

ORDINANCE NO. 40-963

AN ORDINANCE PERTAINING TO THE SIGN ORDINANCE OF THE CITY OF WICHITA, KANSAS, BY AMENDING AND RECODIFYING INTO CHAPTER 24.04. THE SIGN REGULATIONS AND STANDARDS AND MODIFYING THE NUMBER, TYPE, SIZE, HEIGHT, AND LOCATION REQUIREMENTS FOR ON-SITE, OFF-SITE, PERMANENT, TEMPORARY, AND PORTABLE SIGNAGE; AND REPEALING SECTIONS 28.04.139 AND THE ORIGINAL OF CHAPTER 24.04 OF THE CODE OF THE CITY OF WICHITA.

WHEREAS The governing body has directed a study of the sign ordinances of the City, and studies have been made by staff and by the Metropolitan Area Planning Commission and considered by the governing body, and hearings have been held by the Metropolitan Area Planning Commission and the City Council; and

WHEREAS The governing body established a moratorium on the enforcement of nonconforming signs upon the expiration of a fifteen year amortization period, which moratorium shall expire upon the effective date of this ordinance; and

WHEREAS The governing body has considered the issues set forth in this ordinance and desires to establish sign regulations which will promote and improve public safety and the aesthetic quality of the community and which accomplish the purposes hereafter set forth in a manner which continues to allow communication by the business community and others; and

WHEREAS the City of Wichita desires to regulate signage through its police powers without reference to zoning and all signage regulations previously contained in the zoning code are to be repealed and all further regulations to be placed in this sign ordinance.

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

CHAPTER 24.04 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

24.04.010 Title. This chapter shall be known as the "sign ordinance of the city of Wichita, Kansas."

24.04.020 Purpose. The purpose of the sign regulations set forth in this chapter shall be to eliminate potential hazards to motorists and pedestrians; to encourage signs which, by their location and design, are harmonious to the buildings and sites which they occupy, and which eliminate excessive and confusing

sign displays; to provide an opportunity to achieve a reasonable balance between the need of the sign and outdoor advertising industries while improving and preserving the visual qualities of the community; to protect public and private investment in buildings and open spaces; to provide for the administration of the regulations imposed and set forth herein; and to promote the public health, safety and general welfare.

**24.04.030 Applicability.** The provisions of this chapter shall apply to the erection, construction, reconstruction, remodeling, relocation, alteration, hanging, affixing or creation by painting, use, location and maintenance of all signs located out-of-doors, to those signs painted on any part of a building, and to those signs placed within a building for the express purpose of being visible from the exterior of the 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. The provisions herein contained shall be considered together with the sign, building and electrical codes of the city, and shall particularly regulate the size, height and type of signs otherwise permitted.

**24.04.040 Exemptions from this chapter.** The provisions of this chapter shall not apply to:

1. Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organization, displayed on private property; provided, however, any emblem shall be used only as an identifying symbol and shall not include advertising language;

2. Signs, not exceeding six square feet in area, of a duly constituted governmental body, including directional signs for public buildings and uses, traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping and other similar signs;

3. Memorial signs and tablets displayed on private property.

4. Address numerals and other signs required to be maintained by law or governmental order, not exceeding two square feet in area;

5. Window displays and temporary on-site signs placed in or upon windows of a commercial or industrial building, whether painted or attached;

6. Signs designed as an integral part of vending machines and dispensing equipment, signs which are an integral part of merchandise display racks, and similar merchandise and advertising displays. All such signs included in this exception shall be located within eight feet of the building and not on public right-of-way; provided, however, such signs located on service station properties may also be located on, or immediately adjacent to, the service islands. 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;

7. Signs authorized as special displays under Section 24.04.240 of this chapter.

8. Temporary decorations or displays located on private property celebrating the occasion of traditionally accepted patriotic or religious holidays;

9. Signs on a truck, bus, trailer or other vehicle while operated in the normal course of a business which is not primarily the display of such signs;

10. Scoreboard structures in athletic stadiums, the face of which is not visible from any residence or public street.

**24.04.050 Permits required.** Except as otherwise provided in this chapter, it is unlawful for any person to erect, construct, reconstruct, remodel, relocate, alter, hang, affix or create by painting, a sign within the city without first obtaining a permit from the superintendent of central inspection 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 to Section 24,04.230 and all other applicable provisions of the city ordinances.

