Zoning Lot, as set forth in paragraph one, is not fully utilized. For each sign that is not utilized along a Street Frontage, one sign may be increased five (5) feet in height. The use of this method shall not permit any sign to exceed a height of thirty-five (35) feet. Unused signs otherwise permitted along an undesignated street shall not be used to increase the height of a sign on another Street Frontage on the same Zoning Lot.

4. **Maximum Area.** The maximum permitted area of an individual Ground or Pole Sign shall not exceed the square feet shown in the following table; provided, however, under no circumstance shall the total sign area of all Ground or Pole Signs on a Zoning Lot exceed the area per lineal foot of Street Frontage adjacent to said street Right of Way.

(**EXCEPTION:** When only one sign is permitted by the frontage of a Zoning Lot, it shall be permitted an area of one hundred (100) square feet when adjacent to an arterial or expressway; fifty (50) square feet when adjacent to a collector street; or twenty-five (25) square feet when adjacent to an undesignated street.)

**TABLE OF AREAS
MAXIMUM PERMITTED AREAS FOR
ON-SITE GROUND OR POLE SIGNS**

Type of Street*	Maximum Area of Individual Sign in Square Feet	Total Permitted Area in Square Feet of All Signs Per Lineal Foot of Street Frontage
Undesignated**	50	0.5
Collector***	150	0.5
Arterial	300	0.80****
Expressway	300	0.80****

* As designated on the official zoning map.

** When an undesignated street is located in an area such that both sides of the street, between intersecting streets, are zoned entirely as a Commercial or Industrial District, the limitations of a collector street shall then apply. Undesignated Street

Frontage shall not be used to increase the size of signs permitted in other streets bordering the same Zoning Lot.

*** When a collector street is located in an area such that both sides of the street, between intersecting streets, are zoned entirely as a Commercial or Industrial District, the limitations of an arterial street shall then apply.

**** 1.0 square feet per lineal foot for multi-tenant lots with less than 330 feet of frontage.

5. **Rotating Signs.** Rotating Ground or Pole Signs are permitted only in Commercial or Industrial Zoning Districts.

6. **Location on Property.** On-Site Ground or Pole Signs shall not project over the public Right of Way, and shall be located not closer to an adjacent property line than one-third the frontage of the Zoning Lot or fifteen (15) feet, whichever is less. The centerline of an alley shall be considered an adjacent property line. When more than one Ground or Pole Sign is permitted on a Zoning Lot, there shall be maintained a minimum horizontal distance of one hundred fifty (150) feet, along the same Street Frontage from another Ground or Pole Sign on the same Zoning Lot. Except as provided in Subsection (1), this shall apply to all on-site Ground or Pole Signs within thirty-five (35) feet of the street Right of Way line.

(EXCEPTION: The Zoning Administrator may vary these minimum horizontal distances up to thirty (30) percent when circumstances related to the physical features of the Zoning Lot prevent the installation of the sign at the minimum horizontal distances. The reduction of these minimums shall in no way change the number of signs permitted on a Zoning Lot.)”

SECTION 38. The original of Section 24.04.222 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Specific regulations—Off-site signs when permitted in the "LC" limited commercial, "GC" general commercial, "LI" limited industrial or "GI" general industrial districts.

1. **Special Review Approval Required.** New Off-Site Billboard Signs or replacement Off-Site Billboard Signs that increase the height or size of an existing Off-Site Sign that are closer to residentially zoned and buildable lots or to residential structures or uses than allowed by subsection (4)(d) of this Section, must obtain a special review approval as outlined in Section 24.04.225.

2. **Number Permitted.** The number of Off-Site Signs facing a direction of travel within any designated mile shall be determined by the linear measurement in feet, along the centerline of the street Right of Way, that is within or adjacent to any "LC" Limited Commercial, "GC" General Commercial, "LI" Limited Industrial or "GI" General Industrial Zoning District; provided, however, such signs shall only be permitted in the Zoning Districts as set forth in Sections 24.04.195, 24.04.196 and 24.04.198. Except in the "GC," "LI" or "GI" Zoning Districts, no Zoning District shall be considered for linear measurement unless it is adjacent to an arterial street or expressway. No Zoning District or zoning shall be considered for linear measurement if it is included within an approved Community Unit Plan, Planned Unit Development, P-O Protective Overlay or Protective Overlay District, except when such Community Unit Plan, Planned Unit Development, P-O Protective Overlay or Protective Overlay District specifically allows Off-Site Billboard Signs. For the purposes of measurement, zoning shall be considered to extend to the centerline of all streets. A designated mile shall be the length of the centerline

