

DR 74-27 - Amendment to Zoning Ordinance - Sign Regulations

ACTION

DATE

COMMITTEE

9-26-74

M.A.P.C.

Approved

12-10-74

B.C.C./B.C.C.C.

Approved

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

January 16, 1975

TO Ralph Wulz, City Manager  
FROM Robert A. Lakin, Director of Planning  
SUBJECT Amendment to Sign Ordinance  
Re: Off-site Signs

In accordance with the instructions of the City Commission on January 6, 1975, the attached amendment to the ordinance has been prepared for their consideration.

This amendment would permit off-site signs on which the copy is limited to travelers' information, to be located closer than 660 feet horizontal distance from elevated portions of Interstate Highway structures.

In reviewing the location of the elevated portions of I-35W, the horizontal distance from the edge of the structures to the right-of-way line varies considerably. Aerial easements have been obtained on properties that are close to the Interstate and for all practical purposes this would prevent the erection of signs closer than 50 feet from the edge of the roadway. In most instances, however, it would be at least 100 feet from the traffic lanes normally traveled, to the nearest permitted sign location.

We have prepared a map showing the elevated structures of the Interstate Highway system within the City. It also shows what portions of the zoning districts permitting off-site signs that are affected by this provision of the ordinance, and also the possible number of off-site signs that would be permitted along I-35W, should this amendment to the ordinance be adopted.

RAL:GEL:ber

Addition Underlined

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION OF OFF-SITE SIGNS WITHIN THE CITY OF WICHITA, KANSAS; AMENDING SECTION 24.04.200(g) OF THE CODE OF THE CITY OF WICHITA, KANSAS; AND REPEALING THE ORIGINAL OF SAID SECTION OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 24.04.200(g) of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

- "(g) No off-site sign shall be located closer than 660 feet to the established bank lines of the Big Arkansas or the Little Arkansas Rivers, to any park or recreation area under the jurisdiction of the Board of Park Commissioners of the City, or to any portion of an Interstate Highway structure which the traffic deck is elevated ten feet or more above the grade of adjacent properties. Exception: Off-site signs may be erected adjacent to elevated portions of an Interstate Highway when the signs are limited to travelers' information giving direction to premises where food and lodging may be secured, and to the location of businesses engaged in supplying goods and services essential to the normal operation of motor vehicles, including emergency and towing services."

The original of Section 24.04.200(g) of the Code of the City of Wichita, Kansas, is hereby repealed.

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

ADOPTED at Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 1975.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

# THE CITY OF WICHITA



DEPARTMENT OF PUBLIC WORKS  
CENTRAL INSPECTION DIVISION  
282-0611 — AREA CODE 316  
CITY BUILDING ANNEX  
104 S. MAIN — WICHITA, KAN. 67202

January 15, 1975

## Superintendent's Advisory

Subject: Temporary Sign Permit Fee

Effective December 13, 1974, the City of Wichita adopted sign ordinance No. 33-589. Under the new ordinance, the following provisions were made for temporary signs:

### Section 24.04.050

(c) Temporary sign permit. The owner of any temporary sign or portable sign shall obtain a temporary sign permit. All temporary signs and portable ground signs existing on the effective date of this ordinance may remain in use for 60 days after which it will be necessary to comply with all applicable regulations and obtain a temporary sign permit. Temporary sign permits shall be valid only for the duration of time noted on the permit and furthermore subject to all applicable provisions of the city ordinances.

### Section 24.04.070

(c) Temporary Sign Permit Fee

- (1) For temporary signs and displays for which a permit is required, a temporary sign permit fee of \$8.00 (EIGHT DOLLARS) for the first 75 square feet of sign area plus \$2.00 (TWO DOLLARS) for each additional 100 square feet of sign and display area or major fraction thereof, plus \$1.00 (ONE DOLLAR) for each 30 day period the permit is issued therefore. (For the purpose of calculating the permit fee when more than one sign, display, pennant, or streamers are to be used, the areas of the signs shall be actual, and the area of pennants, streamers and other wind type signs shall be estimated at one square foot for each lineal foot of such display).
- (2) For temporary signs and displays placed on a property without the permit as required, the fee shall be twice the amount specified above.

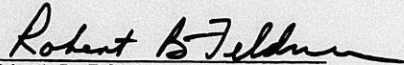
Superintendent's Advisory  
Page 2

The following excerpt from zoning ordinance No. 33-588 should be noted:

Section 28.04.139

C. Signs Permitted in All Zoning Districts.

8. Signs, portable and advertising decorations, temporarily displayed during special event periods only, such as grand openings, holidays, carnivals and the like, with a limit of two such events and a total time limitation of 30 days within any calendar year for any business or institution.



Robert B. Feldner  
Superintendent of Central Inspection

RBF:cj

January 16, 1975

Ralph Wulz, City Manager

Robert A. Lakin, Director of Planning

Amendment to Sign Ordinance  
Re: Off-site Signs

In accordance with the instructions of the City Commission on January 6, 1975, the attached amendment to the ordinance has been prepared for their consideration.

This amendment would permit off-site signs on which the copy is limited to travelers' information, to be located closer than 660 feet horizontal distance from elevated portions of Interstate Highway structures.

In reviewing the location of the elevated portions of I-35W, the horizontal distance from the edge of the structures to the right-of-way line varies considerably. Aerial easements have been obtained on properties that are close to the Interstate and for all practical purposes this would prevent the erection of signs closer than 50 feet from the edge of the roadway. In most instances, however, it would be at least 100 feet from the traffic lanes normally traveled, to the nearest permitted sign location.

We have prepared a map showing the elevated structures of the Interstate Highway system within the City. It also shows what portions of the zoning districts permitting off-site signs that are affected by this provision of the ordinance, and also the possible number of off-site signs that would be permitted along I-35W, should this amendment to the ordinance be adopted.

RAL:GEL:ber

copies to .

ca. Mr. Jim Tidwell, mgr.  
Loren Outdoor Adver. Co.  
250 N. Lanson

Mr. Frank Hafers  
Royal Inn  
N. Market

Mr. John Olijant  
Remedial Clinic of Wichita  
221 E. Kelly St

Ms. Bethi Carpenter, Pres.  
Wichita Independent Business Assn.  
2106 E. Central

Mrs. Shirley Windsor  
Wichita Area Chamber of Commerce  
350 W. Douglas

Mrs. Pat Linnan  
135 N. Pershing

John Decker, Dir of Law.  
Robert B. Feldner, Supd of Int Hosp.  
Ray W. Bruggeman, Dir of P.W.

THE CITY OF WICHITA

OFFICE OF Central Inspection Division      DATE January 9, 1975



TO Ralph Wulz, City Manager .

FROM R. B. Feldner, <sup>RB</sup> Superintendent of Central Inspection

SUBJECT Nonconforming Signs  
Towne East Square  
7700 East Kellogg

Attached please find application for sign at the above location, and letter received from Attorney James R. Schaefer, who is the attorney for Towne East Square regarding this sign.

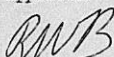
In accordance with the CUP D.P.-12 which authorizes the City Commission to approve sign heights up to 55 feet in the south 300 feet abutting Kellogg, we are submitting this for your consideration at the City Commission meeting January 14, 1975.

The sign area is 722 square feet for zoning purposes and is 42 feet high.

REF:cj

Attachments

Approved:

  
R. W. Bruggeman  
Director of Public Works

cc - R. W. Bruggeman  
Robert Lakin



**THE CITY OF WICHITA**  
**OFFICE OF CITY MANAGER**

**DATE** January 7, 1975

*File*



**ON SAFETY  
PHASE II**

**TO** Robert A. Lakin, Director of Planning

**FROM** Robert G. Finch, Assistant City Manager

**SUBJECT** Amendment to Ordinance No. 33-589

On January 6, 1975, the City Commission asked that an amendment to Ordinance No. 33-589 be proposed which would permit signs of limited size within a reasonable distance from elevated highways. This signing to be limited to traveler's information as to food, lodging and automotive services and repair.

Commissioner Donnell also requested clarification be made as to the visual effect of the 660' distance limitation.

You may want to check the tapes if your understanding of the Commission's request differs; however, in any event, all of this good stuff is to be returned for the agenda of January 20, 1975.

Robert G. Finch  
Assistant City Manager

RGF:sc



Dec. 10, 1974

The Daily Record

NO. 33-588

AN ORDINANCE ESTABLISHING REGULATIONS TO CONTROL SIGNS BY LIMITING THE NUMBER, HEIGHT, AREA AND TYPE OF SIGNS TO BE PERMITTED ON A PROPERTY, BASED ON THE SIZE OF THE PROPERTY AND THE LOCATION WITHIN THE ZONING DISTRICTS; AMENDING SECTION 28.04.020 BY PROVIDING ADDITIONAL DEFINITIONS; AMENDING SECTIONS 28.04.040 A-1, 28.04.065 A-3, 28.04.070 A-1, 28.04.080 A-10, 28.04.090 A-1.24 AND 28.04.090 A-2.1 OF THE CODE OF THE CITY OF WICHITA, KANSAS; AND REPEALING THE ORIGINAL SECTIONS 28.04.040 A-10, 28.04.065 A-3, 28.04.070 A-1, 28.04.070 A-12, 28.04.080 A-10, 28.04.090 A-1.24 AND 28.04.090 A-2.1 OF THE CODE OF THE CITY OF WICHITA, KANSAS; AND ADDING THERETO SECTION 28.04.139.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS: Section 28.04.020 of the Code of the City of Wichita, Kansas, is hereby amended to include the following definitions:

"SIGN. Any printed or written text (including letter, word or numeral), pictorial representation (including illustration, decoration or figure), emblem (including device, symbol or trademark), commercial flag (including advertising banner, streamer or pennant), or any other object which:

1. is a structure or any part thereof; or is attached to, painted on, or in any other manner represented on a building, fence, wall, post or any other structure or surface; and

2. is used to identify, instruct, attract, guide or advertise.

"LOT ZONING. A parcel of land that is designated by its owner or developer, at the time of applying for an occupancy certificate as a tract, 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; or
- (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."

Section 28.04.040 A-10 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Signs, as permitted by Section 28.04.139 of this Code."

Section 28.04.055 A-3 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Signs, as permitted by Section 28.04.139 of this Code."

Section 28.04.070 A-11 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Signs, as permitted by Section 28.04.139 of this Code."

Section 28.04.080 A-10 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Signs, as permitted by Section 28.04.139 of this Code."

Section 28.04.090 A-1.24 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Signs, as permitted by Section 28.04.139 of this Code."

Section 28.04.090 A-2.1 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Signs not permitted by Section 28.04.139 of this Code."

Section 28.04.139 of the Code of the City of Wichita, Kansas, shall read as follows:

"Sign Regulations. Notwithstanding the provisions of this Code regulating the uses permitted in the zoning districts, signs shall be regulated by this section of the Code.

"No sign shall be painted, constructed, erected, relocated, remodeled or expanded 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 of Wichita, and shall particularly regulate the size, height and type of sign permitted by the zoning district.

A. General Standards. Signs shall be classified by the Superintendent of Central Inspection in accordance with the following classifications:

1. Classification of signs.

a. Sign, Advertising decoration. Various display and decoration, including streamers, banners, pennants, airwheds, commercial flags, bunting and similar devices.

b. Sign, Building. An on-site sign attached to, painted onto a wall, erected upon or above the roof of a building or structure, the height of which shall not exceed 4 feet, 6 inches above the roof of 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 information other than the name, location or nature of the activities conducted on the premises or the products manufactured thereon, and shall include all cases of the signs.

j. Sign, On-site. A sign which carries only the name and address of a building, business, development or establishment.

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. Such sign shall not include advertising of a product in a manner other than when it pertains directly to premises, such as the use of national advertising poster panels, or the use of advertising trade marks or symbols when a product is sold only by vending machines on the premises.

k. Sign, Portable. 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 32 square feet of gross surface area shall be classified as an off-site sign and regulated accordingly.

m. Sign, Portable. An on-site sign designed in such a manner to be readily movable and not permanently attached to the property. Any non-permanent sign not classed as a temporary sign shall be deemed to be a portable sign.

n. Sign, Poster Panel. An off-site sign designed for the application of advertising poster displays or being comprised of a series of connected panels on which the advertising is frequently changed.

o. 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.

p. 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.

q. Sign, Projecting. An on-site sign suspended from or supported by a building or structure and projecting therefrom a distance exceeding 10" beyond the property line.

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

s. Sign, Roof. A sign erected upon or above the roof of a building or structure to a height exceeding 4 feet, 6 inches above the roof or parapet.

t. Sign, Temporary. An on-site sign such as cloth banners, pennants, window signs in business and industrial establishments, signs of light-weight cardboard, aluminum, plastic or paper materials intended to be displayed for a short period of time.

u. 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.

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

"2. Gross Surface Area of 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 the distance between the faces does not exceed two feet, then only one face of the sign shall be considered in determining the sign area.