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

(1) Temporary, nonilluminated, real estate signs, not more than eight square feet in area, advertising the sale, lease or rental of the premises on which the sign is located;

(2) Political signs not exceeding six square feet in area, provided such signs shall not be more than five feet in height and shall not be located closer than six feet to a side yard property line; and, provided further that prior to December 1, 1990, such signs may be a maximum of thirty-two square feet in size.

(3) Nameplate signs not exceeding two square feet in area accessory to a dwelling;

(4) Temporary on-site signs in conjunction with licensed miscellaneous sales, not exceeding two square feet in area, and located on private property; or

(5) Special displays as set forth in Section 24.04.240;

(6) Directional on-site signs, not exceeding three square feet in area;

(7) Identification and nameplate signs, not exceeding three square feet in area, that are painted or attached to the windows, doors or walls of a building.

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 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, 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 repainting of existing signs by the owner when no structural changes are made to a sign;

(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.

24.04.070 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 hereafter be modified by such fee schedule as may be

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established by resolution of the governing body. Such new or modified fees shall become effective upon publication.

(a) Permanent Sign Permit Fee.

(1) For each permanent sign that is erected constructed, reconstructed, remodeled, relocated, altered, hung, affixed or created by painting, the sign permit fee shall be ten dollars, plus two dollars per each ten square feet in gross surface area or fraction thereof; except that only one base permit fee of ten dollars shall be charged when more than one sign is to be erected, constructed, reconstructed, remodeled, relocated, altered, hung, affixed or created by painting concurrently upon one zoning lot.

(2) For each existing permanent sign that is altered to increase the area or height of the sign, a sign permit fee of ten dollars plus two dollars per ten 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 faces where no increase in height or area occurs, and does not involve structural changes, a sign permit fee of ten dollars shall be paid. This fee shall not apply when a change is made to add an additional face to a single-face sign.

(4) For each sign that is 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.

(b) Temporary Sign Permit Fees.

(1) For advertising decorations permitted by Section 24.04.190 of this code, a temporary sign permit fee of five dollars plus one dollar for each fifty square feet, or fraction thereof, in excess of one hundred square feet gross surface area of all banners, streamers, flags, posters or other advertising devices, shall be paid for each event, with a maximum time limit of thirty days.

(2) For portable signs permitted by this code, a temporary sign permit of five dollars shall be paid for each thirty days the sign shall remain on a zoning lot.

**Exception.** Portable signs for which an annual temporary sign permit has been obtained, as set forth in subsection (3) of this section, need not have a separate temporary sign permit; provided, however, the sign company placing any such sign shall notify the office of central inspection the location of any sign, within twenty-four hours of the placement of the sign, on a form furnished for said purpose.

(3) 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 fifty dollars. Any such sign for which said 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.

(4) For all other temporary signs requiring a permit, the temporary sign permit fee shall be five dollars plus one dollar

for each fifty square feet, or fraction thereof, shall be paid for each sign, with a time limitation as set forth in this code.

(5) 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.

(c) Double Fee. The payment of a double fee for failing to obtain the appropriate permit prior to the 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 chapter or from the penalties prescribed herein.

**24.04.080 Requirements for maintenance of signs.** (a) All signs, together with all their supports, braces, connections, anchors and any appurtenance thereto shall be kept in repair and in proper state of preservation. The display 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, sanitary and inoffensive condition, and shall be kept free and clear of all obnoxious substances, 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 days upon notice by the superintendent of central inspection, or the sign shall be removed.