of a street between mile section lines, even though the linear measurement may exceed five thousand two hundred eighty (5,280) feet. Any mile not completely within the City limits shall be treated on a percentage basis. The number of signs allowed shall be in direct proportion to the percentage of the designated mile that lies within the City limits boundary. There shall be permitted not more than one Off-Site Sign facing a direction of travel for each five hundred (500) linear feet of street having "GC," "LI" or "GI" zoning adjacent thereto; provided, however, under no circumstances shall there be erected more than five (5) Off-Site Signs facing a direction of travel in a designated mile in the "GC" and "LI" Zoning Districts and eight (8) per mile in the "GI" Zoning District.

Off-Site Signs may be permitted in the "LC" Limited Commercial Zoning District but only when a designated mile has at least fifteen hundred (1,500) linear feet of "LC," "GC," "LI" or "GI" zoning adjacent thereto. When there is at least three thousand (3,000) linear feet of appropriate zoning adjacent to a designated mile, a second Off-Site Sign may be permitted.

Whenever an Off-Site Billboard Sign is located on an "LC" Zoning Lot that abuts or fronts a designated arterial street, such Off-Site Billboard Sign must meet the criteria for an Off-Site Junior Billboard Sign Extensions beyond the three hundred (300) square foot Sign Surface area maximum for Sign Surfaces of an Off-Site Junior Billboard in an "LC" Zoning District are not allowed. When Off-Site Billboard Signs are located on "LC" Zoning Lots that abut or front a designated arterial street, no more than two (2) Off-Site Billboard Signs may be permitted within a designated mile in "LC" Zoning Districts.

3. **Maximum Size and Height Permitted.** In "LC" Limited Commercial, "GC" General Commercial, "LI" Limited Industrial or "GI" General Industrial Zoning Districts or lots, the Sign Surface area of an Off-Site Billboard Sign Surface facing the direction of travel shall

not exceed eight hundred twenty-five (825) square feet, including any extensions. Extensions may not extend more than five and one-half (5 1/2) feet above the normal upper rectangular lineage of the Sign Surface, nor more than two (2) feet beyond any of the other three (3) sides. Maximum rectangular dimensions of any Off-Site Billboard Sign Surface, excluding extensions, shall be fourteen (14) feet in height by forty-eight (48) feet in length. No Off-Site Billboard Sign, Sign Structure or Sign Cabinet shall exceed thirty (30) feet in height at the top of the maximum rectangular dimension, which does not include the permitted extensions.

In "LC" Limited Commercial Zoning Districts or lots, the Sign Surface area of any Off-Site Sign Surface facing the direction of travel along a designated arterial street shall not exceed three hundred (300) square feet, and shall meet the criteria for an Off-Site Junior Billboard Sign. No extensions beyond the maximum three hundred (300) square foot Sign Surface area are allowed for Off-Site Junior Billboard Signs located in or upon "LC" Zoning Districts or lots. In the "LC" Zoning District, no Off-Site Sign shall exceed thirty (30) feet in height at the top of the Sign, Sign Structure or Sign Cabinet.

EXCEPTIONS: Off-Site Billboard Signs, Sign Structures or Sign Cabinets located adjacent to an elevated portion of a highway structure may be erected to a maximum height of fourteen (14) feet above the top of the railing or barrier along the traffic deck. Off-Site Signs that cantilever over the roof or roof parapet of a one-story building shall maintain eight (8) feet of vertical clearance between the bottom of the sign and the roof or parapet and shall not exceed twenty-six (26) feet in height above the roof or parapet. For purposes of enforcement, no Off-Site Sign permit for additional height above a roof or roof parapet shall be issued until the building over which the Off-Site Sign is to be cantilevered has been created.