"In determining the surface area of a sign, each face of a sign may be broken down into three areas. Each surface area shall include the total area within a single continuous perimeter enclosing the extreme limits of the sign elements, and in no case passing through or between any 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 does not contain any advertising or print-copy, is not lighted and does not exceed 10% of the permitted sign area.

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

"4. Height of Sign. Sign height shall be measured from grade at the nearest street right-of-way line to the highest portion of the sign structure.

"5. Illuminated Signs. Signs shall be shaded wherever necessary to avoid casting bright light upon property located in 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 200 feet of any residential district, shall not be illuminated, unless so designated to permit same.

"6. 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" Office District.

"7. 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 in a plane within 30° of a line perpendicular to the center line of the street. A sign shall be considered facing both directions of travel along a street if the angle exceeds the 30° as described above. Exception: Signs located within 250 feet of an intersection of streets or expressways, or combination thereof, shall be considered facing the lane of traffic it is most directed toward providing the face of the sign is in a plane within 30° of a line perpendicular to the centerline of the street.

"8. Distance Between Off-Site Signs. Distance between off-site signs facing a direction of travel shall be measured at the center line of a street at the points where lines are projected perpendicular to the center line of the street to the center of the signs.

"9. Exemptions. The following signs shall be exempt from the requirements of the zoning ordinance.

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

"2. Signs not exceeding six square feet 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 signs required to be maintained by law or governmental order not exceeding two square feet.

"5. 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 entrances 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 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 2 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 - 32 square feet in "AA" and "A" districts, 128 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 4 real estate signs be permitted on a zoning lot.

Unlighted only.

Gross surface area per sign, Residential zoning districts - 8 square feet, all other zoning districts - 32 square feet.

"6. Project title signs for subdivision identification, with the following limitations: Time period, two years; however, the Superintendent of Central Inspection may grant extensions every six months until the subdivision is 70% developed.

Exclusively for the purpose of advertising the subdivision in which the sign is located.

Unlighted only and neither reflective nor fluorescent.

Permit issued only after the final subdivision plat has been duly recorded.

Located at or near entrances to tract sections under construction.

Not more than 2 signs structures shall be maintained in any one subdivision less than 40 acres in size. For each additional 40 acres or major fraction thereof, one additional sign may be erected.

Area, maximum - 128 square feet for each sign.

Length, maximum - 16 feet.

"7. Nameplate signs with a maximum area of 2 square feet.

"8. Signs, portable and advertising decorations, temporarily displayed during special event periods only, such as grand openings, holidays, carnivals and the like, with a limit of two such events and a total time limitation of 30 days within any calendar year for any business or institution.

"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, and with the following limitations:

Not more than 4 signs for each street frontage, per zoning lot.

Total area of all signs shall not exceed 64 square feet per zoning lot.

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 25 square feet gross area and lighted indirectly only by white light.

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

"13. Other signs which the Superintendent of Central Inspection may determine fall within the intent and purpose of this section.

"D. Signs permitted in the "RB", "R-5", "R-6" and "B" Residential Zoning Districts.

"1. Identification signs for multiple family dwellings and other major office and industrial uses. Such signs shall not exceed 16 square feet in area nor exceed 20 feet in height, and shall be limited to indirect or internal illumination of white light only.

"2. Signs permitted in the "BB" Office District and the "U" University District.

"1. Identification signs, provided they shall not exceed 32 square feet in area nor exceed 30 feet in height and one per zoning lot. Such signs shall be limited to indirect or internal illumination of white light only.

"2. Building sign not exceeding 32 square feet in area or 30 feet in height, and be limited to one for each major use in the building. Such signs shall be limited to indirect or internal illumination of white light only.

"F. Signs permitted in the "G" Mobile Home District.

"1. Identification sign for a mobile home park. Such sign shall not exceed 20 feet in height or exceed 64 square feet in area, and shall be limited to indirect or internal illumination of white light only.

"2. Signs permitted in the "L" Commercial District.

"1. Illuminated on-site ground or pole signs as permitted by Section K.

"2. Illuminated building signs, provided that there shall be no more than 3 signs for each business for each building elevation having street frontage or fronting onto a parking area with a depth of 150 feet or more, and shall be limited in total area to 25% of each building elevation. Signs shall not be more than 30 feet above grade. Building elevations not having street frontage, but facing onto parking or loading areas exceeding 50 feet in depth, may provide identification signs for each place of business having an entrance therefrom, providing such signs shall not exceed 15 square feet in area nor be more than 12 feet above grade.

"3. Signs permitted in the "C" Commercial and "E" Light Industrial Districts.

"1. Illuminated on-site ground or pole signs as permitted by Section K.

"2. Illuminated off-site signs as permitted by Section L.

"3. Illuminated building signs, provided that no individual sign shall exceed 600 square feet, and there shall not be more than six square feet of building sign area for each lineal foot of street frontage.

"4. Illuminated roof signs, provided that it shall not project more than 20 feet above the highest point of the structure on which it is located and furthermore the height shall not exceed the distance of the sign to the center of the adjoining public right-of-way or to a residential zoning district. Any roof sign shall be in lieu of a permitted ground or pole sign.

"1. Signs permitted in the "D" Central Business District.

"1. Illuminated on-site ground or pole signs as permitted by Section K.

"2. Illuminated building signs, provided no individual sign shall exceed 600 square feet, and there shall not be more than six square feet of building sign area for each lineal foot of street frontage.

"3. Illuminated roof signs provided that it shall not project more than 30 feet above the highest point of the structure on which it is located.

"4. Signs permitted in the "F" Heavy Industrial District.

"1. Illuminated on-site ground or pole signs as permitted by Section K.

"2. Illuminated off-site signs as permitted by Section L.

"3. Illuminated building signs, provided that no individual sign shall exceed 600 square feet in area and there shall not be more than six square feet of building sign area for each lineal foot of street frontage.

"4. Illuminated roof signs, provided that it shall not project more than 20 feet above the highest point of the structure on which it is located, and furthermore the height shall not exceed the distance of the sign to the center of the adjoining public right-of-way or to a residential zoning district.

"K. On-site ground or pole signs as referred to in Sections G, H, I and J.

"1. Number and size permitted. One ground or pole sign is permitted for each zoning lot having frontage on a public right-of-way, where a zoning lot has a frontage greater than 250 feet along the same right-of-way such zoning lot is permitted to have two ground or pole signs, plus one additional ground or pole sign for every additional 200 feet of frontage; or the owner may elect to combine two or more such signs, where permitted, into one ground or pole sign thereby allowing a 50% area increase for each sign that is eliminated, with a maximum allowable sign area not to exceed 300% of the area permitted by the table of areas in paragraph 4.

"2. More than one frontage. 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. Signs permitted by a street frontage shall be placed adjacent to same and face the direction of travel along said street. Signs permitted by separate street frontage shall not be combined to attain a greater area or height. Exception: When one sign is erected at the corner of a zoning lot formed by two intersecting streets in lieu of one sign for each street frontage, then that sign may be increased 5 feet in height and 50% in area.

"3. Height Limits. No ground or pole sign shall exceed a height of 30 feet, except that when the number of permitted signs on a zoning lot is reduced, the height of any one sign may be increased 5 feet for each sign reduction. The use of this method to increase a sign height shall not permit any sign to exceed a height of 45 feet.

"4. Area. The maximum permitted area of a ground or pole sign, except when two or more permitted signs are combined, shall not exceed the figures shown in the following table:

Type of Street *	Maximum Permitted Area for On-site Ground or Pole Signs	Area of Sign in Square Feet
Undesignated **		25
Collector		50
Arterial		150
Expressway		150

\*As designated Map 13A of the Transportation Plan Element of the Comprehensive Plan.

\*\*When an undesignated street is located in an area 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.

"5. Rotating Signs. Rotating ground or pole signs are permitted in all commercial or industrial districts. When rotating signs are used, the area permitted by 7-215(D) shall be reduced 33%.

"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 25 feet, whichever is less. When more than one sign is permitted on a zoning lot, there shall be a distance of not less than 150 feet between signs.

"L. Off-Site Signs when Permitted in the Commercial or Industrial Districts.

"1. Number permitted. There shall be permitted not more than one off-site sign facing a direction of travel for each 1,000 lineal feet, or major fraction thereof, of street having "C" Commercial or "E" Light Industrial properties adjacent thereto. There shall be permitted not more than one off-site sign facing a direction of travel for each 600 lineal feet, or major fraction thereof, of street having "F" Heavy Industrial properties adjacent thereto. Whenever any portion of the street has both "C" or "E" and the "F" zoning districts adjacent thereto, the permitted number shall be based on the "F" zoning district.

"2. The number of off-site signs, facing a direction of travel within any designated mile, shall be determined by the lineal measurement. In feet, along the center line of the street right-of-way, that is within or adjacent to any zoning district wherein off-site signs are a permitted use. A designated mile shall be the length of the center line of a street between mile section lines, even though the lineal measurement may exceed 5,280 feet. Under no circumstance shall there be more than five off-site signs facing a direction of travel within any designated mile unless such street is within or adjacent to the "F" Heavy Industrial District. Whenever such a condition is present, the calculations based on the permitted number for these districts shall not permit more than eight off-site signs within any designated mile.

"2. Size permitted. The gross surface area of an off-site sign shall not exceed 600 square feet, nor shall it exceed 30 feet in height.

"3. Prohibited locations. No off-site sign shall be erected on a property when any of the following conditions are found to exist:

"a. No off-site sign shall be erected on a zoning lot that already has more than two on-site ground or pole signs; or

"b. No off-site sign shall be erected on a zoning lot that already has more than 200 square feet of on-site ground or pole signs facing a direction of travel, regardless of the number of signs; or

"c. No off-site sign shall be erected on any

property that would obscure the view of any on-site signs. This shall be determined by establishing a sight point at the center line of the street 150 feet in either direction, then no on-site sign within 150 feet of the off-site sign shall be obscured from view; or

"d. No off-site sign shall be located closer than 330 feet to another off-site sign facing the same direction of travel; or

"e. No off-site sign shall be erected on a zoning lot that does not comply with the minimum lot size requirements of the zoning district.

"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 above the roof of any building, nor shall any portion of a sign project over public right-of-way.

The originals of Sections 28.04.040 A-10, 28.04.065 A-3, 28.04.070 A-11, 28.04.070 A-12, 28.04.080 A-10, 28.04.090 A-1, 24 and 28.04.090 A-2 of the Code of the City of Wichita, Kansas are hereby repealed.

This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall take effect upon its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this 10th day of December, 1974.

GARRY L. PORTER,  
Mayor

Attest: (SEAL)  
DONALD C. GISICK,  
Deputy City Clerk.

Dec. 10, 1944

AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION, CONSTRUCTION, MAINTENANCE AND USE OF SIGNS WITHIN THE CITY OF WICHITA, KANSAS; DEFINING SIGNS AND SIGN DISPLAYS AND PROVIDING FOR PERMITS AND FEES IN CONNECTION WITH THE LOCATION, CONSTRUCTION, MAINTENANCE AND USE THEREOF; PROVIDING FOR PENALTIES FOR THE VIOLATION OF THE PERMIT REQUIREMENTS; PROVIDING FOR RESTRICTIONS ON NONCONFORMING SIGNS, ABANDONED SIGNS, AND THE REMOVAL OF SIGNS AND SIGN DISPLAYS; PROVIDING FOR THE LICENSING OF SIGN HANGERS WITH BONDING REQUIREMENTS; PROVIDING FOR RIGHT OF ENTRY, INSPECTIONS, APPROVAL AND REVOCATION OF SIGN AND SIGN DISPLAY PERMITS; SUBSTITUTING THIS ORDINANCE FOR TITLE 24 OF THE CODE OF THE CITY OF WICHITA, KANSAS AND REPEALING THE ORIGINAL SAID TITLE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS: That Title 24 of the Code of the City of Wichita, Kansas is hereby amended to read as follows:

24.04.010. Title. This ordinance 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 ordinance 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 industry while improving and preserving the visual qualities of the community; to protect the health, safety and general welfare.

24.04.030. Applicability. The provisions of this ordinance shall apply to the construction, erection, alteration, use, location and maintenance of all signs located out of doors; and 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.

(a) Exceptions. The provisions of this ordinance shall not apply to:

- (1) Signs exempt from the provisions of the zoning ordinance by Section 28.04.139-B.
- (2) Temporary decorations or displays located on private property celebrating the occasion of traditionally-accepted patriotic or religious holidays.
- (3) 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.

- (4) Window displays and temporary on site signs placed in the windows of any commercial or industrial building.
- (5) Scoreboard structures in athletic stadiums that the face of which is not visible from any residence or public street.
- (6) Exemption from permit fees. All provisions of this ordinance 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, premises on which the sign is located.
- (2) Political signs not exceeding 32 square feet in area, provided such signs shall not be more than 5 feet in height and shall not be located closer than 6 feet to a property line.
- (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, and located on private property, or
- (5) Special displays as set forth in Section 24.04.040.