**24.04.085 Nonconforming Signs.**

(a) Any permanent sign in existence on the effective date of this ordinance (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 ordinance within fifteen years from the first date of nonconformance:

(1) off-site signs which are within 660 feet of the established bank lines of the Big or Little Arkansas Rivers;

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

(d) Portable signs which do not conform to the provisions of this ordinance and for which an annual temporary sign permit had been obtained prior to (MAY 4 1990) may continue in their

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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 ordinance.

**24.04.090 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 chapter or any other ordinance so as to render such sign nonconforming, shall be subject to the provisions of this chapter. The period within which any sign required by this ordinance 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.

**24.04.100 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 all applicable regulations, 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 or area of the sign,

(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 percent of its structural value;

(c) Normal maintenance and repairs required by Section 24.04.080 of this code;

(d) Building signs on a multi-tenant structure that become nonconforming on (MAY 4 1990) because they extend above the height of the roof or parapet may be altered or replaced by another such sign, 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.

**24.04.120 Abandoned signs.** Any sign which is located on a property which becomes vacant and unoccupied for a period of thirty 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 applicable to 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 months or more. An abandoned sign is prohibited and shall be removed within thirty days after notification by the superintendent of central inspection.

**24.04.130 Removal of signs.** (a) The superintendent of central inspection shall remove or cause to be removed any abandoned, dangerous, defective, illegal or prohibited sign subject to removal under the provisions of this chapter which has not

been removed within the time period specified in this chapter, or any other sign maintained in violation of the provisions of this chapter. The superintendent of central inspection 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 days, the sign shall be removed in accordance with the provisions of this chapter.

(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 chapter may be removed and impounded by the superintendent of central inspection. The superintendent of central inspection 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 hours, the sign shall be impounded. This notice shall be served upon the owner or agent of such sign and where possible, upon the occupant of the property where the sign is located. Such sign shall be retained by the superintendent of central inspection for a period of thirty days, after which it may be disposed of in any manner deemed appropriate by the city. Such sign may be recovered by the owner within thirty days upon payment of a service charge of fifteen dollars per sign.

(d) Notwithstanding the above, in cases of emergency, the superintendent of central inspection may cause the immediate removal of a dangerous or defective sign without notice.

(e) Any person having an interest in a sign or the property on which the sign is located may appeal the determination of the superintendent of central inspection ordering removal or compliance by filing a written notice of appeal.

**24.04.135 Appeals.** Any person may appeal the determination of the superintendent of central inspection as set forth in Section 24.04.130 by filing a notice of appeal.

(a) All appeals, except those in subsection (b), shall be referred by the superintendent of central inspection to the Board of Code Standards and Appeals for hearing on the matter in dispute.

(b) All appeals on matters arising under sections 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, 24.04.221, and 24.04.222 shall be filed with the Board of Zoning Appeals for hearing. The Board of Zoning Appeals is hereby granted jurisdiction to hear such matters in the same manner as all other appeals to such body.

**24.04.140 Cost of sign removal.** Any sign removed by the superintendent of central inspection may be disposed of in any manner deemed appropriate by the city. 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. 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.

**24.04.150 License to engage in business of sign hanger.** All persons engaged in the business of hanging signs, which involves in whole or part, the erection, construction, reconstruction, remodeling, relocation, alteration, hanging, affixing or creation by painting of 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 seventy-five dollars.

**24.04.160 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 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 chapter 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 days' written notice to the city.

**24.04.170 Liability for safe maintenance.** The granting of a permit by the superintendent of central inspection 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.

**24.04.175 Revocation of permits.** The superintendent of central inspection may revoke any permit under the provisions of this chapter 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 chapter 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 superintendent of central inspection, the person having charge of such work is incompetent;

(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 chapter;

(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.

**24.04.180 Inspections - Right of entry.** The superintendent of central inspection or an authorized representative shall inspect all signs regulated by this chapter. 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 chapter, upon presentation of the proper credentials.

