

ORDINANCE NO. 47-542

AN ORDINANCE AMENDING SECTIONS 24.04.060, 24.04.085, 24.04.185, 24.04.220 AND 24.04.251 AND REPEALING THE ORIGINALS OF SAID AMENDED SECTIONS; AND CREATING SECTION 24.04.223, ALL IN THE CODE OF THE CITY OF WICHITA, KANSAS, AND PERTAINING TO THE SIGN CODES OF THE CITY OF WICHITA, KANSAS.

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

SECTION 1. Section 24.04.060 of the Code of the City of Wichita is hereby amended to read as follows:

Section 24.04.060. Permit application and issuance.

(a) Application for permits shall be made to the superintendent of central inspection upon forms provided by the city and shall be accompanied by such information as may be required to assure compliance with all appropriate regulations. This may include drawings indicating the sign legend or advertising message, location, dimensions, construction and structural design. If the superintendent of central inspection deems it necessary, he may also require that a licensed engineer furnish information concerning structural design of the sign and the proposed attachments.

(b) The superintendent of central inspection shall issue a permit for a sign when an application therefor 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 chapter shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred eighty days from the date of such permit, or if the work authorized by such permit is suspended or abandoned for a period of one hundred twenty days or more at any time

after the work is commenced.

The superintendent of central inspection 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 therefor 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 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 set forth in Section 24.04.230, except for commercial balloon signs, provided that the superintendent of central inspection may require such a sign hanger when the location or nature of such sign requires such sign hanger in the determination of the superintendent;

(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 chapter 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 nonconforming sign, when the issuance of the permit would be contrary to applicable regulations.

(g) Applications for electronic message signs shall be accompanied by the following information:

(1) Specifications from the sign manufacturer providing the maximum nit (or equivalent) 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 Sign Code regulations governing dimming of the sign at night;

(4) The provisions of Sections 24.04.060.g.(2) and 24.04.060.g(3) shall not be required for electronic message signs that have a maximum brightness and/or light intensity rating of 3,000 nits (or equivalent) or less.

SECTION 2. Section 24.04.085 of the Code of the City of Wichita is hereby amended to read as follows:

Section 24.04.085 Nonconforming signs.

(a) Any permanent sign in existence on the effective date of the ordinance codified in this chapter (May 4, 1990) which does not conform to the provisions of this chapter, 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 chapter within fifteen years from the first date of nonconformance:

(1) Off-site signs which are within six hundred sixty feet of the established bank

lines of the Big or Little Arkansas Rivers;

(2) Signs which are projecting over public rights-of-way in a manner not permitted by Section 24.04.200.

(d) Portable signs which do not conform to the provisions of this chapter and for which an annual temporary sign permit had been obtained prior to May 4, 1990, may continue in their existing locations for the duration of time noted on the permit, and two additional annual permits may be issued for continued use at the same location, but all portable signs must thereafter conform to all applicable regulations of this chapter effective November 14, 1992.

(e) Any electronic message sign in existence on August 18, 2007, which does not conform to the dimming control requirements outlined in Section 24.04.220 (q) of this Chapter shall be required to modify such electronic message sign to comply with the dimming control requirements of Section 24.04.220 (q) by January 31, 2008.

SECTION 3. Section 24.04.185 of the Code of the City of Wichita is hereby amended to read as follows:

24.04.185. Classifications and Definitions.

1. Classification of Signs. Signs shall be classified by the superintendent of central inspection in accordance with the following classifications and definitions:

a. Sign, Advertising Decoration. Various sign materials used for temporary display and decoration, including streamers, string pennants, pinwheels, bunting and other similar devices on which no advertising copy, logos, symbols or emblems are printed, painted or attached, and that also comply with Section 24.04.230 of this Code;

b. Sign, Animated – An electronic message sign depicting action, motion, light or color changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display and may include video displays;

c. Sign, Banner. An on-site sign on which advertising copy, logos, symbols or emblems may be printed, painted or attached, and which advertises goods or services sold, produced or conducted on the premises, or a special event as referenced in 24.04.190(8); constructed of fabric or any non-rigid material with no fully enclosing framework; and designed to be attached securely at each end or corner of the banner sign to a wall, canopy, posts or stakes;

d. Sign, Building. An on-site sign attached to or painted onto 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 of 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 (3) three feet above the finished roof deck if the average height of a gable, hip or gambrel roof is less than three feet above the bottom or lowest edge of the roofline; except that a building or structure that was constructed prior to May 4, 1990 that does not have an area at least three feet tall and twenty feet wide above an unglazed portion of the building elevation, the bottom of which is at least seven feet above grade, may have a building sign which shall not exceed four feet, six inches above the roof or parapet;

e. Sign, Bulletin Board. An on-site sign containing the name of the institution or organization, and may also include names of persons connected with it, announcements of persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message;

f. Sign, Commercial Balloon. An on-site, temporary sign that is inflated and exceeds five square feet in area, designed to advertise a specific product or service sold, produced or conducted on the premises on which advertising copy, logos, symbols or emblems may or may not be printed, painted or attached. Commercial balloons may be tethered or mounted to a structure on the ground;