24.04.040. Definitions. The definition of terms and description of sign types used in this ordinance are set forth in the zoning ordinance, Title 28 of the code.

24.04.050. Permits Required. Except as otherwise provided in this ordinance, it shall be unlawful for any person to erect, alter, relocate, create by painting or maintain a sign within the City without first obtaining a permit from the Superintendent of Central Inspection who shall issue permits for the following:

- (a) Initial sign and use permit. This permit shall be required for all new signs erected, relocated, created by painting, reconstructed, or for signs altered to increase the height or area. The initial sign and use permit shall be valid for a period of three years from the date of issuance. At the termination of the initial sign and use permit the owner shall be required to obtain an existing sign use permit. The owner of any sign regulated by this ordinance, except temporary signs and portable signs, in existence on the date of enactment of this ordinance which do not conform to the provisions of this code, but which were constructed, erected, affixed or maintained in compliance with all previous applicable regulations, shall be regarded as nonconforming signs and may be continued as nonconforming signs, from the effective date of this ordinance, for a period of not to exceed fifteen years before conformance or removal. A sign use permit shall be valid for a period of three years.

- (c) Temporary sign permit. The owner of any temporary sign or portable sign shall obtain a temporary sign permit. All temporary signs and portable signs existing on the effective date of this ordinance may remain in use for 60 days after which it will be necessary to comply with all applicable regulations and obtain a temporary sign permit. Temporary sign permits shall be valid only for the duration of time noted on the permit and furthermore subject to all applicable provisions of the city ordinances.

24.04.060. Permit Application and Issuance. 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 attachment.

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.

An initial sign and use permit issued under the provisions of this ordinance shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within 90 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned for a period of 120 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.

The Superintendent of Central Inspection may, in writing, suspend, or revoke any permit issued under the provisions of this ordinance whenever the permit is issued on the basis of a material omission or misstatement of fact, or the sign is in violation of this ordinance or any other applicable ordinance.

No permit for a sign issued hereunder 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.

24.04.070. Permit fees. The fees prescribed herein must be paid to the City of Wichita for each sign for which a permit is required and shall be paid before any such permit is issued.

- (a) Initial Sign and Use Permit Fee.
  - (1) For each sign that is erected, installed, affixed, relocated, created by painting, or reconstructed, the initial sign and use permit fee shall be \$10.00 (TEN DOLLARS) plus \$2.00 (TWO DOLLARS) per each 10 square feet of sign area or major fraction thereof.
  - (2) For each existing sign that it altered to increase the area or height of the sign, an initial sign and use permit fee of \$10.00 (TEN DOLLARS) plus \$2.00 (TWO DOLLARS) per each 10 square feet of sign area increase or major fraction thereof. Credit toward the payment of this fee may be any unused portion of the existing sign use permit.
  - (3) For each sign that is erected, installed, affixed, altered, relocated, created by painting, or reconstructed, without first obtaining an initial sign and use permit, the fee shall be twice the amount specified above.

- (b) Existing Sign Use Permit Fee.
  - (1) For each existing sign for which a sign use permit is required a sign use permit fee of \$12.00 (TWELVE DOLLARS) shall be paid for an sign not exceeding 150 square feet in gross surface area and for any sign exceeding 150 square feet in gross surface area the permit fee shall be \$15.00 (FIFTEEN DOLLARS).

When the application for an existing sign use permit is accompanied by a certificate of inspection by a licensed and bonded sign hanger, the permit fee stated above shall be reduced to one-half the amount.

- (2) Failing to secure a sign use permit within 30 days after notification by the Superintendent of Central Inspection, the fee shall be twice the amount specified above.
- (c) Temporary Sign Permit Fee.

- (1) For temporary signs and displays for which a permit is required, a temporary sign permit fee of \$8.00 (EIGHT DOLLARS) for the first 75 square feet of sign area plus \$2.00 (TWO DOLLARS) for each additional 100 square feet of sign and display area or major fraction thereof, plus \$1.00 (ONE DOLLAR) for each 30 day period the permit is issued therefor. (For the purpose of calculating the permit fee when more than one sign, display, pennant, or streamers etc. are to be used, the area of the signs shall be actual, and the area of pennants, streamers and other wind type signs shall be estimated at one square foot for each lineal foot of such display).
- (2) For temporary sign and displays placed on a property without the permit as required, the fee shall be twice the amount specified above.

- (d) Double Fee. The payment of a double fee for failing to obtain the appropriate permit prior to the erecting, placing, installing, creating by painting, affixing, reconstructing or altering a sign shall not relieve any person from complying with other provisions of this ordinance or from the penalties prescribed herein.

24.04.080. Conditions for Sign Use Permit. All signs together with all their supports, braces, connections and 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.

Any crazing, fading, chipping, peeling or flaking of paint, plastic or glass, or any mechanical, electrical or structural defect shall be corrected before any sign use permit is issued.

24.04.090. Signs Hereafter Rendered Nonconforming. Any sign which becomes nonconforming subsequent to the effective date of this ordinance, either by reason of annexation to the City of the zoning lot upon which the sign is located, or by amendment of this ordinance or any other ordinance so as to render such sign nonconforming shall be subject to the provisions of this ordinance. The period within which such sign must be removed 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 the same business on the zoning lot, and may include the sign faces when no structural modifications of the sign are made, or such alteration does not increase the height, area or type 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 50% of its structural value.

(c) Normal maintenance and repairs required for the issuance of a sign use permit.

24.04.110. Permits for New Signs or Expansion of Nonconforming Signs. No permit shall be issued for a new sign or reconstruction, relocation or expansion of a nonconforming sign, when the issuance of the permit would be contrary to applicable regulations, except for the following:

(a) Off site signs may be erected, relocated, expanded or reconstructed only when the number of permitted off site signs within a designated mile is being reduced, or is less than the number permitted by all applicable regulations and the total square feet of permitted off site sign area (number of permitted signs multiplied by the maximum permitted sign area) within the designated mile is not exceeded. However, if the total square feet of off site signs in the designated mile exceeds the permitted area, then a permit shall be issued only when an equal or greater amount of off site sign area is being removed within the designated mile and the number of off site signs within the designated mile is being reduced. Permits for the relocation, reconstruction or expansion of nonconforming off site signs shall be limited to the sign structures that would be permitted by all applicable regulations.

(b) On site ground or pole signs may be erected, altered, expanded, relocated or reconstructed only when such alteration, expansion, relocation or reconstruction is associated with the removal of, or the reduction of, the number and area of nonconforming signs. Whenever permits are issued under this section of the ordinance, a plan shall be submitted, by the owner of the zoning lot to the Superintendent of Central Inspection designating which sign structures are to remain at the termination date of all nonconforming signs, and permits shall be limited to those designated signs. This authorization for exception shall not apply to a zoning lot where only one business or use is located thereon.

(c) On site building signs may be erected, affixed, created by painting, expanded, altered, relocated or reconstructed only when the area of such sign would not exceed the permitted area for the portion of the building occupied by the use. The owner of the zoning lot shall determine the building sign area that will be reduced at the termination date of all nonconforming signs.

(d) On site building signs may be erected, affixed, created by painting, expanded, altered, relocated or reconstructed within the limitations of all applicable regulations for building signs regardless of the presence of any nonconforming off site signs, on site ground or pole signs, on site roof signs or projecting signs on the zoning lot only until the termination date of all nonconforming signs.

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 30 days after notification by the Superintendent of Central Inspection.

24.04.130. Removal of Signs. 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 ordinance which has not been removed within the time period specified in this ordinance, or any other sign maintained in violation of the provisions of this ordinance. 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 30 days, the sign shall be removed in accordance with the provisions of this ordinance.

The notice shall be mailed or given to the owner of the sign, the occupant of the property or their employee or representative upon which the sign is located and to the owner of the property on which the sign is located as shown on the records of the Register of Deeds.

Any person having an interest in the sign or the property may appeal the determination of the Superintendent of Central Inspection ordering removal or compliance by filing a written notice of appeal. Appeals appertaining to the provisions of the zoning ordinance shall be filed with the Secretary of the Board of Zoning Appeals.

Appeals appertaining to the general regulations of this ordinance shall be filed with the Superintendent of Central Inspection who shall refer such appeal to the Board of Appeals, Building Code.

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.

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.

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, alteration, creating by painting, relocation, maintenance or other sign work 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 Code 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 his 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 cancelled 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.

24.04.180. Revocation of Permits. The Superintendent of Central Inspection may revoke any permit under the provisions of this ordinance 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 ordinance 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 ordinance.

(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.

24.04.190. Inspections - Right of Entry. The Superintendent of Central Inspection, or his authorized representative, shall inspect all signs regulated by this ordinance. He 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 ordinance, upon presentation of the proper credentials.

24.04.200. Prohibited Locations.

(a) Constructing 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 of, 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 constructed, erected 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, Alleys, etc. No sign shall be suspended or constructed across any street or alley except as provided in this Code.

(d) Use of Public Property. No sign, except as provided in Section 24.040.230-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 signs projecting into alleys shall be permitted in Fire Zone No. 1 as defined by Title 18 of this Code. 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 projecting more than two feet may be hung not less than eight feet from the surface of the public property immediately below; and provided further, that no part of any sign extending over any public roadway 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 ordinance, or any previous ordinance, shall be revocable at the will of the Board of City Commissioners.

(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) No off site sign shall be located within 50 feet of a residential structure.

(g) No off site sign shall be located closer than 650 feet to the established bank lines of the Big Arkansas or the Little Arkansas River, to any park or recreation area under the jurisdiction of the Board of Park Commissioners of the City, or to any portion of an Interstate Highway structure which the traffic deck is elevated ten feet or more above the grade of adjacent properties.

(h) No ground sign, permanent or temporary, shall be located closer than 25 feet to a driveway unless it is placed six feet from the public right-of-way.

24.04.210. 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.

24.04.220. General Requirements. The signs regulated by this ordinance 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 Title 28, zoning ordinance.

(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 an 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 sign of combustible material shall be erected in Fire Zone No. 1 as defined in Title 18, Building Code, 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, but signs outside of Fire Zone No. 1 may be faced with combustible materials with the 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. 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 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 each 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 from 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 30 days or less, shall have the permit number and the name of the sign owner affixed to the sign in a manner approved by the Superintendent of Central Inspection.

(m) Only licensed and bonded sign hangers may erect, create by painting, affix, alter, relocate or reconstruct any sign requiring a permit. Exception: Temporary signs set forth in Section 24.04.230 unless required to be erected by a licensed sign hanger.

24.04.230. Temporary Signs. No temporary sign shall be placed on any property without first

obtaining a temporary sign permit. Such permit shall be subject to the following requirements:

(a) No temporary sign shall exceed 128 square feet in area, except as permitted in Section (g).

(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 exceeding 72 square feet in area, 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 shall be removed within 24 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 Board of City Commissioners 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.

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 Board of City Commissioners. 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. Penalty for Violation of Chapter, Rule or Order. 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, shall be deemed guilty of violation of this chapter, and shall be punished as provided in Section 1.04.060 of this Code.

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 provisions of this chapter shall be valid, except insofar as the work or use which it authorizes is lawful.

The original of Title 24 of the Code of the City of Wichita, Kansas is hereby repealed.

This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall take effect upon its passage and publication once in ADOPTED at Wichita, Kansas, this 10th day of December, 1974.

GARRY L. PORTER,  
Mayor

Attest: (SEAL)  
DONALD C. GIBICK,  
Deputy City Clerk,

# The Daily Record

AFFIDAVIT OF PUBLICATION

1086 N. Waco - Wichita, Kansas 67203

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December 13, 1974

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STATE OF KANSAS, SEDGWICK  
COUNTY, SS:

Cheri Bush, of lawful age, being first  
duly sworn, deposes and says that she is  
Business Manager of THE DAILY  
RECORD, a newspaper printed in the  
State of Kansas, and published in and of  
general paid circulation on a weekly,  
monthly or yearly basis in Sedgwick  
County, Kansas, and that said newspaper  
is not a trade, religious or fraternal  
publication.

Said newspaper is published at least  
weekly fifty (50) times a year, has been  
so published continuously and  
uninterruptedly in said County and State  
for a period of more than five (5) years  
prior to the first publication of the  
notice attached, and has been admitted  
at the post office of Wichita in said  
County and State as second class matter.

That a notice, a true copy of which is  
hereto attached, was published in the  
regular and entire issue of said  
newspaper for ~~two~~ consecutive  
day, as follows:

- 1st.....12-13-74  
2nd.....  
3rd.....  
4th.....  
5th.....  
6th.....