**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, banners, pennants, pinwheels, commercial flags, bunting and similar devices;

b. Sign, Building. An on-site sign attached to or painted onto a wall, awning, canopy, building or structure, the height of which shall not exceed the height of the roof or parapet; 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, in front of 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.

c. 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;

d. 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;

e. 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;

f. Sign, Ground. A sign placed upon, or supported by, the ground independently of any building or structure on the property. This includes a sign supported on poles or posts whose face is less than six feet above ground level;

g. 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;

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

i. 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;

j. 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;

k. Sign, Pole. A sign whose face is not less than six feet above ground level and is supported by poles or posts;

l. Sign, Political. A sign pertaining to the announcement of an individual being a legally registered candidate for an elective political office. Any such sign exceeding thirty-two square feet of gross surface area shall be classified as an off-site sign and regulated accordingly, provided that after December 1, 1990, any such sign exceeding six square feet of gross surface area shall be classified as an off-site sign and regulated accordingly;

m. 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.

n. 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;

o. Sign, Project Title. An on-site 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;

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

q. Sign, Real Estate. An on-site sign displayed for the purpose of offering real property for sale, lease or rent;

r. 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.

s. Sign, Temporary. An on-site sign 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;

t. 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;

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

v. Zoning District or District. Zoning classifications established in Chapter 28 of this Code.

2. To the extent they are not inconsistent with this chapter, the definitions adopted for Chapter 28 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.

**24.04.190 SIGNS PERMITTED IN ALL ZONING DISTRICTS.** The following signs shall be permitted in all zoning districts:

1. Small directional on-site signs, not exceeding five square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, restrooms, freight entrances and the like;

2. Permanent markers located on private property for the convenience of the public in the identification of a subdivision or the streets therein; provided, that the design shall first have been submitted to the director of planning and the superintendent of central inspection 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 denoting only the name of the building or building complex when consisting of letters less than fifteen inches in height, carved into or securely attached in such a way that they are an architectural detail of the building or entranceway, and; provided, further they are not illuminated apart from the building or entranceway, are not made of reflecting material and do not project more than two inches from the surface to which they are attached;

4. Construction signs with the following limitations:

One sign per street frontage;

Gross surface area per sign - thirty-two square feet in "AA" and "A" districts, one hundred twenty-eight square feet in all other districts;

Sign may include illustration of project under construction;

5. Real estate sign, advertising the sale, rental or lease of the premises on which it is displayed, with the following limitations:

One sign per street frontage per listing; provided, that a maximum of four real estate signs are permitted on a zoning lot;

Unlighted only;

Gross surface area per sign, residential zoning districts except "B" multi-family, eight square feet. All other zoning district, including "B" multi-family forty square feet;

6. Project title signs for subdivision identification, with the following limitation, unless otherwise indicated in an approved Community Unit Plan:

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a. Time period, two years; however, the superintendent of central inspection may grant extensions every six months until all lots in the subdivision are sold provided the sign is adequately maintained.

b. Exclusively for the purpose of advertising the subdivision in which the sign is located, or as governed by subsection i. below.

c. Unlighted or indirectly lighted from an external source only and constructed with neither reflective nor luminous materials,

d. 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 months, and then may be extended as provided for in subsection a. above if the final plat has been recorded.

e. Located at or near entrances to tract sections under construction,

f. Not more than two sign structures shall be maintained in any one subdivision less than forty acres in size. For each additional forty acres or major fraction thereof, one additional sign may be erected,

g. Area, maximum, two hundred square feet for each sign,

h. Height maximum, twenty feet;

i. Up to two project title signs to direct the public to the subdivision may be permitted off-site, subject to the limitations in subsections a, c, d, g and h above and the following additional limitations:

- must be located on a vacant lot or tract that is at least five hundred feet, and no more than one mile, from the subdivision.

- may not be located within one hundred and fifty 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.

- Off-site project title signs permitted under this subsection are not required to be placed on a single pole.