4. **Prohibited Locations.** No Off-Site Billboard Sign shall be erected on a property when any of the following conditions exist:

a. No Off-Site Billboard Sign shall be erected on a Zoning Lot of less than one hundred fifty (150) feet of frontage, that has more than two (2) On-Site Ground or Pole Signs totaling more than two hundred fifty (250) square feet Sign Surface area facing a direction of travel that are located within thirty-five (35) feet of the street Right of Way line;

b. No Off-Site Billboard Sign shall be erected that would obscure the view of any On-Site Sign. This shall be determined by establishing a sight point at the centerline of the street one hundred fifty (150) feet in either direction, then no On-Site Sign within one hundred fifty (150) feet of the Off-Site Sign shall be obscured from view;

c. No Off-Site Billboard Sign shall be erected within three hundred thirty (330) feet of another Off-Site Sign facing the same direction of travel along the same street;

d. Except as permitted by Section 24.04.225, no Off-Site Billboard Sign shall be erected closer than three hundred (300) feet from a platted and residentially zoned lot on which a primary residential structure can be legally erected or to a residential structure or use. This distance shall be measured from the nearest lot line of such platted and residentially zoned lot or residential structure or use to the closest part of the Off-Site Billboard Sign. This minimum distance may be reduced to one hundred fifty (150) feet when any platted and residentially zoned lot or residential structure or use is fully screened from view of the proposed Off-Site Billboard Sign by a

nonresidential building. Such view shall be from the closest minimum building setback line (as established for residentially zoned lots in the Wichita-Sedgwick County Unified Zoning Code) of the residentially zoned lot or residential structure or use;

e. No Off-Site Billboard Sign shall be located on any property in the "LC" Limited Commercial Zoning District that is not a part of at least three hundred (300) linear feet of continuous Commercial or Industrial Zoning; and

f. No Off-Site Billboard Sign shall be located closer than six hundred sixty (660) feet to the established bank lines of the Big Arkansas or the Little Arkansas Rivers, or to any park or recreation area under the jurisdiction of any public body including the Board of Park Commissioners of the City.

Off-Site Billboard Signs may be erected within six hundred sixty (660) feet of the established bank lines of the Big Arkansas or Little Arkansas Rivers or any such park or recreation area when such Off-Site Signs are located in athletic field facilities owned or operated by a public body.

5. **Setback.** Off-Site Signs shall comply with all building setback lines.

6. **Type.** Off-Site Signs may be Ground or Pole or Wall Signs, but shall not be erected upon or over the roof of any one story building, except as provided in subsection (3) of this Section. Each Off-Site Sign may contain only one panel per facing with a message or advertisement; however, this panel or a portion thereof may be a Variable Message Sign. No Off-Site Pole Signs may be supported by more than one pole.”

SECTION 39. The original of Section 24.04.223 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 40. The original of Section 24.04.225 of the Code of the City of Wichita,

Kansas, is hereby amended to read as follows:

“Special review approval for Off-Site Billboard Sign permits.

This section sets out the required special review procedures for new or enlarged Off-Site Billboard Signs.

1. Authority.

- (a) An application for a permit for installation of a new or enlarged (size or height) Off-Site Billboard Sign located closer to a residentially zoned lot or use than allowed by Subsection (4)(d) of Section 24.04.222 shall require a public hearing and approval by the MAPC or, if forwarded to the Wichita City Council for final action, shall require approval by the Wichita City Council.
- (b) The Metropolitan Area Planning Commission (MAPC) is designated and granted authority to hear and make recommendations on Off-Site Billboard Signs under this section. In exercising such authority and functions, the MAPC shall operate under this Title, and not under the Unified Zoning Code or any zoning statutes. The MAPC shall use its by-laws and other procedures and rules now existing or hereafter amended in such matters.

2. Initiation. An application for a new or enlarged Off-Site Billboard Sign shall be filed upon request of both the Owner(s) of the subject property on which the Off-Site Sign is to be located and the Owner of the proposed sign.

3. Application. A complete application for a new or enlarged Off-Site Billboard Sign shall be submitted to the Planning Director in a form established by the Planning Director, along with a nonrefundable fee that has been established by the Wichita

City Council to defray the cost of processing the application. No application shall be processed until the application is complete and the required fee has been paid. Each application for a new or enlarged Off-Site Billboard Sign shall be accompanied by a site plan that, at a minimum, includes the following information:

- a. A detailed graphic presentation of the subject property site, including property parcel dimensions;
- b. The location of any other buildings or structures on the site;
- c. The location, size and type of any other Ground Signs on the site;
- d. The distance of the proposed sign from any buildings, structures or other signs on the site;
- e. A detailed representation of the proposed sign, including Sign Structure and Sign Surface dimensions, total height of the sign and any related appurtenances such as catwalks.