*Cheri Bush*  
Business Manager

Subscribed and sworn to before me  
this 13th day of

Dec. 19 74  
*William G. Sheldon*  
Notary Public

My commission expires  
11-25-78  
Publication Fees \$ 122.88



WILLIAM G. SHELDON  
STATE NOTARY PUBLIC  
BUTLER COUNTY, KANSAS  
MY COMM. EXP. NOV. 25, 1978

THE DAILY RECORD, Friday, December 13, 1974, page 4

80592 (Published In The Daily Record  
December 13, 1974)

### ORDINANCE NO. 33-589

AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION, CONSTRUCTION, MAINTENANCE AND USE OF SIGNS AND SIGN DISPLAYS WITHIN THE CITY OF WICHITA, KANSAS; DEFINING SIGNS AND SIGN DISPLAYS AND PROVIDING FOR PERMITS AND FEES IN CONNECTION WITH THE LOCATION, CONSTRUCTION, MAINTENANCE AND USE THEREOF; PROVIDING FOR PENALTIES FOR VIOLATION OF THE PERMIT REQUIREMENTS; PROVIDING FOR RESTRICTIONS ON NONCONFORMING SIGNS, ABANDONED SIGNS, AND THE REMOVAL OF SIGNS AND SIGN DISPLAYS; PROVIDING FOR THE LICENSING REQUIREMENTS; PROVIDING FOR RIGHT OF ENTRY, REVOCATION OF SIGN AND SIGN DISPLAY PERMITS; SUBSTITUTING THIS ORDINANCE FOR TITLE 24 OF THE CODE OF THE CITY OF WICHITA, KANSAS, AND REPEALING THE ORIGINAL SAID TITLE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS: Title 24 of the Code of the City of Wichita, Kansas is hereby amended to read as follows: "24.04.010. Title. This ordinance 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 ordinance 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 initial sign and use permit fee of \$100.00 plus \$2.00 (TWO DOLLARS) per each 10 square feet of sign area increase or major fraction thereof. Credit toward payment of this fee shall be given for the portion of the existing sign use permit.

24.04.030. Applicability. The provisions of this ordinance shall apply to the construction, erection, alteration, use, location and maintenance of all signs located out of doors; to those signs painted on any building; and to those signs placed within a building for the express purpose of being visible from the exterior of the building.

(a) Exemption. The provisions of this ordinance shall not apply to:

- (1) Signs exempt from the provisions of the zoning ordinance by Section 28.04.139-B.
- (2) Temporary decorations or displays located on private property celebrating the occasion of traditionally-accepted patriotic or religious holidays.
- (3) 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.
- (4) Window displays and temporary on site signs placed in the windows of any commercial or industrial buildings.
- (5) Scoreboard displays in athletic stadiums that the face of which is not visible from any residence or public street.

(b) Exemption from permit fees. All provisions of this ordinance shall apply to the following signs except that permits or permit fees shall not be required for or on:

- (1) Temporary, nonilluminated, real estate signs, not more than eight square feet in area, advertising the sale or rental of real estate premises on which the sign is located.
- (2) Political signs not exceeding 32 square feet in area, more than 5 feet in height and shall not be located closer than 6 feet to a property line, and in area accessory to a dwelling.
- (3) Nameplate signs on a dwelling.
- (4) Temporary on site signs in conjunction with licensed marriage and wedding services exceeding two square feet, and located on private property, or
- (5) Special displays as set forth in Section 24.04.040. Definitions. The definition of terms and description of sign types used in this ordinance are set forth in the zoning ordinance, Title 28 of the code.

24.04.050. Permits Required. Except as otherwise provided in this ordinance, it shall be unlawful for any person to erect, alter, relocate, create by painting or maintain a sign within the city without first obtaining a permit from the Superintendent of Central Inspection who shall issue permits for the following:

- (a) Initial sign and use permit. This permit shall be required for all new signs erected, relocated, created by painting, reconstructed, or for signs altered to increase the height or area. The initial sign and use permit shall be valid for a period of three years from the date of issuance. At the termination of the initial sign and use permit the owner shall be required to obtain an existing sign use permit.
- (b) Existing sign use permit. The owner of any sign regulated by this ordinance, except temporary signs and portable signs, in existence on the effective date of this ordinance, shall obtain a sign use permit and renew the permit triennially for as long as the sign is used. Permanent signs in existence on the date of enactment of this ordinance which do not conform to the provisions of this code, but which were constructed, erected, affixed or maintained in compliance with all applicable regulations, shall be regarded as nonconforming signs and may be continued as nonconforming signs for a period of not to exceed fifteen years before conformance or removal. A sign use permit shall be valid for a period of three years.

(c) Temporary sign permit. The owner of any temporary sign or portable sign shall obtain a temporary sign permit. All temporary signs and portable ground signs existing on the effective date of this ordinance may remain in use for 60 days after which it will be necessary to comply with all applicable regulations and obtain a temporary sign permit. Temporary sign permits shall be valid only for the duration of time noted on the permit and furthermore subject to all applicable provisions of this ordinance.

24.04.060. Permit Application and Issuance.

therefor has been made and the sign complies with all applicable regulations of the City. An initial sign and use permit issued under the provisions of this ordinance shall expire by the provisions of this permit is not commenced, authorized by such permit is not commenced, or within 90 days from the date of sign permit is suspended or abandoned for a period of 120 days or more at any time after the work is inspected. 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 may be commenced or resumed thereafter a new permit shall first be obtained and the fee thereof 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 the abandonment has not exceeded one year.

The Superintendent of Central Inspection may, in writing, suspend, or revoke any permit issued under the provisions of this ordinance whenever the permit is issued on the basis of the material omission or misstatement of fact, or the sign is in violation of this ordinance or any other applicable ordinance. No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain public or private nuisance or to constitute a nuisance.

24.04.070. Permit Fees. The fees prescribed herein must be paid to the Superintendent of Central Inspection before any such permit is issued.

- (a) Initial Sign and Use Permit Fees.
  - (1) For each sign that is erected, installed, or altered, created by painting, or reconstructed, the initial sign and use permit fee shall be \$100.00 (ONE HUNDRED DOLLARS) plus fee shall be \$2.00 (TWO DOLLARS) per each 10 square feet of sign area or major fraction thereof.
  - (2) For each existing sign that is altered to increase the area or height of the sign, an initial sign and use permit fee of \$100.00 plus \$2.00 (TWO DOLLARS) per each 10 square feet of sign area increase or major fraction thereof. Credit toward payment of this fee shall be given for the portion of the existing sign use permit.
  - (3) For each sign that is erected, installed, altered, or reconstructed, without first obtaining an initial sign and use permit, the fee shall be twice the amount specified above.
  - (4) Existing sign use permit fee. For each existing sign for which a sign use permit is required a sign use permit fee shall be \$15.00 (FIFTEEN DOLLARS) plus \$2.00 (TWO DOLLARS) for each 10 square feet of sign area or major fraction thereof, plus \$1.00 (ONE DOLLAR) for each 30 day period the permit is issued in arrears. For the purpose of calculating the permit fee when more than one sign is displayed, pennant, or streamers etc. are to be used, the area of such signs shall be actual area of pennants, streamers and other wind type signs shall be estimated at one square foot for each linear foot of such display.
  - (5) For temporary sign and displays placed on a property without the permit as required, the fee shall be twice the amount specified above.
  - (6) Double Fee. The payment of a double fee for failing to obtain the appropriate permit prior to the erecting, placing, installing, creating by painting, affixing, reconstructing or altering a sign shall not relieve any person from complying with other provisions of this ordinance or from the penalties prescribed herein.

24.04.080. Conditions for Sign Use Permit. All signs together with all their supports, braces, sign anchors and any appurtenances thereto, shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted, polished 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 attractive condition and shall be kept clear of all obnoxious substances, rubbish and weeds.

(a) Signs Hereafter Referred Nonconforming. Any sign which becomes nonconforming as a result of the effective date of this ordinance, either by reason of annexation to the City of the zoning lot upon which the sign is located, or by reason of the effective date of any other ordinance so as to render such sign nonconforming shall be subject to the provisions of this ordinance, except that such sign shall be removed shall commence to run upon the effective date of the annexation, or the date of the ordinance which renders it 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 color of any off site sign, and the copy on site sign, if the same business on the zoning lot, and may include the sign faces when structural modifications to the sign are made, or such alteration does not increase the height, area or type of the sign.
- (b) Structural alteration or repairs to signs damaged by fire, explosion, act of God, hail, or other natural causes, provided that

designated mile is being reduced, or is less than the number permitted by applicable regulations and the total square feet of regulated off site sign area (number of permitted signs multiplied by the designated permitted sign area within the designated square feet of off site signs in the designated mile exceeds, then a permit shall be issued only when an equal or greater amount of off site sign area is being removed within the designated mile and the mile is being reduced. Permits for nonconforming off site signs shall be limited to the sign structures that would be permitted by all applicable regulations.

(b) On site ground or pole signs may be erected, altered, expanded, relocated or reconstructed only when such alteration, expansion, relocation or reconstruction is associated with the removal of, or the reduction of, the number and area of nonconforming signs. Whenever permits are issued under this section of the ordinance, a plan shall be submitted, by the owner of the zoning lot to the Superintendent of Central Inspection designating which sign structures are to remain at the termination date of all nonconforming signs, and permit shall be limited to those designated signs. This authorization for exception shall not apply to a zoning lot where only one business or use is located thereon.

(c) On site building signs may be erected, affixed, created by painting, expanded, altered, relocated or reconstructed within the permitted area for the portion of the building occupied by the use. The owner of the building shall determine the building sign area that will be reduced at the termination date of all nonconforming signs.

(d) On site building signs may be erected, altered, relocated or reconstructed within the limitations of all applicable regulations, except any nonconforming off site signs, on site ground or pole signs, or signs on the zoning lot until the termination date of all nonconforming signs.

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 is located on a property which is unrelated to the present occupant or his business shall be deemed to have been abandoned. Permanent signs of a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless six months or more. An abandoned sign is prohibited and shall be removed within ten days after notification by the Superintendent of Central Inspection.

24.04.130. Removal of Signs. 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 ordinance which has not been removed within the time period specified in this ordinance, or any other sign maintained in violation of the provisions of this ordinance. The Superintendent of Central Inspection shall prepare a notice which shall describe the sign and specify the date by which the sign shall be removed. If the sign is not removed or the violation is not corrected within 30 days, the sign shall be removed by the Superintendent of Central Inspection.

The notice shall be mailed or given to the owner of the sign, the occupant of the property or their employee or representative upon whom the sign is located and to the owner of the property on which the sign is located as shown on the records of the Register of Deeds.

Any person having an interest in the sign or the Superintendent of Central Inspection ordering removal of the sign may appeal the removal of the sign by filing a written notice of appeal. Appeals pertaining to the provisions of the zoning ordinance shall be filed with the Secretary of the Board of Zoning Adjustment.

Appeals pertaining to the general regulations of this ordinance shall be filed with the Superintendent of Central Inspection who shall refer such appeal to the Board of Appeals, Building Code.

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.

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 the cost of incidental expenses incurred by the City in connection with the sign abatement or removal. These costs shall be certified to the principal who shall assess the costs as a special assessment against the lot or parcel of land on which the sign was located.

24.04.150. License to Engage in Business of Hanging Signs. All persons engaged in the business of hanging signs, which involves in whole or in part the erection, alteration, creation by painting, the relocation, or other sign work shall be required to obtain a license from the City. The cost of such license shall be \$25.00 (TWENTY FIVE DOLLARS) plus \$1.00 (ONE DOLLAR) per sign.

24.04.160. Bond Required. No license shall be issued until a bond has been filed with the City Clerk in the amount of two thousand dollars, such bond shall be as to form by the City Attorney. Such bond shall be conditioned for the construction and maintenance of the signs in accordance with the ordinances of the City, the provisions of this Code and the laws of the State, and to protect and save the hands of harmless from any and all claims or liabilities of any negligent or willful sign hanger or his reason, servants or employees by reason of the erection, demolition, creation or collapse of any sign, sign, or other structure or sign hanger named in such bond, and shall remain in full force and effect until cancelled by the principal or surety after giving thirty days written notice to the City.

24.04.170. Liability for safe maintenance. The granting of a license shall not relieve the owner of the sign of the responsibility of safe maintenance of the sign.

24.04.180. License to Engage in Business of Hanging Signs. All persons engaged in the business of hanging signs, which involves in whole or in part the erection, alteration, creation by painting, the relocation, or other sign work shall be required to obtain a license from the City. The cost of such license shall be \$25.00 (TWENTY FIVE DOLLARS) plus \$1.00 (ONE DOLLAR) per sign.

24.04.160. Bond Required. No license shall be issued until a bond has been filed with the City Clerk in the amount of two thousand dollars, such bond shall be as to form by the City Attorney. Such bond shall be conditioned for the construction and maintenance of the signs in accordance with the ordinances of the City, the provisions of this Code and the laws of the State, and to protect and save the hands of harmless from any and all claims or liabilities of any negligent or willful sign hanger or his reason, servants or employees by reason of the erection, demolition, creation or collapse of any sign, sign, or other structure or sign hanger named in such bond, and shall remain in full force and effect until cancelled by the principal or surety after giving thirty days written notice to the City.