- 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 two square feet;

8. Advertising decoration signs only temporarily displayed during the hereinafter specified special event periods; provided, however, such displays shall not exceed a total time limitation of thirty days for an individual event. Such special events shall be limited to:

- a. Grand openings for new businesses;

- b. Licensed going out-of-business sales;

- c. Open houses in new subdivisions and home shows; and

- d. Sales in conjunction with nationally recognized holidays.

9. Temporary signs in conjunction with licensed miscellaneous sales, when located in a residence district, and not on public property;

10. Political signs, when located on private property with the permission of the owner or tenant, provided that all signs shall be removed within seven days following the election in which a candidate is elected to office or is eliminated from further participation in the election as a candidate;

11. Bulletin board signs not exceeding twenty-five square feet gross area and lighted indirectly only by white light except that churches located along designated collector, arterial or expressway streets may have bulletin board signs not exceeding forty-eight square feet in size.

12. Building sign, unlighted and not exceeding two square feet in area for a home occupation, but shall be permitted in the "AA" one-family dwelling district only when the home occupation is required to be identified by state law;

13. Portable sign for institutional uses; provided, however, only one sign shall be permitted on a zoning lot. Any such sign shall not be located closer than one hundred and fifty feet to another portable sign and shall be located in accordance with all other applicable regulations including, but not limited to, the location of the sign in relation to the street right-of-way line and the distance from driveway approaches. Any sign permitted by this section shall not exceed sixty square feet in gross surface area.

14. Other signs which the superintendent of central inspection may determine fall within the intent and purpose of this section.

#### 24.04.191 SIGNS PERMITTED IN THE "RB", "R-5", "R-6", AND "B" RESIDENTIAL ZONING DISTRICTS.

1. Identification signs for multi-family dwellings and other major office and institutional uses. Such signs shall not exceed twenty-five square feet in area except along designated collector, arterial or expressway streets where the maximum sign area shall be forty-eight square feet. Said signs shall be no more than twenty feet in height, and shall be limited to indirect or internal illumination of white light only.

#### 24.04.192 SIGNS PERMITTED IN THE "U" UNIVERSITY DISTRICT.

1. Ground or pole identification signs, provided no individual sign shall exceed thirty-two square feet of gross surface area or exceed a height of twenty-five 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 and fifty feet along the street frontage is maintained. When the distance separation of one hundred and fifty 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 gross surface area of all ground or pole signs on a zoning lot exceed one-half square foot per lineal foot of frontage; provided, however, a zoning lot with sixty-four feet or less frontage shall be permitted a sign of thirty-two square feet of gross surface area. No ground or pole sign shall be located

closer than fifteen 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. Notwithstanding the provisions of Section 24.04.190 of this code, portable signs shall not be permitted.

3. Building sign not exceeding thirty-two square feet in area or thirty 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.

**24.04.193 SIGNS PERMITTED IN THE "BB" OFFICE AND THE "OC" OFFICE/COMMERCIAL DISTRICT.**

1. Ground or pole identification signs, provided no sign shall exceed thirty-two square feet of gross surface area on a single tenant zoning lot. Multi-tenant lots sharing the same sign structure may have up to twenty-four square feet each not to exceed a total of ninety-six square feet on the zoning lot. Sign height shall not exceed twenty-two 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 and fifty feet along the street frontage is maintained. When the distance separation of one hundred and fifty 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 gross surface area of all ground or pole signs on a zoning lot exceed one-half square foot per lineal foot of frontage; provided however, a zoning lot with sixty-four feet or less frontage shall be permitted a sign of thirty-two square feet of gross surface area. No ground or pole sign shall be located closer than fifteen 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. Notwithstanding the provisions of Section 24.04.190 of this code, portable signs shall not be permitted.

3. Building sign not exceeding thirty-two square feet in area or thirty feet in height, and 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.

**24.04.194 SIGNS PERMITTED IN THE "G" MOBILE HOME DISTRICT.**

1. Identification sign for a mobile home park. Such sign shall not exceed twenty feet in height or exceed sixty-four square feet in area, and shall be limited to indirect or internal illumination of white light only.