g. Sign, Commercial Flag or Pennant. An on-site sign on which advertising copy, logos, symbols or emblems may or may not be printed, painted or attached, and which advertises goods or services sold, produced or conducted on the premises, or any of the events referenced in 24.04.190(8); and constructed of fabric or any non-rigid material with no fully-enclosing framework, and designed to be attached securely to a permanent pole or post;

h. Sign, Construction. A temporary on-site sign indicating the names of architects, engineers, landscape architects, contractors, financier and similar artisans involved in the design and construction of a structure or project during the period of construction;

i. Sign, Directional. A sign containing words or symbols indicating an entrance to, exit from, or location of parking, loading, restrooms and emergency entrances which are for the convenience of the public;

j. Sign, Electronic Message - 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;

k. Sign, Flashing – 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;

l. Sign, Ground. A sign placed upon, or supported by, the ground independently of any building or structure on the property;

m. Sign, Identification. An on-site sign which carries only the name and address of a building, business, development or establishment. Such sign may be wholly or partly devoted to a readily recognized symbol;

n. Sign, Menu Board - An on-site sign designed and used for the display of menu items and pictures and/or prices of menu items;

o. Sign, Monument. A detached ground sign for which the width of the widest part of the base or pole or pylon cover of the sign is at least one half the width of the widest part of the sign face, or for which the sign or sign cabinet supports consists of visible poles or pylons supporting a sign cabinet or face that is not more than two feet above the average grade of the ground under the sign face;

p. Sign, Moving – A sign that that includes motion or movement, or the illusion of motion or movement;

q. Sign, Nameplate. A small on-site sign located at any entrance to a building and indicating the name and/or address of an occupant and, where applicable, a professional status;

r. Sign, Off-site. A sign delivering a message or advertisement other than the name, occupation or nature of the activities conducted on the premises or the products sold or manufactured thereon;

s. Sign, Off-Site Billboard. An off-site junior or standard billboard sign. Off-site 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;

t. Sign, Off-Site Junior Billboard. An off-site sign with any face equal to or less than three hundred square feet in area, and not exceeding thirty feet in total height above adjoining grade;

u. Sign, Off-Site Standard Billboard. An off-site sign with any sign face greater than three hundred square feet in area, but not exceeding fourteen feet in height and forty-eight feet in length, plus any allowed extensions;

v. Sign, On-site. A sign which carries only a message or advertisement strictly incidental to a lawful use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, the rental or lease of products or building space, name of the person, firm or corporation occupying the premises;

w. Sign, Pole or Pylon. A detached ground sign whose sign face or cabinet is more than two feet above ground level and is supported by poles, pylons or posts;

x. Sign, Political. A sign pertaining to the announcement of an individual being a legally registered candidate for an elective political office, or a sign stating a position regarding any issue that has been placed on a ballot for public vote or referendum. Any such sign exceeding six square feet of gross surface area shall be classified as an off-site sign and regulated accordingly;

y. Sign, Portable. A temporary on-site sign designed in such a manner to be readily movable 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 feet above grade; and shall not exceed sixty square feet per side in gross surface area;

z. Sign, Project Directory. An on-site sign containing the names and locations, in list or map form, of the individual components making up a planned unit development, shopping center or similar project;

aa. Sign, Project Title. A sign which carries the overall name of a residential subdivision, shopping center, industrial park, medical complex, planned unit development, mobile home park and similar projects;

bb. Sign, Projecting. An on-site sign suspended from, or supported by, a building or structure and projecting there from a distance exceeding one foot beyond the property line;

cc. Sign, Real Estate. An on-site sign, excluding any portable sign as defined herein, displayed for the purpose of offering real property for sale, lease or rent;

dd. Sign, Roof. A sign erected upon or above the roof of a building or structure that does not meet the definition of a Building Sign;

ee. Sign, Rotating – A sign that turns or spins on or around a pole or other similar axis point;

ff. Sign, Scrolling – An electronic message sign that includes a message transition where the message that is leaving or appearing moves horizontally or vertically across the sign display surface;

gg. Sign, Temporary. An on-site sign, excluding any banner, commercial flag or pennant, or construction sign as otherwise defined in this Code, that is limited in the period of time that such sign may remain on a property either by the limitations of these regulations or the conditions of the permit;

hh. Sign, Variable Message. A sign that includes provisions, or the electronic or mechanical means for, message or copy changes. These signs may include changeable message or copy with letters and/or numbers mounted in or on a track system, time and temperature signs, electronic message signs, menu boards, signs with scrolling faces, and signs with rotating sections or panels (i.e., tri-vision and similar type displays);

ii. Sign, Wall. A sign attached to, erected against, or painted onto a wall of a building with the exposed face of the sign in a plane parallel to said wall;

jj. Sign, Window. On-site signs, either temporary or permanent, installed on the window area of a building;