24.04.170. Liability for safe maintenance. The granting of a license shall not relieve the owner of the sign of the responsibility of safe maintenance of the sign.

24.04.180. License to Engage in Business of Hanging Signs. All persons engaged in the business of hanging signs, which involves in whole or in part the erection, alteration, creation by painting, the relocation, or other sign work shall be required to obtain a license from the City. The cost of such license shall be \$25.00 (TWENTY FIVE DOLLARS) plus \$1.00 (ONE DOLLAR) per sign.

24.04.160. Bond Required. No license shall be issued until a bond has been filed with the City Clerk in the amount of two thousand dollars, such bond shall be as to form by the City Attorney. Such bond shall be conditioned for the construction and maintenance of the signs in accordance with the ordinances of the City, the provisions of this Code and the laws of the State, and to protect and save the hands of harmless from any and all claims or liabilities of any negligent or willful sign hanger or his reason, servants or employees by reason of the erection, demolition, creation or collapse of any sign, sign, or other structure or sign hanger named in such bond, and shall remain in full force and effect until cancelled by the principal or surety after giving thirty days written notice to the City.

24.04.170. Liability for safe maintenance. The granting of a license shall not relieve the owner of the sign of the responsibility of safe maintenance of the sign.

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

November 21, 1974

TO Ralph Wulz, City Manager

FROM Robert A. Lakin, Director of Planning *RL*

SUBJECT Sign Regulations

Attached hereto are two ordinances for the regulation of signs to be considered by the Board of City Commissioners.

For the purpose of distinguishing between the two ordinances, the amendment to Title 28, Zoning Ordinance, will be Ordinance ('A') which will regulate the location, height, area and type of sign, and the Amended Title 24, Sign Ordinance, will be ordinance ('B') which will set forth the permit requirements, licensing of sign hangers, maintenance and removal of signs and other administrative procedures.

BACKGROUND ('A')

Over the past several months the MAPC Zoning Advisory Committee has been developing regulations for signs to be included in the new zoning ordinance. Their recommendation was presented to the Planning Commission at a special meeting of the MAPC on June 3, 1974. Over the months, notification of each of the meetings, along with appropriate material, were furnished to representatives of the Kansas State Sign Association, Project Beauty, Inc., Chamber of Commerce, Greater Downtown Wichita, representatives of the Shopping Center Association, Kansas Petroleum Council, Kansas Restaurant and Lodging Association, several architects, the local outdoor advertising company, Environmental Resources Advisory Board, Wichita Independent Business Association, Wichita Board of Realtors, Wichita Association of Home Builders, Wichitans for Better Signs, and others that have expressed interest in the development of the ordinance.

At the meeting of June 3, 1974, after nearly four hours of discussion by all who wished to be heard, the MAPC moved that a special sign committee task force be appointed by the Chairman to review the recommendation of the MAPC Zoning Advisory Committee, along with the comments presented at the Planning Commission meeting, and return with a recommendation in 45 days.

The Committee was appointed on June 7, 1974 and consisted of three members of the MAPC (Ted Hill, Committee Chairman, Michael Gragert and Dwight Hopper) and two members of the MAPC Zoning Advisory Committee (Kenneth Stewart and Paul Elliott).

(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 ordinance.

(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.

**24.04.190. Inspectors - Right of Entry.** The Superintendent of Central Inspection, or his authorized representative, shall inspect all signs regulated by this ordinance. He 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 ordinance, upon presentation of the proper credentials.

**24.04.200. Prohibited Locations.**  
(a) Obstructing Windows, Doors, etc. No sign shall be placed or erected across, over, or obstruct in any way any window, door, exit or entrance of, 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 constructed, erected 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, Alleys, etc. No sign shall be suspended or constructed across any street or alley, except as provided in this Code.

(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 sign projecting into alleys shall be permitted in Fire Zone No. 1 as defined by Title 18 of this code. 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; and provided further, that no part of any sign extending over any public roadway 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 ordinance, or any previous ordinance, shall be revocable at the will of the Board of City Commissioners.

(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) No off-site sign shall be located within 50 feet of a residential structure.

(g) No off-site sign shall be located closer than 660 feet to the established bank lines of the Big Arkansas or the Little Arkansas River, to any park or recreation area under the jurisdiction of the Board of Park Commissioners of the City, or to any portion of an Interstate Highway structure which the traffic deck is elevated ten feet or more above the grade of adjacent properties.

(h) No ground sign, permanent or temporary, shall be located closer than 25 feet to a driveway unless it is placed six feet from the public right-of-way.

**24.04.210. 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.

**24.04.220. General Requirements.** The signs regulated by this ordinance 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 Title 28, zoning ordinance.

(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 a 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 sign of combustible material shall be erected in Fire Zone No. 1 as defined in Title 18, Building Code, 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, but signs outside of Fire Zone No. 1 may be faced with combustible materials with the 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. 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 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 each 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 from 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.

(1) Each sign, except temporary signs for which permits have been issued for 30 days or less, shall have the permit number and the name of the sign owner affixed to the sign in a manner approved by the Superintendent of Central Inspection.

(m) Only licensed and bonded sign hangers may erect, create by painting, affix, alter, relocate or reconstruct any sign requiring a permit. Exception: Temporary signs set forth in Section 24.04.230 unless required to be erected by a licensed sign hanger.

**24.04.230. Temporary Signs.** No temporary sign shall be placed on any property without first obtaining a temporary sign permit. Such permit shall be subject to the following requirements:

(a) No temporary sign shall exceed 28 square feet in area, except as permitted in Section (g).

(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 which may be occasioned by the temporary sign suspended from or attached to a canopy or marquee shall extend closer to the sidewalk than the sign.

(c) Temporary signs shall be limited to 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 exceeding 72 square feet in area, 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 shall be removed within 24 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 Board of City Commissioners 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.

**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 Board of City Commissioners. 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. Penalty for Violation of Chapter, Rule or Order.** 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, shall be deemed guilty of violation of this chapter, and shall be punished as provided in Section 1.04.060 of this Code.

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.

The original of Title 24 of the Code of the City of Wichita, Kansas is hereby repealed.

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

ADOPTED at Wichita, Kansas, this 10th day of December, 1974.

GARRY L. PORTER,  
Mayor

Attest: (SEAL)  
DONALD C. GISICK,  
Deputy City Clerk.

WICHITA-SEDGWICK COUNTY

DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

November 21, 1974

TO Ralph Wulz, City Manager

FROM Robert A. Lakin, Director of Planning *RAL*

SUBJECT Sign Regulations

Attached hereto are two ordinances for the regulation of signs to be considered by the Board of City Commissioners.

For the purpose of distinguishing between the two ordinances, the amendment to Title 28, Zoning Ordinance, will be Ordinance ('A') which will regulate the location, height, area and type of sign, and the Amended Title 24, Sign Ordinance, will be ordinance ('B') which will set forth the permit requirements, licensing of sign hangers, maintenance and removal of signs and other administrative procedures.

BACKGROUND ('A')

Over the past several months the MAPC Zoning Advisory Committee has been developing regulations for signs to be included in the new zoning ordinance. Their recommendation was presented to the Planning Commission at a special meeting of the MAPC on June 3, 1974. Over the months, notification of each of the meetings, along with appropriate material, were furnished to representatives of the Kansas State Sign Association, Project Beauty, Inc., Chamber of Commerce, Greater Downtown Wichita, representatives of the Shopping Center Association, Kansas Petroleum Council, Kansas Restaurant and Lodging Association, several architects, the local outdoor advertising company, Environmental Resources Advisory Board, Wichita Independent Business Association, Wichita Board of Realtors, Wichita Association of Home Builders, Wichitans for Better Signs, and others that have expressed interest in the development of the ordinance.

At the meeting of June 3, 1974, after nearly four hours of discussion by all who wished to be heard, the MAPC moved that a special sign committee task force be appointed by the Chairman to review the recommendation of the MAPC Zoning Advisory Committee, along with the comments presented at the Planning Commission meeting, and return with a recommendation in 45 days.

The Committee was appointed on June 7, 1974 and consisted of three members of the MAPC (Ted Hill, Committee Chairman, Michael Gragert and Dwight Hopper) and two members of the MAPC Zoning Advisory Committee (Kenneth Stewart and Paul Elliott).

Page 2 - Ralph Wulz, City Manager  
November 21, 1974

This Committee met for an afternoon each week to discuss and develop a recommendation on the sign regulations. Their recommendation was presented to the Planning Commission at a special meeting on August 12, 1974. The planning Commission made several minor changes to sign regulations of the proposed zoning ordinance and recommended approval. The Planning Commission also recommended to authorize the advertising for public hearing changes to the existing zoning ordinance to effectuate some immediate controls for signs, even prior to the implementation of a new zoning ordinance. Copies of this material and minutes of the August 12, 1974 MAPC meeting were presented to the Board of City Commissioners at their meeting of September 10, 1974. At that meeting, I asked for the comments of the City Commission on the proposed ordinance amendment so that their concerns could be related to the MAPC at the public hearing.

The Planning Commission held their public hearing on the amendment to the zoning ordinance on September 26, 1974. Copies of the excerpt from that meeting are attached for your information.

BACKGROUND ('B')

The original Title 24, Signs and Billboards, was adopted on May 7, 1946 and has been amended very little over the past 28 years. Sign permit fees were last amended in 1957.

In the development of new sign regulations, it was determined that signs and the need for signs is determined primarily by the use of the land. Land uses are regulated by the zoning ordinance and as such the regulations to control the number, height, area and type of sign should be a part of the same ordinance.

With this as a basic premise, the amendment to the zoning ordinance ('A') was developed. It is then necessary to amend Title 24 to eliminate the conflicts with the zoning ordinance.

The development of the Sign ordinance ('B') has been a joint effort of representatives from the Planning Department, Central Inspection of the Department of Public Works, representatives of the Kansas State Sign Association, Donrey Outdoor Advertising, and other interested persons.

The ordinance ('B') has been reduced to the administration of the regulations of signs established in the zoning ordinance ('A'); the requirement of permit fees; licensing of sign hangers; providing for restrictions on nonconforming signs, abandoned signs and the removal of signs; and providing for right of entry, inspections, approval and revocation of sign permits; and providing for penalties for the violation of the requirements of the code. The regulations controlling height, areas and type of signs permitted have been removed and more properly placed in the zoning ordinance where uses are regulated.

SUMMARY ('A')

The regulations established by the amendment to the zoning ordinance ('A') are a result of many meetings and long hours of discussion on all aspects of sign controls. Although there has not been 100% agreement on all sections of the ordinance by the Planning Commission, the representatives of the sign industry and all others who have participated, the ordinance should provide some reasonable amount of sign control that will start to effectuate some improvement of the streetscape.

Although there are many minor changes in the regulations, the major changes are as follows:

1. Prohibit roof-mounted off-site signs in any zoning district. (Such signs are now permitted in the "C" Commercial, "D" Central Business, "E" Light Industrial and the "F" Heavy Industrial district.)
2. Prohibit any new off-site signs to be located in the "D" Central Business District.
3. Limit the number of off-site signs in the "C" Commercial and "E" Light Industrial Districts to five per mile facing a direction of travel and to eight per mile in the "F" Heavy Industrial District. (There are no limitations on the number of off-site signs included in the existing ordinance.)
4. Establish controls for the size, height and placement of off-site signs to include a maximum area of 600 square feet, a 40-foot height, a distance separation of not less than 330 feet, and not to be located on a property with a large amount of on-site signs or to interfere with sight angles of existing on-site signs. (There are no limitations in the present ordinance to the number permitted on a property or their relation to the other signs that might be located in close proximity.)
5. Establish controls for on-site ground or pole signs that limit the number, height and area, based on the size of a property. These limitations are based on the type of street adjacent to the property. Larger signs are permitted adjacent to arterials and expressways. It also permits an increase in the size and height of sign when the permitted number of signs is reduced. (Present regulations do not limit the number of signs on a property and this is considered one of the major contributors to visual pollution caused by signs. Present regulations limit the height to 30 feet and the area to 250 square feet, that may be increased by the City Commission. The proposed regulations allow heights up to 45 feet and areas up to 450 square feet when there is a reduction of the number of signs permitted on the property.)

6. Establish controls for portable ground signs and temporary decorations by limiting the use to special events such as grand openings, carnivals and the like. (Present regulations are practically non-existent on portable ground signs, with the only limitation that if they exceed 4'6" in height they must be placed 6'0" behind the front property line. This also was considered a major cause of visual pollution by those serving on the Zoning Advisory Committee due to the over-proliferation of this type of sign at many retail businesses.
7. Establish reasonable controls for subdivision identification signs, construction signs, and real estate signs. See Section C starting on page 8 of the proposed amendment to the zoning ordinance. (This will allow such signs on a temporary basis that are now in many instances, conflicting with the existing zoning ordinance.)