**24.04.195 SIGNS PERMITTED IN THE "LC" LIGHT COMMERCIAL DISTRICT.**

1. Illuminated on-site ground or pole signs as permitted by Section 24.04.221;

2. Illuminated building signs; provided, that there shall be no more than three signs for each business on each building elevation having street frontage or fronting onto a parking area with a depth of one hundred fifty feet or more, and shall be limited in total area to twenty percent of each building elevation. Signs shall not be more than thirty feet above grade or more than four hundred square feet in area. Building elevations not having street frontage, but facing onto parking or loading areas exceeding fifty feet in depth, may provide identification signs for each place of business having an entrance therefrom; providing such signs shall not exceed fifteen square feet in area nor be more than twelve feet above grade;

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 square feet in gross surface area.

#### 24.04.196 SIGNS PERMITTED IN THE "C" COMMERCIAL AND "E" LIGHT INDUSTRIAL DISTRICTS.

1. Illuminated on-site ground or pole signs as permitted by Section 24.04.221;

2. Illuminated off-site signs as permitted by Section 24.04.222;

3. Illuminated building signs, provided that signs shall be limited in total area to twenty percent of each building elevation, and no individual sign shall exceed four hundred square feet.

4. Roof 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 square feet in gross surface area.

#### 24.04.197 SIGNS PERMITTED IN THE "D" CENTRAL BUSINESS DISTRICT.

1. Illuminated on-site ground or pole signs as permitted by Section 24.04.221;

2. Illuminated building signs, provided that signs shall be limited in total area to 20 percent of each building



elevation, and no individual sign shall exceed four hundred square feet in area.

3. Roof signs shall not be permitted except by a variance approved by the Board of Zoning Appeals.

**24.04.198 SIGNS PERMITTED IN THE "F" HEAVY INDUSTRIAL DISTRICT.**

1. Illuminated on-site ground or pole signs as permitted by Section 24.04.221;

2. Illuminated off-site signs as permitted by Section 24.04.222;

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

4. Roof 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 square feet in gross surface area.

**24.04.200 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 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 chapter.

(d) Use of Public Property. No sign, except as provided in Section 24.04.230(g), 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 feet of a right-of-way line. No part of any projecting sign extending over any public property shall be less than ten feet from the surface immediately below, except signs not exceeding four square feet in area and not projecting more than two feet may be hung

not less than eight 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 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 feet, unless the bottom of such sign is thirteen feet, six inches or more from the sidewalk immediately below. Any permit for a sign over public property issued under the provisions of this chapter, or any previous ordinance, shall be revocable at the will of the city council, upon notice and opportunity for hearing.

(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 commission.

(f) Near Residences. No off-site sign shall be located within fifty feet of a residential structure.

(g) Close to Rivers, Parks. No off-site sign shall be located closer than six hundred sixty 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 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 and sixty 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 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 feet from the driveway to a point on the edge of the driveway six feet behind the property line.

**24.04.210 Removal of signs placed upon public property.** Any unauthorized temporary sign placed upon public property, including public rights-of-way, is declared to be a public nuisance, and the superintendent of central inspection shall cause its removal in the manner provided by law for the abatement of nuisances.

Such sign shall be kept by the superintendent of central inspection for a period of thirty days, after which it may be disposed of in any manner deemed appropriate by the city.

Such sign may be recovered by the owner within thirty days upon payment of a service charge of five dollars per sign.

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 sign 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 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 shall be fabricated of incombustible 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 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.

(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) 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 "BB" district or the "OC" office commercial 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 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.

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

(u) Any sign authorized in this ordinance 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 subject to the community unit plan regulations found in Section 28.04.190 of this code in accordance with procedures set forth in that section.

**24.04.221 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 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 subdivision 6 of this subsection. This will permit two signs on an interior zoning lot of one hundred eighty feet or more, and two signs on a corner lot of one hundred sixty-five feet or more. For each additional one hundred fifty 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 frontage.