2. Definitions. The definitions set out below are applicable to this chapter:

- a. Abutting - Abutting means touching or directly contiguous to.
- b. Adjacent - Adjacent means no farther than one hundred fifty linear feet, unless otherwise provided in a specific section of this Code.
- c. Institution. The building, group of buildings, or place of confinement or use of an established organization or foundation dedicated to public service, education, or culture, or any church or school.
- d. Nit – Nit shall mean a unit of luminance equal to one candela (one candle) per square meter.
- e. Owner. Owner of a sign includes the property owner of record, manager, lessee, designated agent, or any person exercising control over the sign.
- f. Pole or Pylon Cover or Wrap – An enclosure for concealing and/or decorating poles or other structural supports of a ground or pole sign.
- g. Sign. Any structure, fixture, banner, flag, pennant, placard or device using text (including letter, word, or numeral), pictorial representation (including illustration, declaration, or figure), emblem (including device, symbol, logo, or trademark), attention attracting device such as strobe lights, flashing lights or beacon lights, or any other thing which is designed, intended, or used to identify, instruct, attract, guide, advertise or inform, any part of which is visible from any adjacent property or public street or highway.
- h. Sign Cabinet – The structural frame that encloses one or more sign faces.
- i. Sign Structure. A structure of any kind which is built or constructed and supports or is capable of supporting a sign as defined in this chapter. A sign structure shall include the foundation and base, the poles or pylons that support the sign, any structural extensions that support a sign or its cabinet, any structural framework that supports a sign face, or any sign face cabinet.
- j. Zoning District or District. Zoning classifications established in the Wichita-Sedgwick County Unified Zoning Code as set forth in Title 28 of the Code of the City of Wichita.
- k. Zoning Lot. 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, 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 Code, approved Community Unit Plans, Planned Unit Developments or “P-O” Protective Overlays, as defined in the Wichita-Sedgwick County Unified Zoning Code, shall be considered as a single zoning lot.

2. To the extent they are not inconsistent with this chapter, the definitions adopted for Title 28 of the Code of the City of Wichita, as amended shall apply to the terms used in this chapter. The use of zoning definitions and reference to the zoning code is for purposes of convenience and shall not be deemed to make the sign ordinance or activities or regulation under the sign ordinance as zoning or zoning regulation.

3. Signs subject to more than one classification. Whenever a sign could be subject to more than one classification, the superintendent of central inspection shall determine the most appropriate classification and apply all applicable regulations.

SECTION 4. Section 24.04.220 of the Code of the City of Wichita is hereby amended to read as follows:

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

(a) All signs shall comply with the appropriate detailed provisions of Title 18, building code, relating to the design, structural members and connections.

(b) All signs shall comply with the applicable provisions of Title 19, electrical code, and subject to the permits required therein.

(c) All signs shall comply with the limitations of height, area, type, and illumination requirements as set forth in this chapter.

(d) No signs, except for commercial flag or 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.

(e) Every sign, except for advertising decoration, banner and commercial flag or pennant signs, shall be erected level and plumb and be constructed of galvanized metal or otherwise protected from corrosion.

(f) 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 building code for type VN construction, except for temporary signs.

(g) Structures of all signs and 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 electrical code; however, signs may be constructed of heavy timber or faced with combustible materials upon approval of the superintendent of central inspection.

(h) 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 superintendent of central inspection.

(i) 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.

(j) 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.

(k) 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:

The applicant shall give a bond in the sum of five thousand 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.

In lieu of this bond of five thousand dollars for each roof sign permitted under this section, it shall be permissible to file with the city a blanket surety bond to cover all roof signs erected and maintained by a person within the city. Such bond shall be of such nature as to cover such roof sign erected and maintained, in the amount of five thousand 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.

(l) Each sign, except temporary signs for which permits have been issued for thirty days or less, shall have the name of the sign owner affixed to the sign in a manner approved by the superintendent of central inspection.

(m) Gross Surface Area of an On-Site Sign. The gross surface area of a sign shall be the sum of all surface areas of all the sign faces, 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 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 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 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.

(n) Limitations. Limitations apply to the type, height, setback, number, and gross surface area of signs on each zoning lot.

(o) Height of Sign. Sign height shall be measured from grade at the base of the sign to the highest portion of the sign structure.

(p) Illuminated Signs. Signs shall be shaded wherever necessary to avoid casting bright light upon property located any residential district or upon any public street. Any illuminated sign located on a lot adjacent to or across the street from any residential district, which sign is visible and within two hundred feet of any residential district, shall not be illuminated between the hours of eleven p.m. and seven a.m. Signs may not be illuminated unless so designated to permit same.

(q) 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.

(r) 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.

(s) 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 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 degrees as described above. Exception: A sign located within two hundred fifty 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 degrees of a line perpendicular to the centerline of that street.

(t) 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.

(u) 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 feet each way from that imaginary intersection of a curb line of any corner lot, shall be permitted to extend closer than ten feet to grade of adjacent roadway surface.

(v) Any sign authorized in this ordinance is allowed to contain noncommercial copy in lieu of any other copy.

(w) Alternative or additional requirements concerning the type, size, height, and location of signs may be established on specific sites subject to the community unit plan regulations found in the Unified Zoning Code in accordance with procedures set forth therein.