SUMMARY ('B')

This ordinance has been rewritten to correlate with the provisions of the amendment to the zoning ordinance ('A') and also includes the following significant changes from the existing regulations:

1. An adjustment of approximately 50% in the permit fees that have not been revised since 1957. (Example: A 400 square foot double faced ground sign under the existing fees would be \$60, under the proposed fees \$90.)
2. Require all signs to have a valid sign use permit and be maintained in good condition. (Sections 28.04.050 and 28.04.080.)
3. Requires permits for the placement of temporary signs, portable signs, other similar displays heretofore not regulated by permits.
4. Establishes procedure for the notification and removal of abandoned, dangerous, defective, illegal or prohibited signs.
5. Establishes a procedure for the removal of nonconforming signs at the end of 15 years. In the interim period, it regulates the extent of modification to such signs.
6. Changes the requirement of approval of the surety bonds by the City Commission to approval as to form by the City Attorney.

Page 5 - Ralph Wulz, City Manager  
November 21, 1974

RECOMMENDATION

It is recommended that these ordinances be adopted.

RAL:GEL:ber

Attachment

cc: John Dekker, Director of Law  
Ray Bruggeman, Director of Public Works  
Robert Feldner, Supt. of Central Inspection  
Robert Vinson, Administrative Supervisor  
Jack Galbraith, Chief Planner

WICHITA-SEDGWICK COUNTY

DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

September 20, 1974

TO Wichita-Sedgwick County Metropolitan  
Area Planning Commission

FROM Robert A. Lakin, Director of Planning *RL*

SUBJECT DR 74-27 - Amendment to the Zoning  
Ordinance Re: Sign Regulations

Attached hereto is a copy of the proposed amendment to the existing zoning ordinance that has been advertised for public hearing at the Planning Commission meeting of September 26, 1974.

BACKGROUND

At a special meeting of the Planning Commission on June 3, 1974, you were presented the recommendations on sign regulations for the proposed new zoning ordinance that had been prepared by the Zoning Advisory Committee after a two-year study. At the end of that meeting, it was the consensus of the Planning Commission that further study of the ZAC recommendation on signs should be made. It was recommended that a smaller ad hoc committee be appointed by the Chairman of the Planning Commission. This Special Sign Committee Task Force was appointed and given 45 days to return with a recommendation. This ad hoc committee consisted of Ted Hill, Chairman; Michael Gragert, and Dwight Hopper of the MAPC, Kenneth Stewart and Paul V. Elliott of the Zoning Advisory Committee.

The Special Sign Committee Task Force brought their recommendation to the Planning Commission at a special meeting on August 12, 1974. After full discussion and public debate, several minor changes were made to Article 7, Signs, of the proposed zoning Ordinance. It was also recommended that the existing ordinances be amended to incorporate the major changes of the sign regulations, thereby effecting some immediate results in sign controls. The attached amendment relates only to the limitations placed on signs by the zoning ordinance and has been advertised for public hearing on September 26, 1974 and will provide such controls. The proposal includes the following major changes from the existing regulations.

1. Prohibit roof-mounted off-site signs. (These are now permitted in the "C" Commercial, "D" Central Business, "E" Light Industrial and "F" Heavy Industrial Districts.)
2. Prohibit off-site signs in the "D" Central Business District.

3. Limit the number of off-site signs in the "C" Commercial and "E" Light Industrial Districts to five per mile facing a direction of travel and to eight per mile in the "F" Heavy Industrial District. (There are no limitations on the number of off-site signs included in the existing ordinances.)
4. Establish controls for the size, height and placement of off-site signs to include a maximum area of 600 square feet, a 40-foot height, a distance separation of 330 feet, and not to be located on a property with a large amount of on-site signs or to interfere with sight angles of existing on-site signs. (Present regulations limit ground supported billboards to 500 square feet and 30 feet in height. There is no limitation to the number permitted on a property or their relation to the other signs that might be located in close proximity. In the development of the regulations by the Zoning Advisory Committee, it was agreed to allow a greater height if such signs were to remain behind the building setback lines. This concept is included in the proposed amendment.)
5. Establish controls for on-site ground or pole signs that limit the number, height and area, based on the size of a property. These limitations are based on the type of street adjacent to the property. Larger signs are permitted adjacent to arterials and expressways. It also permits an increase in the size and height of sign when the permitted number of signs is reduced. (Present regulations do not limit the number of signs on a property and this is considered one of the major contributors to visual pollution caused by signs. Present regulations limit the height to 30 feet and the area to 250 square feet, that may be increased by the City Commission. The proposed regulations allow heights up to 45 feet and areas up to 450 square feet when there is a reduction of the number of signs permitted on the property.)
6. Establish controls for portable ground signs and temporary decorations by limiting the use to special events such as grand openings, carnivals and the like. (Present regulations are practically non-existent on portable ground signs, with the only limitation that if they exceed 4'6" in height they must be placed 6'0" behind the front property line. This was considered a major cause of visual pollution by those serving on the Zoning Advisory Committee due to the over-proliferation of this type of sign at many retail businesses, and the many times complete disregard of the regulations to not place them on public property.)

7. Establish reasonable controls for subdivision identification signs, construction signs, and real estate signs. See Section C-1, 2 and 3 on pages 8 and 9 of the proposed amendment to the zoning ordinance. (This will allow such signs on a temporary basis that are now in many instances, conflicting with the existing zoning ordinance.)

SUMMARY OF CITY COMMISSION COMMENTS

In light of the City Commission's expressed interest in sign controls, and at their request, a report of the development of sign regulations, as proposed, was furnished to the City Commission at their meeting on September 10, 1974. They were not asked to make any formal recommendations on these regulations, but they were asked to indicate whether the proposed regulations were somewhere in line with their desires for sign controls. It is my opinion that the majority of the City Commission is in concurrence with the general content of the proposed regulations, however, the following questions were raised as concerns by individual Commissioners.

1. A limit on the number of off-site signs not exceeding 5 per mile in any zoning district that permits such signs. (The proposed regulations now propose up to 8 per mile in the "F" Heavy Industrial district.)
2. Concern for the preservation of the visual quality of the River corridors and the areas adjacent to the Canal Route. (Although the new zoning maps indicate zoning districts that will not permit off-site signs in most of these areas, the proposed regulations for the existing ordinance do not provide the protection that the new zoning districts would provide. Along the elevated portion of the Canal Route, there will be little area, other than north of 17th Street, that will permit off-site signs. One possible method for protecting these areas would be to prohibit off-site signs within all zoning districts within 660 feet (or such other distance as the Commission may establish), of the Little Arkansas and Big Arkansas Rivers, elevated interstate highways, or public parks. A reduction of height to 30 feet, as indicated in item number 3, would reduce the potential signs along the Canal Route but would accomplish nothing to the area adjacent to the Rivers or public parks.)
3. Questioned the increase in the permitted height of off-site signs from 30 feet to 40 feet and area of off-site signs from 500 square feet to 600 square feet.
4. Concern was also expressed over the introduction of new areas of the City for off-site signs, such as the proposed zoning for East Kellogg from Edgemoor to the Turnpike, which would permit off-site signs. (This area is now zoned, for the most

part, Light Commercial, and does not permit off-site signs, and would not be changed at the present time. One Commissioner suggested that there could possibly be some method of establishing aesthetic controls in such areas if off-site signs are to be permitted. The only method which could be suggested is to make off-site signs a special permit in B-4 and B-5, with special criteria as to lighting, material and color of sign support and framing and requiring complete enclosure of support material. (Note: This would not be applicable to this hearing as off-site signs are not being suggested for the "LC" Light Commercial District nor are any new districts, such as B-4 and B-5 being introduced at this time.)

5. Concern of the lack of limitations on area and number of signs permitted in the "D" Central Business District. (This could be resolved by limiting the total permitted building sign area to six square feet for each lineal foot of street frontage as is suggested for the "C", "E" and "F" districts. We would recommend this change.)
6. It was suggested that some limitation be placed on the size of directional signs for public buildings and other governmental uses that are exempted from the provisions of the ordinance. (A limitation of six square feet would accommodate the largest directional signs installed at the present time. This change is recommended.)
7. One of the Commissioners agreed with the representative of the outdoor sign industry that the requirement of an off-site sign be located on a zoning lot that complied with the minimum lot size requirements of the zoning district would be inequitable. (As I stated at the meeting on August 12, 1974 when the question arose, this requirement was placed in the ordinance to prevent the industry from circumventing the intent of the regulations by buying or leasing a strip of land for an off-site sign. If this were permitted, they could exempt themselves from the limitations of locations in relationship to on-site signs they suggested be inserted into the ordinance. This provision would not prevent such a use to be established on a lot of record that has been held under distinct ownership separate from the adjoining tracts of land. This would not prevent the use of odd shaped or sub-sized lots of record for off-site signs if they would not violate the other conditions for location, as they would be legal "lots of record", hence a legal "zoning lot".)
8. Concern over the requirement that all signs should comply with the regulations within ten years. Consideration should possibly be based on the cost of the sign. (In order to carry

Page 5 - Metropolitan Planning Commission  
September 20, 1974

out the desires of the Planning Commission that all signs comply with the proposed regulations within ten years, the Legal Department has advised that this type of provision should be placed in Title 24 and not in the zoning ordinance.

RECOMMENDATION

It is recommended that the proposed amendments to the zoning ordinance, along with any changes deemed appropriate, be forwarded to the City Commission with a recommendation for adoption.

Any recommendation will be forwarded to the City Commission at the same time as the revised Title 24 of the Code to correlate all provisions for sign controls.

RAL:GEL:ber

Attachment

## Commission Leans Toward Stricter Sign Regulations

After three hours of discussion Tuesday, city commissioners made recommendations for consideration during a public hearing later this month on revisions to the city's zoning ordinances governing signs and billboards.

No formal action was taken by the commission. However, each commissioner expressed views concerning the regulations which will be considered at a public hearing Sept. 26 before the Metropolitan Area Planning Commission.

Most of the comments pointed toward more restrictive regulations than those proposed by the planning commission and its advisory committees.

The exception to this was Commissioner John Stevens who suggested the entire revisions be discarded and present regulations be continued.

Early in the discussion Commissioner Jack Shanahan suggested there would be great differences "between the far right (Stevens) and the far left (himself) on the bench."

Shanahan described Stevens' position on the proposed revisions as representing a "liberal" viewpoint and his own as being "conservative" and more restrictive in nature.

Commissioner James Donnell suggested billboards be limited to no more than five per mile in all areas and that all new signs be prohibited from projecting over public right-of-ways.

He also suggested that all nonconforming signs be removed after a 10-year period and that there be more stringent requirements in some proposed business districts and along interstate highways and the rivers.

Vice Mayor Connie Peters agreed with Donnell's suggestions and said she would like some information developed on paying for signs which might be removed once the ordinance is approved.

Shanahan said he would reserve personal recommendations until after the plan-

ning commission public hearing.

Mayor Garry Porter suggested a 5- to 7-year program for removal of nonconforming signs and supported banning of signs along the interstate highways and the rivers.

He also objected to proposed revisions which would allow an increase in size of signs and in the height of signs.

Changes proposed in the zoning ordinances include:

- Prohibit any new roof-mounted off-site signs which now are allowed in various commercial and industrial areas.

- Prohibit any new off-site signs in the central business district.

- Limit the number of off-site signs in commercial and light industrial districts to five per mile and to eight per mile in the heavy industrial district. There are no limitations on the number of off-site signs at present.

- Limit the size of signs to 600 square feet with a maximum height of 40 feet and a minimum distance separation of 330 feet for off-site signs. Present regulations limit such signs to 500 square feet and a height of 30 feet.

- Limit the number, height and area of on-site signs based on the size of property.

- Limit the use of portable ground signs and temporary decorations to special events such as grand openings, carnivals and the like. Present regulations are practically nonexistent.

- Establish controls for subdivision identification signs, construction signs and real estate signs.

- Regulate the lighting of signs which are within 200 feet of residentially zoned property.

Mrs. Joann Kamas, representing the Wichita-Sedgwick County Environmental Resources Advisory Board, and Mrs. Pat Guinan, representing Wichitans for Better Signs and Project

Beauty Inc., suggested stricter provisions.

Mrs. Kamas said her board opposes increasing the size of off site signs and allowing additional height and that the number of billboards be limited to five per mile in all areas. The board, she said, also recommended that all new off-site signs erected except within the downtown business district be prohibited from projecting over the public right-of-way.

Mrs. Guinan endorsed these viewpoints and said her organizations would favor even smaller signs, a greater reduction in number and fewer billboards and animated signs.

John Blair, attorney representing Donrey Outdoor Advertising, said: "We feel, from what is written...we will be out of business in 10 years."

He said the firm would lose about 10 miles of street frontage where it now can place signs. About the size of billboards, Blair said requirements of national advertisers reflect the need for larger billboards.

He also spoke against the 10-year amortization program which would take down all nonconforming billboards in that time span.