4. **Establishment of Hearing Date—Publication of Notice.**

- a. Promptly upon determining that an application is complete, the Planning Director shall schedule a public hearing before the MAPC and shall notify the applicant of the meeting and hearing date. The initial public hearing before the MAPC shall be scheduled for the next meeting date for which it is practicable to give at least twenty (20) days' notice.
- b. Notice required pursuant to this Section shall be published in the City's official newspaper and shall indicate the time and place of the public hearing and a general description of the application. The subject property

shall be designated by legal description or a general description sufficient to identify the property under consideration.

- c. Notice required pursuant to this Section shall be mailed to all owners of record of real property within the area covered by the application and to all owners of record of real property within at least two hundred (200) feet of the property lines of the parcel or lot on which the proposed Billboard Sign is to be located. The written notice required in this Section shall be placed in the mail with the postmark to be not less than twenty (20) days prior to the date of the public hearing.

- 5. **Report of Planning Director.** The Planning Director shall prepare a staff report that reviews the proposed application for a new or enlarged Off-Site Billboard Sign in light of the general requirements of this Title and that addresses the following additional elements as they may be appropriate for the review of the application:

- a. The zoning, uses and character of the neighborhood;
- b. The suitability of the subject property for the proposed Off-Site Sign;
- c. The conformance of the requested Off-Site Sign to the adopted or recognized comprehensive plan or other plans or policies being utilized by the City;
- d. Opposition or support of neighborhood residents;
- e. A consideration of the recommendations of professional staff.

The applicant shall have the burden of demonstrating that the application meets the applicable review criteria.

The Planning Director shall provide a copy of the report to the MAPC in its agenda packet and shall send a copy of the report to the applicant by first-class mail, pre-paid, at least five (5) days before the scheduled MAPC hearing.

6. **Action by the Planning Commission.** The MAPC, in a public hearing, shall review the proposed new or enlarged Off-Site Billboard Sign for compliance with the requirements outlined in subsection (5) of this section. In the course of such review, the MAPC may approve modifications to the application and/or site plan as a condition of approval for the Off-Site Sign. Based on that review, the MAPC shall act to approve, approve with conditions or modifications, or deny the application for a new or enlarged Off-Site Billboard Sign. This provision specifically contemplates that it may be necessary for the MAPC to attach additional special conditions to a proposed approval in order to ensure that it complies fully with the criteria of this Code. This action by the MAPC shall be the final action on the Off-Site Billboard application except when any one or more of the following exist: (1) the applicant appeals the action of the MAPC; (2) one or more valid protest petitions are filed opposing the action of the MAPC; or (3) an appeal is filed by anyone with standing to appeal, which shall include the applicant, the Planning Director, the Zoning Administrator, or any Owner of land that is within two hundred (200) feet of the application area and property in question.

When any one or more of these exceptions exist, the MAPC's action shall be in the form of a recommendation that is forwarded to the Wichita City Council for final action. Protest petitions and appeals shall be filed within fourteen (14) days of the conclusion of the MAPC hearing. If the MAPC fails to make a recommendation

on an Off-Site Billboard Sign request, or its motion results in a tie vote, the MAPC shall be deemed to have made a recommendation of disapproval.

7. **Action by the Wichita City Council.** If the Off-Site Billboard Sign application is forwarded to the Wichita City Council for one of the reasons listed in subsection (6) of this section, along with the MAPC's recommendation and any District Advisory Board recommendation, the City Council shall consider the application(s) and may, at its discretion, hold a public hearing. The Off-Site Billboard application may be approved, approved with conditions or modifications, or denied by the City Council. In acting on the application, the City Council may:
- a. Adopt the MAPC's recommendation;
 - b. Override the MAPC's recommendation by a two-thirds majority vote of the membership of the City Council; or
 - c. Return such recommendation to the MAPC with a statement specifying the basis for the City Council's failure to approve or disapprove.

If the City Council returns the MAPC recommendation, the MAPC, after considering the same, may resubmit its original recommendation giving the reasons therefore or submit a new and amended recommendation. Upon the receipt of such recommendation, the City Council, by a simple majority thereof, may adopt, may revise or amend and adopt such recommendation. If the MAPC fails to deliver its recommendation to the City Council following the MAPC's next regular meeting after receipt of the City Council's report, the City Council shall consider such course of inaction on the part of the MAPC as a resubmission of the original recommendation and proceed accordingly. If the City Council approves the

application or the application as modified or with conditions, the Director shall issue a permit to the applicant consistent with the action of the City Council.”