SECTION 5. Section 24.04.223 of the Code of the City of Wichita is hereby created to read as follows:

24.04.223. Specific historic preservation requirements. When otherwise permitted by this Chapter, electronic message signs on buildings or properties listed on an historic register, or on properties within a designated historic district, or electronic message signs on buildings or properties within the environs of buildings or properties listed on an historic register or within the environs of a designated historic district, shall be subject to the following conditions and/or special requirements:

1. Electronic message signs on buildings or properties within the environs of a listed historic building or property, or within the environs of a designated historic district, may be reviewed and approved by City staff as allowed for in Section 2.12.1023 of the Code of the City of Wichita, subject to the following provisions:

- a. Not more than one electronic message sign shall be permitted on a zoning lot;
- b. Animated, flashing or moving electronic message signs are not permitted, except for scrolling electronic message signs, which may be permitted;
- c. Electronic message sign images or messages shall not change more than once every three seconds, except for scrolling electronic message signs, which may be permitted;
- d. Electronic message building signs shall be limited in total area to ten percent of the area of the wall elevation to which such sign is attached, and no electronic message building sign shall exceed two hundred square feet in area;
- e. Electronic message ground signs shall be limited in area to a maximum size equal to or less than fifty percent of the linear street frontage of the zoning lot on which the electronic message ground sign is located, with a maximum electronic message sign area of two hundred square feet.

2. Electronic message signs on buildings or properties within the environs of a listed historic building or property, or within the environs of a designated historic district that do not qualify for review under the provisions of Section 24.04.223.1, but otherwise meet the provisions of the Sign Code, must be reviewed and approved by the City of Wichita Historic Preservation Board.

3. For electronic message signs on individual buildings or properties listed on an historic register, or on buildings or properties within a designated historic district, the following conditions and special requirements shall apply:

- a. No electronic message signs shall be permitted except on or for theater buildings. Electronic message signs for theaters shall be considered on a case-by-case basis by the City of Wichita Historic Preservation Board;
- b. 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 6. Section 24.04.251 of the Code of the City of Wichita is hereby amended to read as follows:

24.04.251. 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 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 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 percent of the sign's structural value or to an extent that includes repairs or modifications exceeding fifty 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 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 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 institutional uses 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 square feet in area or twenty-five 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 an off-site project title sign may be placed from a subdivision, as set forth in Section 24.04.190.6.i.(1), by up to twenty-five percent (25%).
- l. Increasing the maximum nighttime brightness and/or light intensity of allowed electronic message signs, as set forth in Section 24.04.220(q), up to a maximum of 4,000 nits (or equivalent).

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 Wichita 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 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 Wichita 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 Wichita Board of Zoning Appeals, and in accordance with Art. V.F of the Wichita-Sedgwick County Unified Zoning Code.

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

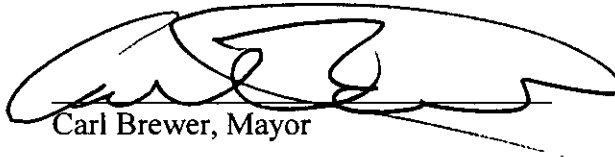
- a. Creates more adverse impacts on existing uses in surrounding areas than those that might reasonably result from development of the site in strict compliance with the adjusted standard;
- b. Would not be compatible with existing or permitted uses on abutting sites, in terms of adjusted sign height 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.

7. Appeals from the Wichita Board of Zoning Appeals. Any person, official or governmental agency dissatisfied with the decision of the Wichita 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 30 days of the final decision of the Wichita Board of Zoning Appeals.

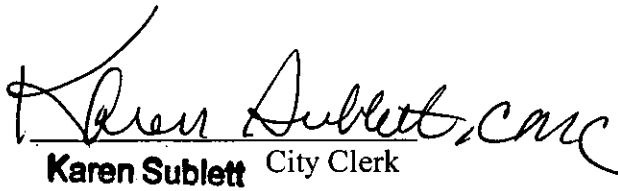
SECTION 7. The originals of Sections 24.04.060, 24.04.085, 24.04.185, 24.04.220 and 24.04.251 of the Code of the City of Wichita are hereby repealed.

SECTION 8. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be shall be effective upon publication once in the official paper.

ADOPTED AT WICHITA, KANSAS, THIS 14 DAY OF AUGUST, 2007.

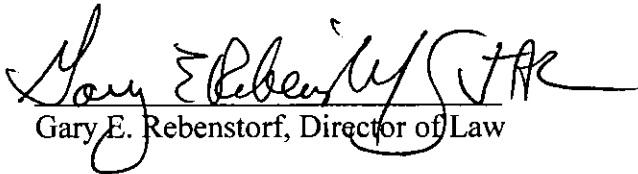

Carl Brewer, Mayor

ATTEST:


Karen Sublett City Clerk



Approved as to Form:


Gary E. Rebenstorf, Director of Law

AFFIDAVIT

STATE OF KANSAS \
- SS.
County of Sedgwick /

Nicole Mandina, of lawful age, being first duly sworn, deposeth and saith: That she is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle for 1 issues - ~~weeks~~ , that the first publication of said notice was

2716010

made as aforesaid on the 17th of

August A.D. 2007 , with

subsequent publications being made on the following dates:

And affiant further says that she has personal knowledge of the statements above set forth and that they are true.