"You're saying, 'we're going to take your property away from you, but we're going to give you 10 years before we take it,'" Blair said.

Stevens contended the proposed revisions would be a restraint of trade and in violation of the constitution.

He said the present commission is anti-businessman and called the proposed ordinance "disgrace."

Following the Sept. 26 public hearing before the planning commission, the revised zoning ordinances and sign regulations will be returned to the city commission on Oct. 15 for final decisions.

City Council

9-10-74

Tidwell ← III → Donay

Problem w/ theory of amort.

60% or 350 structure will become non-conforming

? Porter - questioned how to regulate aesthetics.

Bill Campbell - Claude Nease Fed.

? on repr. of S. Ind. @ S.S.T.F.C. —

Stevens - wrong path — <sup>did</sup> no second —

Journal - 5 per mil

prob. for Public R.O.W.

Removal of N.C. Sign in 10 yrs —

Sign - Off site signs in B-4 & B-5

if permitted some kind of  
aesthet. controls

Sign boards & Canal route <sup>billboards</sup>  
prohibit along such corridors.

Porter — value amort. —

Shannahan — concern new dnd. park

Porter — 5,6 or 7 amort.

no new billboard —

500 ft adq.  
30' adq.

Porter

concern over random signs in B-4 & B-5

Silbach - look at illustration

Lot size -

Small dir. signs

10 ft max on light adjacent to ?  
? no limitations on B-6 -

---

Designated area for informational  
area and travel facilities

Explanation of method to  
control activities

Set up mtg w/ Dick Lecker -  
John Lecker -

Talk w/ Everett Hale

WICHITA-SEDGWICK COUNTY

DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

September 5, 1974

TO Ralph Wulz, City Manager  
FROM Robert A. Lakin, Director of Planning *RL*  
SUBJECT Recommendation on Sign Regulations

As requested by the Board of City Commissioners, a recommendation on sign regulations by the Wichita-Sedgwick County Metropolitan Area Planning Commission is hereby submitted.

BACKGROUND

The MAPC held a special meeting on Monday, August 12, 1974, at 7:30 p.m. to discuss the sign regulations (Article 7), to be included in the new zoning ordinance. Copies of the MAPC minutes of that meeting are attached for your information.

Article 7, Signs, as submitted for consideration by the MAPC on August 12, 1974, was the result of six weeks review by a special Sign Committee Task Force. This Committee was appointed by the Planning Commission after a special meeting on June 3, 1974, to consider the recommendations of the Zoning Advisory Committee. This Special Sign Committee Task Force consisted of three members of the MAPC (Hill, Gragert, Hopper) and two members of the Zoning Advisory Committee (Kenneth Stewart and Paul Elliott) and was chaired by Ted Hill.

The recommendation of the Planning Commission was to approve the recommendation of the Task Force on Article 7, Signs, as amended on August 12, 1974, to be included into the new zoning ordinance, subject to a provision that all signs be brought into compliance within a period of ten years.

It was further recommended that the necessary amendments to the existing ordinances (both zoning-Title 28 and Signs-Title 24), be prepared to effectuate some immediate controls on signs, such as to: (a) prohibit off-site signs (billboards) in the Central Business District, (b) prohibit roof-mounted off-site signs (billboards), (c) limit the number of off-site signs to five per mile in the "C" Commercial and "E" Light Industrial Districts and eight per mile in the "F" Heavy Industrial District, (d) place number, height and area limitations on ground or pole signs, and (e) regulate the use of portable signs by limiting their use to special events.

The amendment to the zoning ordinance has been prepared and advertised for public hearing before the MAPC at their regular meeting of September 26, 1974. Copies of the advertisement and the amendments to the zoning ordinance are attached for your information. Glen Lytle of my staff and Dwight Flowers of the Central Inspection Division are presently preparing revisions to the existing sign ordinance (Title 24 of the City Code), to correlate the provisions of the two ordinances. The regulations for the type, height, area and lighting of signs will be placed in the zoning ordinance. The regulations requiring permits, licensing of sign hangers, structural and construction standards, and the provisions for administration of the sign regulations will remain in the sign code. Both ordinances will be forwarded to the Board of City Commissioners to be considered concurrently on or about October 15, 1974. This will be the first date possible due to the State statute regulating amendments to the zoning ordinance.

SUMMARY

- A. The following is a summary of the changes that will be included in the proposed changes to the existing zoning ordinance:
1. Prohibit any new roof-mounted off-site signs. (These are now permitted in the "C" Commercial, "D" Central Business, "E" Light Industrial and "F" Heavy Industrial Districts.)
  2. Prohibit any new off-site signs in the "D" Central Business District.
  3. Limit the number of off-site signs in the "C" Commercial and "E" Light Industrial Districts to five per mile facing a direction of travel and to eight per mile in the "F" Heavy Industrial District. (There are no limitations on the number of off-site signs included in the existing ordinances.)
  4. Establish controls for the size, height and placement of off-site signs to include a maximum area of 600 square feet, 40-foot height, distance separation of 330 feet, and not to be located on a property loaded with on-site signs or to interfere with existing on-site signs. (Present regulations limit ground supported billboards to 500 square feet and 30 feet in height. There is no limitation to the number permitted on a property or their relation to other signs that might be located in close proximity. In the development of the regulations, it was agreed to allow a greater height if such signs were to remain behind the building setback line.)

5. Establish controls for on-site ground or pole signs that limit the number, height and area, based on the size of a property. See Section K, page 12, 13 and 14 of the proposed amendment to the zoning ordinance. (Present regulations do not limit the number of signs on a property and this is considered one of the major contributors to visual pollution caused by signs. Present regulations limit the height to 30 feet and the area to 250 square feet, that may be increased by the City Commission. The proposed regulations allow heights up to 45 feet and areas up to 450 square feet when there is a reduction of the number of signs permitted on the property.)
  6. Establish controls for portable ground signs and temporary decorations by limiting the use to special events such as grand openings, carnivals and the like. (Present regulations are practically non-existent on portable ground signs, with the only limitation that if they exceed 4'6" in height they must be placed 6'0" behind the front property line. This was considered the greatest cause of visual pollution by those serving on the Zoning Advisory Committee due to the over-proliferation of this type of sign at many retail businesses, and the many times complete disregard of the regulations to not place them on public property.)
  7. Establish reasonable controls for subdivision identification signs, construction signs, and real estate signs. See Section C-1, 2 and 3 on pages 8 and 9 of the proposed amendment to the zoning ordinance. (This will allow such signs on a temporary basis that is in conflict with the existing zoning ordinance.)
  8. Regulate the lighting of signs that are within 200 feet of a residential zoning district. (There are practically no regulations of sign lighting in the existing ordinances.)
  9. Allow identification signs for buildings and building complexes when such are an architectural detail. (See Section B-7 of the proposed amendment to the zoning ordinance.)
  10. Other minor adjustments to the sign regulations that will eliminate some of the conflict between the two ordinances.
- B. The Planning Commission also recommended language for the new Article 7 of the new zoning ordinance (see minutes). These provisions closely parallel those made for the existing ordinance.

Page 4 - Ralph Wulz, City Manager  
September 5, 1974

RECOMMENDATION

Receive and file the report and make such recommendation to the MAPC for their consideration and use at their forthcoming public hearing on text changes to the existing ordinance.

RAL:ber

Attachments

WICHITA-SEDGWICK COUNTY

DATE

September 5, 1974

Page 2 - Ralph Wulz, City Manager  
September 5, 1974

METROPOLITAN AREA PLANNING DEPARTMENT

TO Ralph Wulz, City Manager  
FROM Robert A. Lakin, Director of Planning  
SUBJECT Recommendation on Sign Regulations

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The recommendation of the Planning Commission was to approve the recommendation of the Task Force on Article 7, Signs, as amended on August 12, 1974, to be included into the new zoning ordinance, subject to a provision that all signs be brought into compliance within a period of ten years.

It was further recommended that the necessary amendments to the existing ordinances (both zoning-Title 28 and Signs-Title 24), be prepared to effectuate some immediate controls on signs, such as to: (a) prohibit off-site signs (billboards) in the Central Business District, (b) prohibit roof-mounted off-site signs (billboards), (c) limit the number of off-site signs to five per mile in the "C" Commercial and "E" Light Industrial Districts and eight per mile in the "F" Heavy Industrial District, (d) place number, height and area limitations on ground or pole signs, and (e) regulate the use of portable signs by limiting their use to special events.

The amendment to the zoning ordinance has been prepared and advertised for public hearing before the MAPC at their regular meeting of September 26, 1974. Copies of the advertisement and the amendments to the zoning ordinance are attached for your information. Glen Lytle of my staff and Dwight Flowers of the Central Inspection Division are presently preparing revisions to the existing sign ordinance (Title 24 of the City Code), to correlate the provisions of the two ordinances. The regulations for the type, height, area and lighting of signs will be placed in the zoning ordinance. The regulations requiring permits, licensing of sign hangers, structural and construction standards, and the provisions for administration of the sign regulations will remain in the sign code. Both ordinances will be forwarded to the Board of City Commissioners to be considered concurrently on or about October 15, 1974. This will be the first date possible due to the State statute regulating amendments to the zoning ordinance.

SUMMARY

A. The following is a summary of the changes that will be included in the proposed changes to the existing zoning ordinance:

1. Prohibit any new roof-mounted off-site signs. (These are now permitted in the "C" Commercial, "B" Central Business, "E" Light Industrial and "F" Heavy Industrial Districts.)
2. Prohibit any new off-site signs in the "D" Central Business District.
3. Limit the number of off-site signs in the "C" Commercial and "E" Light Industrial Districts to five per mile facing a direction of travel and to eight per mile in the "F" Heavy Industrial District. (There are no limitations on the number of off-site signs included in the existing ordinances.)
4. Establish controls for the size, height and placement of off-site signs to include a maximum area of 600 square feet, 40-foot height, distance separation of 330 feet, and not to be located on a property loaded with on-site signs or to interfere with existing on-site signs. (Present regulations limit ground supported billboards to 500 square feet and 30 feet in height. There is no limitation to the number permitted on a property or their relation to other signs that might be located in close proximity. In the development of the regulations, it was agreed to allow a greater height if such signs were to remain behind the building setback line.)

5. Establish controls for on-site ground or pole signs that limit the number, height and area, based on the size of a property. See Section W, page 12, 13 and 14 of the proposed amendment to the zoning ordinance. (Present regulations do not limit the number of signs on a property and this is considered one of the major contributors to visual pollution caused by signs. Present regulations limit the height to 30 feet and the area to 250 square feet, that may be increased by the City Commission. The proposed regulations allow heights up to 45 feet and areas up to 450 square feet when there is a reduction of the number of signs permitted on the property.)
  6. Establish controls for portable ground signs and temporary decorations by limiting the use to special events such as grand openings, carnivals and the like. (Present regulations are practically non-existent on portable ground signs, with the only limitation that if they exceed 4'6" in height they must be placed 6'0" behind the front property line. This was considered the greatest cause of visual pollution by those serving on the Zoning Advisory Committee due to the over-proliferation of this type of sign at many retail businesses, and the many times complete disregard of the regulations to not place them on public property.)
  7. Establish reasonable controls for subdivision identification signs, construction signs, and real estate signs. See Section C-1, 2 and 3 on pages 8 and 9 of the proposed amendment to the zoning ordinance. (This will allow such signs on a temporary basis that is in conflict with the existing zoning ordinance.)
  8. Regulate the lighting of signs that are within 200 feet of a residential zoning district. (There are practically no regulations of sign lighting in the existing ordinances.)
  9. Allow identification signs for buildings and building complexes when such are an architectural detail. (See Section B-7 of the proposed amendment to the zoning ordinance.)
  10. Other minor adjustments to the sign regulations that will eliminate some of the conflict between the two ordinances.
- B. The Planning Commission also recommended language for the new Article 7 of the new zoning ordinance (see minutes). These provisions closely parallel those made for the existing ordinance.

RECOMMENDATION

Receive and file the report and make such recommendation to the MAPC for their consideration and use at their forthcoming public hearing on text changes to the existing ordinance.

RAL:ber

Attachments

SEDGWICK COUNTY



DEPARTMENT OF COMMUNITY HEALTH  
1800 E. 9TH ST.—WICHITA, KAN. 67214

September 13, 1974

Mayor Garry Porter  
City of Wichita  
204 South Main  
Wichita, Kansas

At the meeting of the Environmental Resource Advisory Board on Monday, September 9, 1974, the proposed changes to the existing zoning ordinance as regards signs was approved; with five modifications.

1. Hold off-site signs to a size of 500 square feet and a height of 30 feet.
2. Limit number of billboards to 5 per mile in all zoning districts.
3. Establish means for removal of non-conforming signs in a reasonable time period based on value.
4. Concerned that when the proposed zoning ordinance is approved there will be new areas opened up to billboards where they are now prohibited such as on East Kellogg from Edgemoor to the turnpike.
5. All new signs, except in downtown area, be prohibited from projecting over the public right-of-way.