SECTION 41. The original of Section 24.04.228 is hereby created to read as follows:

“Specific historic preservation requirements.

When otherwise permitted by this Title, the following conditions apply for Electronic Message Signs on individual buildings or properties listed on an historic register, or on buildings or properties within a designated historic district:

1. No Electronic Message Signs shall be permitted except on or for theater buildings. Applications for Electronic Message Signs for theaters shall be considered by the City of Wichita Historic Preservation Board;

Electronic Message Signs on or for theater buildings shall comprise only a portion of the overall marquee and/or signage design package for the theater.”

SECTION 42. The original of Section 24.04.230 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Temporary signs.

No Temporary Sign shall be placed on any property without first obtaining a Temporary Sign permit as required by Section 24.04.050. Such permit shall be subject to the following requirements:

- (a) No Temporary Sign shall exceed the size or area allowed by Section 24.04.190 or as permitted in subsection (f) of this Section.
- (b) No Temporary Sign shall extend over or into any street, alley or sidewalk or other public Right of Way except for those attached to permanent canopies or

marquees. No Temporary Sign suspended from or attached to a canopy or marquee shall extend closer to the sidewalk than seven (7) feet.

- (c) All Temporary Signs shall be substantially constructed and adequately weighted or anchored to prevent movement or overturning by the wind.
- (d) All Temporary Signs of rigid construction exceeding seventy-two (72) square feet, and all Temporary Signs on private structures over any public Right of Way shall be erected, affixed or placed by a licensed and bonded sign hanger.
- (e) A permit for a Temporary Sign shall be subject to all applicable regulations and the sign for which the permit was secured shall be removed within twenty-four (24) hours of the expiration of the permit.
- (f) Temporary Signs on Private Structures Over Public Space. Permits for the placing of Temporary Signs, upon privately owned structures, located over or upon public streets, alleys or other public place spaces, may be issued for not to exceed thirty (30) days, subject to the following requirements:
 - (1) The applicant shall submit a signed statement from the Owner, agent or lessee of the structure, granting permission for the erection of the sign.
 - (2) The sign shall not be over two hundred (200) square feet in area.
 - (3) The Owner of the sign shall file with the City Clerk a surety bond or letter of credit approved as to form by the City Attorney, for each sign in the amount of fifteen thousand (15,000) dollars, or any other equivalent security the City Council may approve, to save and hold the City free and harmless from all damages which may be occasioned by the erection and maintenance of such sign.

- (4) Where applicable, obtain a use of street permit as required by Section 10.08.300 of the Code of the City of Wichita.
- (g) Electrical Portable Signs shall not be connected to any electrical power source except during the hours of the business for which the sign is located is open.
- (h) Electrical lines for Portable Signs shall not be permitted to lay on the ground where vehicular traffic is permitted. Use of extension cords for Portable or Temporary Signs is prohibited.
- (i) Temporary Signs shall be removed from a property for not less than thirty (30) days at the end of the maximum time period as set forth in this Title before another Temporary Sign can be located on a property.”

SECTION 43. The original of Section 24.04.235 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Balloon Signs.

Balloon Signs as permitted in the Zoning Districts as set forth in Sections 24.04.195, 24.04.196, 24.04.197 and 24.04.198, shall be permitted with the following limitations:

- (a) Balloon Signs shall be limited to one (1) balloon sign per Zoning Lot at any given time.
- (b) Balloon Signs shall be limited to a maximum of one hundred sixty (160) square feet in area as measured at the largest cross-Section.
- (c) Balloon Signs shall be limited to seven (7) day permits issued no more than four (4) times per calendar year through the MABCD.
- (d) Balloon signs shall be limited in height to a maximum of forty-five (45) feet above grade when mounted or tethered on a roof or structure, and to

twenty-five (25) feet above grade when mounted on or tethered to the Ground.