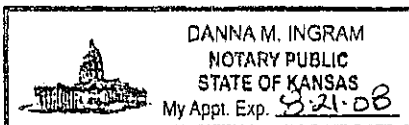


Subscribed and sworn to before me this

17th day of August, 2007



Notary Public Sedgwick County, Kansas



Printers Fee: \$543.60

Published in The Wichita Eagle on August 17, 2007 (#2716010)

ORDINANCE NO. 47-542

AN ORDINANCE AMENDING SECTIONS 24.04.060, 24.04.085, 24.04.185, 24.04.220 AND 24.04.251 AND REPEALING THE ORIGINALS OF AID AMENDED SECTIONS; AND CREATING SECTION 24.04.223, ALL IN THE CODE OF THE CITY OF WICHITA, KANSAS, AND PERTAINING TO THE SIGN CODES OF THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS: SECTION 1. Section 24.04.060 of the Code of the City of Wichita is hereby amended to read as follows:

Section 24.04.060. Permit application and issuance.

(a) Application for permits shall be made to the superintendent of central inspection upon forms provided by the city and shall be accompanied by such information as may be required to assure compliance with all appropriate regulations. This may include drawings indicating the sign in legend or advertising message, location, dimensions, construction and structural design. If the superintendent of central inspection deems it necessary, he may also require that a licensed engineer furnish information concerning structural design of the sign and the proposed attachments.

(b) The superintendent of central inspection shall issue a permit for a sign when an application therefor 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 chapter shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred eighty days from the date of such permit, or if the work authorized by such permit is suspended or abandoned for a period of one hundred twenty days or more at any time after the work is commenced.

The superintendent of central inspection 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 therefor 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 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 set forth in Section 24.04.230, except for commercial balloon signs, provide that the superintendent of central inspection may require such a sign hanger when the location or nature of such sign requires such sign hanger in the determination of the superintendent;
(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 chapter 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 nonconforming sign, when the issuance of the permit would be contrary to applicable regulations.

(g) Applications for electronic message signs shall be accompanied by the following information:

- (1) Specifications from the sign manufacturer providing the maximum nit (or equivalent) 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 Sign Code regulations governing dimming of the sign at night;

(4) The provisions of Sections 24.04.060.g.(2) and 24.04.060.g.(3) shall not be required for electronic message signs that have a maximum brightness and/or light intensity rating of 3,000 nits (or equivalent) or less.

SECTION 2. Section 24.04.085 of the Code of the City of Wichita is hereby amended to read as follows:

Section 24.04.085 Nonconforming signs.

(a) Any permanent sign in existence on the effective date of the ordinance codified in this chapter (May 4, 1990) which does not conform to the provisions of this chapter, 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 chapter within fifteen years from the first date of nonconformance:

- (1) Off-site signs which are within six hundred sixty feet of the established bank lines of the Big or Little Arkansas Rivers;
(2) Signs which are projecting over public rights-of-way in a manner not permitted by Section 24.04.200.

(d) Portable signs which do not conform to the provisions of this chapter and for which an annual temporary sign permit had been obtained prior to May 4, 1990, may continue in their existing locations for the duration of time noted in the permit, and two additional annual permits may be issued for continued use at the same location, but all portable signs must thereafter conform to all applicable regulations of this chapter effective November 14, 1992.

(e) Any electronic message sign in existence on August 18, 2007, which does not conform to the dimming control requirements outlined in Section 24.04.220 (a) of this Chapter shall be required to modify such electronic message sign to comply with the dimming control requirements of Section 24.04.220 (a) by January 31, 2008.

SECTION 3. Section 24.04.185 of the Code of the City of Wichita is hereby amended to read as follows:

24.04.185. Classifications and Definitions.

1. Classification of Signs. Signs shall be classified by the superintendent of central inspection in accordance with the following classifications and definitions:

a. Sign, Advertising Decoration. Various sign materials used for temporary display and decoration, including streamers, string pennants, pinwheels, bunting and other similar devices on which no advertising copy, logos, symbols or emblems are printed, painted or attached, and that also comply with Section 24.04.230 of this Code;

b. Sign, Animated - An electronic message sign depicting action, motion, light or color changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display and may include video displays;

c. Sign, Banner. An on-site sign on which advertising copy, logos, symbols or emblems may be printed, painted or attached, and which advertises goods or services sold, produced or conducted on the premises, or a special event as referenced in 24.04.190(b); constructed of fabric or any non-rigid material with no fully enclosing framework; and designed to be attached securely at each end or corner of the banner sign to a wall, canopy, posts or stakes;