(EXCEPTION: Whenever a zoning lot of less than three hundred thirty feet of frontage, contains a greater number of

separate lease hold 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 feet.

b. No individual business shall install a sign with a gross surface area greater than that permitted by the "Table of Areas" set forth in subdivision 4 of this subsection based on that frontage of the building occupied by the lease hold 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 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 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 subdivision 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 subdivision 4 of this Section.

3. Height Limit. No ground or pole sign shall exceed a height of twenty-five 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 feet in height. The use of this method shall not permit any sign to exceed a height of thirty-five 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 square feet when adjacent to an arterial or expressway; fifty square feet when adjacent to a collector street; or twenty-five 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 Map IV A & B of the transportation plan element of the comprehensive plan.

\*\*When an undesignated street is located in an area such that both sides of the street, between intersecting streets, are zoned entirely of the commercial or industrial districts, the limitations of a collector street shall then apply. Undesignated street frontage shall not be used to increase the size of signs permitted on 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 of the commercial or industrial districts, the limitations of an arterial street shall then apply.

\*\*\*\*1.0 square foot 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 districts.

6. 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 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 feet, along the same street frontage from another ground or pole sign on the same zoning lot. (See exception in subdivision 1 of this subsection.) This shall apply to all on-site ground or pole signs within thirty-five feet of the street right-of-way line. (Exception: The superintendent of central inspection may vary these minimum horizontal distances up to thirty 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.)

**24.04.222 SPECIFIC REGULATIONS - OFF-SITE SIGNS WHEN PERMITTED IN THE COMMERCIAL OR INDUSTRIAL DISTRICTS.**

1. 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 light commercial, commercial or 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 of this chapter. Except in the "C", "E" or "F" zoning districts, no zoning district shall be considered for linear measurement unless it is adjacent to an arterial street or expressway.

For 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 feet. Any mile not covered entirely by city boundary 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 linear feet of street having "C", "E" or "F" zoning adjacent thereto provided however, under no circumstances shall there be erected more than five off-site signs facing a direction of travel in a designated mile in the "C" and "E" zoning districts, and eight per mile in the "F" zoning district, and; provided further, whenever any off-site sign is to be located in the "LC" light commercial district the following shall be applicable.

Off-site signs may be permitted in the "LC" light commercial district only when a designated mile has at least fifteen hundred linear feet of "LC", "C", "E" or "F" zoning adjacent thereto. When there is at least three thousand linear feet of appropriate zoning adjacent to a designated mile, a second off-site sign may be permitted. When there is at least forty-five hundred linear feet of appropriate zoning adjacent to a designated mile, a third off-site sign may be permitted.

2. Size and Height Permitted. The gross surface area of an off-site sign facing the direction of travel shall not exceed eight hundred twenty-five square feet, including any extensions. Extensions may not extend more than five and one-half feet above the normal upper rectangular lineage of the face, nor more than two feet beyond any of the other three sides. Maximum rectangular dimensions, excluding extensions, shall be fourteen feet in height by forty-eight feet in length. No off-site sign shall exceed thirty feet in height at the top of the maximum rectangular dimension, which does not include the permitted extensions. Exceptions: Off-site signs located adjacent to an elevated portion of a highway structure may be erected to a height of fourteen feet above the top of the railing or barrier along the traffic deck. Off-site signs located within three feet of a one story building shall maintain eight feet of vertical



clearance between the bottom of the sign and the roof or parapet and shall not exceed twenty-six feet in height above the roof or parapet.