- (e) Balloon Signs shall be located no closer than one hundred (100) feet to the nearest lot line of any SF-5, SF-10, SF-20, or TF-3 Zoning Districts.
- (f) Balloon Signs must be anchored and/or tethered in accordance with the commercial Balloon Sign manufacturer's recommendations.
- (g) Balloon Signs must be deflated and properly secured when wind speeds exceed forty (40) miles per hour or the manufacturer's maximum wind speed, whichever is less.
- (h) Balloon Signs shall be located no closer than five hundred (500) feet to any hospital helicopter landing pad.
- (i) Balloon Signs shall be located in accordance with all applicable Federal Aviation Administration regulations.
- (j) Any gas used in Balloon Signs must be noncombustible.
- (k) Balloon Signs shall be fire retardant.
- (l) Balloons Signs shall be located no closer than the height of the balloon plus ten (10) feet from any electric power transmission line.”

SECTION 44. The original of Section 24.04.240 of the Code of the City of Wichita, Kansas, is hereby repealed:

SECTION 45. The original of Section 24.04.250 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Variances.

The Board of Zoning Appeals is hereby granted authority to authorize in specific cases a variance from the specific terms of this Title which will not be contrary to the public interest and where, because of special conditions, a literal enforcement of the provisions of this Title will result in unnecessary hardship. Provided that the spirit of this Title shall be observed, public safety and welfare secured, and substantial justice done. Variances under this Title shall be granted under the same procedures and conditions as set forth in subsection (b) of Section 2.12.590.”

SECTION 46. The original of Section 24.04.251 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Sign code adjustments.

1. **Authority.** The Planning Director, with the concurrence of the Zoning Administrator, shall have the authority to approve applications for Sign Code Adjustments.

2. **Types of Adjustments Allowed.** Sign Code Adjustments shall be limited to the following:

a. Reducing the minimum allowed distance required between On-Site Ground, Monument or Pole Signs by up to one-third;

b. Increasing the maximum allowed height of On-Site Ground, Monument or Pole Signs, or of Building or Wall Signs, by up to twenty-five (25) percent;

c. Increasing the maximum allowed size of individual building or wall signs or of the total allowed Building Sign wall elevation coverage by up to twenty-five (25) percent;

d. Increasing the maximum number of allowed Building or Wall Signs per any elevation by up to one (1) in the NO, GO, NR, OW or IP Zoning Districts, or up to two (2) such signs per any elevation in the LC Zoning District.

e. Reducing the minimum allowed depth of parking, loading or open space area required in the LC Zoning District for Building or Wall Signs on elevations not having Street Frontage;

f. Allowing structurally altered legal Non-Conforming On-Site Pole, Ground or Monument Signs to be structurally altered at their existing base or pole structure location provided that the extent of Non-Conforming Sign height or sign size is reduced;

g. Allowing legal Non-Conforming Off-Site Pole, Ground or Monument Signs to be structurally altered to an extent exceeding fifty (50) percent of the sign's structural value or to an extent that includes repairs or modifications exceeding fifty (50) percent of the of the sign's structure, at their existing base or pole structure location provided the number of main support poles or pylons are reduced to a single support pole or pylon, or the extent of Non-Conforming Sign height or sign size is reduced;

h. Increasing the maximum allowed height of Ground, Monument or Pole Signs for On-Site or Off-Site Signs located within seventy-five (75) feet of a Zoning Lot line that directly abuts the Right of Way of an elevated portion of a highway structure to a height at the top of the sign that does not exceed twenty (20) feet above the height of the top of the highest railing or barrier along the traffic deck or decks within the Right of Way at a point perpendicular the sign.

i. Allowing Variable Message or Electronic Message Signs for Institutions located in any residential Zoning District, or in any "NO", "GO", "NR", "OW" or "IP" Zoning Districts.

j. Allowing Off-Site Signs that do not exceed one hundred (100) square feet in area or twenty-five (25) feet in height, provided that the sign for the business being advertised is located on a Zoning Lot that abuts or is adjacent to the Zoning Lot on which the advertised business is located, and on which the proposed Off-Site Sign would otherwise be allowed by the On-Site Sign regulations set forth in Sections 24.04.193, 24.04.199 or 24.04.221.

k. Increasing the maximum distance that a Temporary Sign may be placed from a subdivision, as set forth in Section 24.04.190.6.i. (1), by up to twenty-five (25) percent.

l. Increasing the maximum night time brightness and/or light intensity of allowed Electronic Message Signs, as set forth in Section 24.04.220(p), up to a maximum of 4,000 Nits.