d. Sign, Building. An on-site sign attached to or painted onto 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 of 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 (3) three feet above the finished roof deck if the average height of a gable, hip or gambrel roof is less than three feet above the bottom or lowest edge of the roofline; except that a building or structure that was constructed prior to May 4, 1990 that does not have an area at least three feet tall and twenty feet wide above an unglazed portion of the building elevation, the bottom of which is at least seven feet above grade, may have a building sign which shall not exceed four feet, six inches above the roof or parapet;

e. Sign, Bulletin Board. An on-site sign containing the name of the institution or organization, and may also include names of persons connected with it, announcements of persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message;

f. Sign, Commercial Balloon. An on-site, temporary sign that is inflated and exceeds five square feet in area, designed to advertise a specific product or service sold, produced or conducted on the premises on which advertising copy, logos, symbols or emblems may or may not be printed, painted or attached. Commercial balloons may be tethered or mounted to a structure on the ground;

g. Sign, Commercial Flag or Pennant. An on-site sign on which advertising copy, logos, symbols or emblems may or may not be printed, painted or attached, and which advertises goods or services sold, produced or conducted on the premises, or any of the events referenced in 24.04.190(b); and constructed of fabric or any non-rigid material with no fully-enclosing framework, and designed to be attached securely to a permanent pole or post;

h. Sign, Construction. A temporary on-site sign indicating the names of architects, engineers, landscape architects, contractors, financier and similar artisans involved in the design and construction of a structure or project during the period of construction;

i. Sign, Directional. A sign containing words or symbols indicating an entrance to, exit from, or location of parking, loading, restrooms and emergency entrances which are for the convenience of the public;

j. Sign, Electronic Message - 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;

k. Sign, Flashing - 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;

l. Sign, Ground. A sign placed upon, or supported by, the ground independently of any building or structure on the property;

m. Sign, Identification. An on-site sign which carries only the name and address of a building, business, development or establishment. Such sign may be wholly or partly devoted to a readily recognized symbol;

n. Sign, Menu Board. An on-site sign designed and used for the display of menu items and pictures and/or prices of menu items;

o. Sign, Monument. A detached ground sign for which the width of the widest part of the base or pole or pylon cover of the sign is at least one half the width of the widest part of the sign face, or for which the sign or sign cabinet supports consists of visible poles or pylons supporting a sign cabinet or face that is not more than two feet above the average grade of the ground under the sign face;

p. Sign, Moving - A sign that that includes motion or movement, or the illusion of motion or movement;

q. Sign, Nameplate. A small on-site sign located at any entrance to a building and indicating the name and/or address of an occupant and, where applicable, a professional status;

r. Sign, Off-site. A sign delivering a message or advertisement other than the name, occupation or nature of the activities conducted on the premises or the products sold or manufactured thereon;

s. Sign, Off-Site Billboard. An off-site junior or standard billboard sign. Off-site 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 24.04.251.2.1. of this Code;

t. Sign, Off-Site Junior Billboard. An off-site sign with any face equal to or less than three hundred square feet in area, and not exceeding thirty feet in total height above adjoining grade;

u. Sign, Off-Site Standard Billboard. An off-site sign with any sign face greater than three hundred square feet in area, but not exceeding fourteen feet in height and forty-eight feet in length, plus any allowed extensions;

v. Sign, On-site. A sign which carries only a message or advertisement strictly incidental to a lawful use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, the rental or lease of products or building space, name of the person, firm or corporation occupying the premises;

w. Sign, Pole or Pylon. A detached ground sign whose sign face or cabinet is more than two feet above ground level and is supported by poles, pylons or posts;

x. Sign, Political. A sign pertaining to the announcement of an individual being a legally registered candidate for an elective political office, or a sign stating a position regarding any issue that has been placed on a ballot for public vote or referendum. Any such sign exceeding six square feet of gross surface area shall be classified as an off-site sign and regulated accordingly;

y. Sign, Portable. A temporary on-site sign designed in such a manner to be readily movable 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 feet above grade; and shall not exceed sixty square feet per side in gross surface area;

z. Sign, Project Directory. An on-site sign containing the names and locations, in list or map form, of the individual components making up a planned unit development, shopping center or similar project;

aa. Sign, Project Title. A sign which carries the overall name of a residential subdivision, shopping center, industrial park, medical complex, planned unit development, mobile home park and similar projects;

bb. Sign, Projecting. An on-site sign suspended from, or supported by, a building or structure and projecting there from a distance exceeding one foot beyond the property line;

cc. Sign, Real Estate. An on-site sign, excluding any portable sign as defined herein, displayed for the purpose of offering real property for sale, lease or rent;

dd. Sign, Roof. A sign erected upon or above the roof of a building or structure that does not meet the definition of a Building Sign;

ee. Sign, Rotating - A sign that turns or spins on or around a pole or other similar axis point;

ff. Sign, Scrolling - An electronic message sign that includes a message transition where the message that is leaving or appearing moves horizontally or vertically across the sign display surface;

gg. Sign, Temporary. An on-site sign, excluding any banner, commercial flag or pennant, or construction sign as otherwise defined in this Code, that is limited in the period of time that such sign may remain on a property either by the limitations of these regulations or the conditions of the permit;

hh. Sign, Variable Message. A sign that includes provisions, or the electronic or mechanical means for, message or copy changes. These signs may include changeable message or copy with letters and/or numbers mounted in or on a track system, time and temperature signs, electronic message signs, menu boards, signs with scrolling faces, and signs with rotating sections or panels (i.e., tri-vision and similar type displays);

ii. Sign, Wall. A sign attached to, erected against, or painted onto a wall of a building with the exposed face of the sign in a plane parallel to said wall;

jj. Sign, Window. On-site signs, either temporary or permanent, installed on the window area of a building;