3. Prohibited Locations. No off-site sign shall be erected on a property when any of the following conditions exist:

a. No off-site sign shall be erected on a zoning lot, of less than one hundred fifty feet of frontage, that has more than two on-site ground or pole signs totaling more than two hundred fifty square feet gross surface area facing a direction of travel that are located within thirty-five feet of the street right-of-way line.

b. Whenever a zoning lot exceeds one hundred fifty feet of frontage, no off-site sign shall be permitted except when the total number of on-site ground or pole signs on the zoning lot does not exceed fifty percent of the number permitted by subsection K of this section.

c. No off-site 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 feet in either direction then no on-site sign within one hundred fifty feet of the off-site sign shall be obscured from view.

d. No off-site sign shall be erected within three hundred thirty feet of another off-site sign facing the same direction of travel along the same street.

e. No off-site sign shall be erected on "LC" zoned property within one hundred fifty feet (measured perpendicular to the sign face) or within seventy five feet (measured parallel to the sign face) of a residential structure. The perpendicular measurement shall extend forty five degrees to either side of the perpendicular line.

f. No off-site sign shall be located on any property in the "LC" light commercial zoning district that is not a part of at least three hundred continuous feet (linear measurement) of commercial or industrial zoning.

4. Setback. Off-site signs shall comply with all building setback lines.

5. Type. Off-site signs may be ground, pole or wall signs, but shall not be erected upon or over the roof of any one story building; provided however, a pole sign may cantilever over a building as long as a vertical clearance of eight feet is provided between the roof or parapet and any portion of the sign and the sign does not exceed twenty-six feet in height above the roof or parapet. Each off-site sign may contain only one panel per facing with a message or advertisement. No off-site pole signs may be supported by more than one pole.

24.04.230 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 one hundred twenty-eight square feet in area, except as permitted in subsection (g) 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 feet.

(c) Temporary signs shall be limited to on-site signs.

(d) All temporary signs shall be substantially constructed and adequately weighted or anchored to prevent movement or overturning by the wind.

(e) All temporary signs of rigid construction exceeding seventy-two 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.

(f) 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 hours of the expiration of the permit.

(g) 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 spaces, may be issued for not to exceed thirty 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 square feet in area or exceed five feet in its least dimension.

(3) The owner of the sign shall file with the city clerk a surety bond approved as to form by the city attorney, for each sign in the amount of fifteen thousand 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) The advertising contained on the sign shall pertain to events of a public or semipublic nature, or civic or charitable enterprises.

(h) Electrified 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.

(i) 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.

(j) Temporary signs shall be removed from a property for not less than thirty days at the end of the maximum time period as set forth in this chapter before another temporary sign can be located on a property.

**24.04.240 Special displays.** Decorative displays used for holidays, public demonstrations or for the promotion of civic welfare or charitable enterprises may be authorized by the city manager or the city council. Such displays shall be for a stated period of time and subject to such conditions as deemed advisable to protect the health, safety and welfare of the public. This

may require the applicant to furnish a bond, approved as to form by the city attorney in such an amount and with such sureties to save and hold the city free and harmless from all damages which may be occasioned by the erection and maintenance of such sign or display.

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

**24.04.260 Penalty for violation of chapter, rule or order.**

(a) Any person violating any of the provisions of this chapter or any reasonable rule or order of the superintendent of central inspection, or causing, permitting or suffering the same to be done, is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars or by imprisonment of not more than six 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 chapter. No permit presuming to give authority to violate or cancel the provisions of this chapter shall be valid, except insofar as the work or use which it authorizes is lawful.

**24.04.270 Amendments.** Any amendments to sections 24.04.190 thru 24.04.198 inclusive and sections 24.04.221 and 24.04.222 of this code shall be forwarded to the Wichita-Sedgwick County Metropolitan Area Planning Commission for their review and comment.

**24.04.280 Severability.** If any section or provision of this ordinance is for any reason held illegal, invalid, or unconstitutional, such action shall not affect the remaining provisions of this ordinance which shall remain valid to the extent possible.

**SECTION.** The original CHAPTER 24.04 and SECTION 28.04.139 of the Code of the City of Wichita, Kansas, are hereby repealed.

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

ADOPTED at Wichita, Kansas, this 1st day of May, 1990.

ATTEST

U. L. GOOCH VICE MAYOR  
for Bob Knight, Mayor

Pat Burnett DEPT. CLERK  
for John Moir, City Clerk/Director  
of Finance

Approved as to form:

Thomas R. Powell by TAL  
Thomas R. Powell, City Attorney