3. For signs not located within an approved Community Unit Plan (CUP), Planned Unit Development (PUD) or Protective Overlay (PO), or located within a CUP, PUD or PO wherein the CUP, PUD or PO provisions and/or conditions refer only to signs as allowed or permitted by the Sign Code, the applicant requesting a sign adjustment may file a variance request to the Board of Zoning Appeals pursuant to Art. V.G of the Wichita-Sedgwick County Unified Zoning Code if the adjustment request is denied, or when such adjustment request has been approved with conditions or modifications that are unacceptable to the applicant. The filing fee for any sign adjustment shall be applied toward the filing fee for any variance request.

4. For signs located within an approved Community Unit Plan (CUP), Planned Unit Development (PUD) or Protective Overlay (PO) wherein the CUP, PUD or PO provision and/or conditions set forth specific sign requirements for the CUP, PUD or PO, the applicant requesting a sign adjustment may file an amendment to the CUP, PUD or PO pursuant to Art. V.C or V.E of the Wichita-Sedgwick County Unified Zoning Code (UZC) if the adjustment request is denied or when such adjustment request has been approved with conditions or modifications that are unacceptable to the applicant. The filing fee for any sign adjustment shall be applied toward the filing fee for any amendment request.

5. Appeals of approved sign adjustments by other than the sign adjustment applicant and/or property Owner may be taken to the Board of Zoning Appeals by filing an appeal with the Board of Zoning Appeals' Secretary within the time limit specified by the rules of the Board of Zoning Appeals, and in accordance with Art. V.F of the Wichita-Sedgwick County Unified Zoning Code (UZC).

6. **Sign Code Adjustment criteria.** The Planning Director shall not approve a Sign Code Adjustment if the Planning Director finds that the proposed development:

- a. Creates more adverse impacts on existing uses in surrounding areas than those that might reasonably result from development of the site in strict compliance with the adjusted standard;
- b. Would not be compatible with existing or permitted uses on abutting sites, in terms of adjusted sign height or size, number of signs, sign bulk and scale, or minimum allowed depth of parking, loading or open space area required;

c. Will be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the immediate vicinity for reasons specifically articulated by the Planning Director.

SECTION 47. Section 24.04.252 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Appeals from the Board of Zoning Appeals.

Any person, official or governmental agency dissatisfied with the decision of the Board of Zoning Appeals may bring an action in the District Court of the Eighteenth Judicial District to determine the reasonableness of such decision. Such appeal shall be filed within thirty (30) days of the final decision of the Board of Zoning Appeals.”

SECTION 48. The original of Section 24.04.260 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Penalty for violation of Title, rule or order.

(a) Except as otherwise provided, any person violating any of the provisions of this Title or any reasonable rule or order of the Director or Zoning Administrator, or causing, or permitting the same to be done, is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred (500) dollars or by imprisonment of not more than six (6) months or both such fine and imprisonment.

(b) The issuance or granting of a permit shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this Title. No permit presuming to give authority to violate or cancel the provisions of this Title shall be valid, except insofar as the work or use which it authorizes is lawful.”

SECTION 49. The original of Section 24.04.270 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Amendments.

Any amendments to this Title shall be forwarded to the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) for their review and comment.”

SECTION 50. The original of Section 24.04.280 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Severability.

If any Section or provision of this Title is for any reason held illegal, invalid, or unconstitutional, such action shall not affect the remaining provisions of this Title which shall remain valid to the extent possible.”

SECTION 51. The original Sections of 24.04.010, 24.04.020, 24.04.030, 24.04.040, 24.04.050, 24.04.060, 24.04.070, 24.04.080, 24.04.085, 24.04.090, 24.04.100, 24.04.120, 24.04.130, 24.04.135, 24.04.140, 24.04.150, 24.04.160, 24.04.170, 24.04.175, 24.04.180, 24.04.185, 24.04.190, 24.04.191, 24.04.192, 24.04.193, 24.04.194, 24.04.195, 24.04.196, 24.04.197, 24.04.198, 24.04.199, 24.04.200, 24.04.215, 24.04.220, 24.04.221, 24.04.222, 24.04.223, 24.04.225, 24.04.230, 24.04.235, 24.04.240, 24.04.250, 24.04.251, 24.04.260, 24.04.270, and 24.04.280 of the Code of the City of Wichita, Kansas are hereby repealed.

SECTION 52. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official City paper.

PASSED by the governing body of the City of Wichita, Kansas, this 25th day of April, 2017.

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Jennifer L. Magaña
City Attorney and Director of Law