2. Definitions. The definitions set out below are applicable to this chapter:

a. Abutting - Abutting means touching or directly contiguous to;

i. Zoning District or District. Zoning classifications established in the Wichita-Sedgewick County Unified Zoning Code as set forth in Title 28 of the Code of the City of Wichita.

k. Zoning Lot. 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 requirements of the above and the requirements of the subdivision rules and regulations, 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 Code, approved Community Unit Plans, Planned Unit Developments or "P-O" Protective Overlays, as defined in the Wichita-Sedgewick County Unified Zoning Code, shall be considered as a single zoning lot.

2. To the extent they are not inconsistent with this chapter, the definitions adopted for Title 28 of the Code of the City of Wichita, as amended shall apply to the terms used in this chapter. The use of zoning definitions and reference to the zoning code is for purposes of convenience and shall not be deemed to make the sign ordinance or activities or regulation under the sign ordinance as zoning or zoning regulation.

3. Signs subject to more than one classification. Whenever a sign could be subject to more than one classification, the superintendent of central inspection shall determine the most appropriate classification and apply all applicable regulations.

SECTION 4. Section 24.04.220 of the Code of the City of Wichita is hereby amended to read as follows:

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

(a) All signs shall comply with the appropriate detailed provisions of Title 18, building code, relating to the design, structural members and connections.

(b) All signs shall comply with the applicable provisions of Title 19, electrical code, and subject to the permits required therein.

(c) All signs shall comply with the limitations of height, area, type, and illumination requirements as set forth in this chapter.

(d) No signs, except for commercial flag or 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.

(e) Every sign, except for advertising decoration, banner and commercial flag or pennant signs, shall be erected level and plumb and be constructed of galvanized metal or otherwise protected from corrosion.

(f) 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 building code for type VN construction, except for temporary signs.

(g) Structures of all signs and 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 electrical code; however, signs may be constructed of heavy timber or faced with combustible materials upon approval of the superintendent of central inspection.

(h) 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 superintendent of central inspection.

(i) 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.

(j) 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.

(k) 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:

The applicant shall give a bond in the sum of five thousand 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.

(l) Each sign, except temporary signs for which permits have been issued for thirty days or less, shall have the name of the sign owner affixed to the sign in a manner approved by the superintendent of central inspection.

height, setback, number, and gross surface area of signs on each zoning lot.

(o) Height of Sign. Sign height shall be measured from grade at the base of the sign to the highest portion of the sign structure.

(p) Illuminated Signs. Signs shall be shaded wherever necessary to avoid casting bright light upon properly located any residential district or upon any public street. Any illuminated sign located on a lot adjacent to or across the street from any residential district, which sign is visible and within two hundred feet of any residential district, shall not be illuminated between the hours of eleven p.m. and seven a.m. Signs may not be illuminated unless so designated to permit same.

(q) 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.

(r) 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.

(s) 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 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 degrees as described above. Exception: A sign located within two hundred fifty 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 degrees of a line perpendicular to the centerline of that street.

(t) 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.

(u) 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 feet each way from that imaginary intersection of a curb line of any corner lot, shall be permitted to extend closer than ten feet to grade of adjacent roadway surface.

(v) Any sign authorized in this ordinance is allowed to contain noncommercial copy in lieu of any other copy.

(w) Any alternative or additional requirements concerning the type, size, height, and location of signs may be established on specific sites subject to the community unit plan regulations found in the Unified Zoning Code in accordance with procedures set forth therein.

SECTION 5. Section 24.04.223 of the Code of the City of Wichita is hereby created to read as follows:

24.04.223. Specific historic preservation requirements. When otherwise permitted by this Chapter, electronic message signs on buildings or properties listed on an historic register, or on properties within a designated historic district, or electronic message signs on buildings or properties within the environs of buildings or properties listed on an historic register or within the environs of a designated historic district, shall be subject to the following conditions and/or special requirements:

1. Electronic message signs on buildings or properties within the environs of a listed historic building or property, or within the environs of a designated historic district, may be reviewed and approved by City staff as allowed for in Section 2.12.1023 of the Code of the City of Wichita, subject to the following provisions:

- a. Not more than one electronic message sign shall be permitted on a zoning lot;
b. Animated, flashing or moving electronic message signs are not permitted, except for scrolling electronic message signs, which may be permitted;

c. Electronic message sign images or messages shall not change more than once every three seconds, except for scrolling electronic message signs, which may be permitted;

d. Electronic message building signs shall be limited in total area to ten percent of the area of the wall elevation to which such sign is attached, and no electronic message building sign shall exceed two hundred square feet in area;

e. Electronic message ground signs shall be limited in area to a maximum size equal to or less than fifty percent of the linear street frontage of the zoning lot on which the electronic message ground sign is located, with a maximum electronic message sign area of two hundred square feet;

2. Electronic message signs on buildings or properties within the environs of a listed historic building or property, or within the environs of a designated historic district that do not qualify for review under the provisions of Section 24.04.223.1, but otherwise meet the provisions of the Sign Code, must be reviewed and approved by the City of Wichita Historic Preservation Board.

3. For electronic message signs on individual buildings or properties listed on an historic register, or on buildings or properties within a designated historic district, the following conditions and special requirements shall apply:

- a. No electronic message signs shall be permitted except on or for theater buildings. Electronic message signs for theaters shall be considered on a case-by-case basis by the City of Wichita Historic Preservation Board;
b. 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 6. Section 24.04.251 of the Code of the City of Wichita is hereby amended to read as follows:

24.04.251. 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. Adjustments shall be limited to the following:

- a. Reducing the minimum allowed required between on-site ground, monument or pole signs by up to one-third;
b. Increasing the maximum allowed height of sign, monument or pole signs, or wall signs, by up to twenty percent;
c. Increasing the maximum allowed sign area of wall signs or of the building sign wall elevation coverage twenty percent;

d. Increasing the maximum number of building or wall signs per elevation: one (1) in the NO, GO, NR, OW or IP districts, or up to two (2) such signs per elevation in the LC zoning district.

e. Reducing the minimum allowed depth, loading or open space area required, zoning district for building or wall signs not having street frontage;

f. Allowing structurally altered legal non-on-site pole, ground or monument sign structure location provided that the existing structure location provided that the existing sign height or sign size is reduced. Allowing legal non-conforming ground or monument signs to be altered to an extent exceeding fifty percent of the original sign structure, at their existing location provided the main support poles or pylons are reduced in height or sign size is reduced.

g. Increasing the maximum allowed ground, monument or pole signs on on-site signs located within seventy-five feet of a line that directly abuts the right-of-way of a highway structure at the top of the sign that does not exceed the height of the top of the sign or barrier along the traffic deck or the right-of-way at a point perpendicular to the centerline of the street.

h. Allowing variable message or electronic signs for institutional uses located in any zoning district, or in any "NO", "GO", or "IP" zoning districts.

i. Allowing "off-site" signs that do not exceed one hundred square feet in area or twenty feet in height, provided that the sign for being advertised is located on a zoning lot or is adjacent to the zoning lot where the advertised business is located, and proposed "off-site" sign would be allowed by the "on-site" sign regulations in Sections 24.04.193, 24.04.199 or 24.04.201.

k. Increasing the maximum distance sign project life sign may be placed from a street as set forth in Section 24.04.190.6.1. twenty-five percent (25%).

l. Increasing the maximum nighttime and/or light intensity of allowed electronic message signs, as set forth in Section 24.04.220, to a maximum of 4,000 nits (or equivalent).

3. For signs not located within a Community Unit Plan (CUP), PUD, Development (PUD) or Protective Overlay (PO) located within a CUP, PUD or PO, CUP, PUD or PO provisions and/or refer only to signs as allowed or permitted by the Sign Code, the applicant requesting a sign shall file a variance request with the Board of Zoning Appeals pursuant to the Wichita-Sedgewick County Unified Zoning Code if the adjustment request is denied.

4. For signs located within a Community Unit Plan (CUP), PUD, Development (PUD) or Protective Overlay (PO) where the CUP, PUD or PO provisions and/or conditions set forth specific sign regulations, the applicant may file an amendment to the CUP, PUD or PO pursuant to Article V of the Wichita-Sedgewick County Unified Zoning Code if the adjustment request is denied.

5. Appeals of approved sign adjustments shall be taken to the Board of Zoning Appeals by filing an appeal with the Zoning Appeals secretary within the time specified by the rules of the Wichita-Sedgewick County Unified Zoning Code. Director shall not approve a Sign Code adjustment if the Planning Director finds that development:

- a. Creates more adverse impacts on surrounding areas than those that would result from development of the sign;
b. Would not be compatible with the permitted uses on abutting sites, in terms of sign height or size, number of signs, scale, or minimum allowed depth of sign or open space area required;

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

7. Appeals from the Wichita Board of Zoning Appeals. Any person, official or agency dissatisfied with the decision of the Board of Zoning Appeals may bring an appeal to the district court of the Eleventh Judicial District of Kansas to determine the reasonableness of the decision. Such appeal shall be filed within 30 days of the date of the Board of Zoning Appeals decision.

SECTION 7. The original of Section 24.04.085, 24.04.185, 24.04.220 and 24.04.251 of the Code of the City of Wichita are hereby repealed.

ADOPTED AT WICHITA, KANSAS: DAY OF AUGUST, 2007.

ATTEST: Karen Sublett, City Clerk