*Joan Kamas, pp*  
Joan Kamas, Chairman  
Environmental Resource Advisory Board

JK:pp

cc Commissioner Donnell  
Commissioner Peters

Commissioner Shanahan  
Commissioner Stevens



Alternate language for Section L-1. to limit off site signs to 5 per mile.

L-1. Number Permitted. There shall be permitted not more than one off site sign, facing a direction of travel, for each 1000 lineal feet, or major fraction thereof, of street having "C" Commercial, "E" Light Industrial or "F" Heavy Industrial zoned properties adjacent thereto.

The number of off site signs, facing a direction of travel within any designated mile, shall be determined by the lineal measurement in feet along the center line of the street right-of-way, that is within or adjacent to any zoning district wherein off site signs are a permitted use. A designated mile shall be the length of the center line of the street between mile section lines, even though the lineal measurement may exceed 5280 feet. Under no circumstance shall there be more than 5 off site signs facing a direction of travel within any designated mile.

Amendment to Section I-2 to limit the amount of building sign area in the CBD.

I-2. Illuminated building signs, provided no individual sign shall exceed 600 square feet, and there shall not be more than six square feet of building sign area for each lineal foot of street frontage.

Additional condition to be added to L-3. to protect certain areas.

L-3(F) No off site sign shall be located closer than 660 feet to the established bank lines of the Big Arkansas and Little Arkansas Rivers, or to any park or recreation area under jurisdiction of the Board of Park Commissioners of the City, or to the right-of-way line of any portion of an Interstate highway elevated more than ten feet above normal grade.

POSSIBLE AMENDMENTS TO THE ZONING ORDINANCE  
OF THE CITY OF WICHITA ESTABLISHING REGULATIONS  
TO CONTROL SIGNS BY LIMITING THE NUMBER, HEIGHT,  
AREA AND TYPE OF SIGNS TO BE PERMITTED ON A PROP-  
ERTY, BASED ON THE SIZE OF THE PROPERTY AND THE  
LOCATION BY ZONING DISTRICTS.

SECTION 28.04.020 of the Code of the City of Wichita,  
Kansas, be amended to include the following definitions:

SIGN. Any printed or written text (including letter,  
word or numeral), pictorial representation (including  
illustration, decoration or figure), emblem (including  
device, symbol or trademark), commercial flag (includ-  
ing advertising banner, streamer or pennant), or any  
other object which:

Is a structure or any part thereof; or is attached  
to, painted on, or in any other manner represented  
on a building, fence, wall, post or any other struct-  
ure or surface; and,

Is used to identify, instruct, attract, guide or  
advertise.

LOT, ZONING. A parcel of land that is designated by its  
owner or developer, at the time of applying for an occupancy  
certificate as a tract, all of which is to be used, devel-  
oped, 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, or
- (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.

SECTION 28.04.040 A-10, 28.04.065 A-3, 28.04.070 A-11,  
28.04.070 A-12, 28.04.080 A-10 and 28.04.090 A-1.24 shall be  
amended to read as follows:

Signs, as permitted by Section 28.04.139.

SECTION 28.04.090 A-2.1 shall be amended to read as follows:

2.1 Signs, not permitted by Section 28.04.139.

SECTION 28.04.139 shall be inserted into the ordinance as follows:

28.04.139 Sign Regulations. Notwithstanding the provisions of this Code regulating the uses permitted in the zoning districts, signs shall be regulated by this section of the Code.

No sign shall be painted, constructed, erected, relocated, remodeled or expanded 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 of Wichita and shall particularly regulate the size, height and type of sign permitted by the zoning districts.

A. General Standards.

1. Classification of Signs. Signs shall be classified by the Superintendent of Central Inspection in accordance with the following classifications:

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, painted onto a wall, erected upon or above the roof of a building or structure, the height of which shall not exceed 4 feet 6 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, and shall include all poster panel signs.

j. Sign, on-site

A sign which carries only 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. Such sign shall not include advertising of a product in a manner other than when it pertains directly to premises, such as the use of national advertising poster panels, or the use of advertising trade marks or symbols when a product is sold only by vending machines on 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 32 square feet of gross surface area shall be classified as an off-site sign and regulated accordingly.

m. Sign, Portable

An on-site sign designed in such a manner to be readily movable and not permanently attached to the property. Any non-permanent sign not classed as a temporary sign shall be deemed to be a portable sign.

n. Sign, Poster Panel

An off-site sign designed for the application of advertising poster displays or being comprised of a series of connected panels on which the advertising is frequently changed.

o. 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.

p. 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.

q. Sign, Projecting

An on-site sign suspended from or supported by a building or structure and projecting therefrom a distance exceeding 1'0" beyond the property line.

r. Sign, Real Estate

An on-site sign displayed for the purpose of offering real property for sale, lease or rent.

s. Sign, Roof

A sign erected upon or above the roof of a building or structure to a height exceeding 4 feet 6 inches above the roof or parapet.

t. Sign, Temporary

An on-site sign such as cloth banners, pennants, window signs in business and industrial establishments, signs of light-weight cardboard, air-borne, plastic or paper materials intended to be displayed for a short period of time.

u. 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.

v. Sign, Window

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

2. Gross Surface Area of 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 the distance between the faces does not exceed two feet, then only one face of the sign shall be considered in determining the sign area.

In determining the surface area of a sign, each face of a sign may be broken down into three areas. Each surface area shall include the total area within a single continuous perimeter enclosing the extreme limits of the sign elements, and in no case passing through or between any 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 does not contain any advertising or printed copy, is not lighted and does not exceed 10% of the permitted sign area.

2. Limitations. Limitations apply to the type, height, setback, number and gross surface area of signs on each zoning lot.
3. Height of Sign. Sign height shall be measured from grade at the nearest street right-of-way line to the highest portion of the sign structure.
4. Illuminated Signs. Signs shall be shaded wherever necessary to avoid casting bright light upon property located in 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

200 feet of any residential district, shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m. Signs may not be illuminated unless so designated to permit same.

5. Flashing or Moving Signs. No flashing signs, rotating or moving signs, animated signs, signs with moving lights, or signs which created the illusion of movement shall be permitted in a residential zoning district, or in the "BB" Office district.
  6. 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 in a plane within 30° of a line perpendicular to the center line of the street. A sign shall be considered facing both directions of travel along a street if the angle exceeds the 30° as described above. Exception: Signs located within 250 feet of an intersection of arterials or expressways, or combination thereof, shall be considered facing the lane of traffic it is most directed toward providing the face of the sign is in a plane within 30° of a line perpendicular to the centerline of that street.
  7. Distance Between Off Site Signs. Distance between off site signs facing a direction of travel shall be measured at the center line of a street at the points where lines are projected perpendicular to the center line of the street to the center of the signs.
- B. Exemptions. The following signs shall be exempt from the requirements of the zoning ordinance.
1. Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organization, displayed on private property and provided further any emblem shall be used only as an identifying symbol and shall not include advertising language.
  2. Signs 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.
5. 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, rest rooms, freight entrances, and the like.
6. 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 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.
7. Identification signs denoting only the name of the building or building complex when consisting of letters less than 15 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 2 inches from the surface to which they are attached.

C. Signs Permitted in All Zoning Districts. The following signs shall be permitted in all Zoning Districts.

1. Construction signs with the following limitations:  
One sign per street frontage.  
Gross surface area per sign - 32 square feet in "AA" and "A" districts, 128 square feet in all other districts.  
Sign may include illustration of project under construction.
2. Real Estate Signs, 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 4 Real Estate signs be permitted on a zoning lot.

Unlighted only.

Gross Surface Area per Sign, Residential Zoning districts - 8 square feet, all other zoning districts - 32 square feet.

3. Project Title Signs, for subdivision identification, with the following limitations:

Time period, two years, however the Zoning Administrator may grant extensions every six months until the subdivision is 70% developed.

Exclusively for the purpose of advertising the subdivision in which the sign is located.

Unlighted only and neither reflective nor fluorescent.

Permit issued only after the final subdivision plat has been duly recorded.

Located at or near entrances to tract sections under construction.

Not more than 2 sign structures shall be maintained in any one subdivision less than 40 acres in size. For each additional 40 acres or major fraction thereof, one additional sign may be erected.

Area, maximum - 128 square feet for each sign.

Length, Maximum - 16 feet.

4. Nameplate signs with a maximum area of 2 square feet.
5. Signs, portable and advertising decorations, temporarily displayed during special event periods only, such as grand openings, holidays, carnivals, and the like, with a limit of two such events and a total time limitation of 30 days within any calendar year for any business or institution.
6. Temporary signs in conjunction with licensed miscellaneous sales, when located in a residence district, and not on public property.

7. Political signs, when located on private property with the permission of the owner or tenant, and with the following limitations:

Not more than 4 signs for each street frontage, per zoning lot.

Total area of all signs shall not exceed 64 square feet per zoning lot.

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.

8. Bulletin board signs not exceeding 25 square feet gross area and lighted indirectly only by white light.
  9. Building sign, unlighted and not exceeding two square feet in area for a home occupation, but shall be permitted in the "AA" single family dwelling district only when the home occupation is required to be identified by a state law.
  10. Other signs which the Zoning Administrator may determine fall within the intent and purpose of this section.
- D. Signs permitted in the "AA", "A", "R-B", "R-5", "R-6" and "B" Residential zoning districts.
1. Identification signs for multiple family dwellings and other major office and institutional uses. Such signs shall not exceed 16 square feet in area nor exceed 20 feet in height, and shall be limited to indirect or internal illumination of white light only.
- E. Signs permitted in the "BB" Office district and the "U" University district.
1. Identification signs, provided they shall not exceed 32 square feet in area nor exceed 30 feet in height and one per zoning lot. Such signs shall be limited to indirect or internal illumination of white light only.
  2. Building sign not exceeding 32 square feet in area or 30 feet in height, and be limited to one for each major use in the building. Such signs shall be limited to indirect or internal illumination of white light only.

F. Signs permitted in the "G" Mobile home district.

1. Identification sign for a mobile home park. Such sign shall not exceed 20 feet in height or exceed 64 square feet in area, and shall be limited to indirect or internal illumination of white light only.

G. Signs permitted in the "LC" Light Commercial district.

1. Illuminated on site ground or pole signs as permitted by Section K.
2. Illuminated building signs, provided that there shall be no more than 3 signs for each business for each building elevation having street frontage or fronting onto a parking area with a depth of 150 feet or more, and shall be limited in total area to 25% of each building elevation. Signs shall not be more than 30 feet above grade. Building elevations not having street frontage, but facing onto parking or loading areas exceeding 50 feet in depth may provide identification signs for each place of business having an entrance therefrom, providing such signs shall not exceed 15 square feet in area nor be more than 12 feet above grade.

H. Signs permitted in the "C" Commercial and "E" Light Industrial districts.

1. Illuminated on site ground or pole signs as permitted by Section K.
2. Illuminated off site signs as permitted by Section L.
3. Illuminated building signs, provided that no individual sign shall exceed 600 square feet and there shall not be more than six square feet of building sign area for each lineal foot of street frontage.
4. Illuminated roof signs, provided that it shall not project more than 20 feet above the highest point of the structure on which it is located and furthermore the height shall not exceed the distance of the sign to the center of the adjoining public right-of-way or to a residential zoning district. Any roof sign shall be in lieu of a permitted ground or pole sign.

I. Signs permitted in the "D" Central Business district.

1. Illuminated on site ground or pole signs as permitted by Section K.
2. Illuminated building signs, provided no individual sign shall exceed 600 square feet.
3. Illuminated roof signs provided that it shall not project more than 30 feet above the highest point of the structure on which it is located.

J. Signs permitted in the "F" Heavy Industrial district.

1. Illuminated on site ground or pole signs as permitted by Section K.
2. Illuminated off site signs as permitted by Section L.
3. Illuminated building signs, provided that no individual sign shall exceed 600 square feet in area and there shall not be more than six square feet of building sign area for each lineal foot of street frontage.
4. Illuminated roof signs, provided that it shall not project more than 20 feet above the highest point of the structure on which it is located and furthermore the height shall not exceed the distance of the sign to the center of the adjoining public right-of-way or to a residential zoning district.

K. On site ground or pole signs as referred to in Sections G, H, I and J.

1. Number and size permitted. One ground or pole sign is permitted for each zoning lot having frontage on a public right-of-way. Where a zoning lot has a frontage greater than 250 feet along the same right-of-way such zoning lot is permitted to have two ground or pole signs, plus one additional ground or pole sign for every additional 200 feet of frontage; or the owner may elect to combine two or more such signs, where permitted, into one ground or pole sign thereby allowing a 50% area increase for each sign that is eliminated, with a maximum allowable sign area not to exceed 300% of the area permitted by the table of areas in paragraph 4.

2. More than one frontage. 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. Signs permitted by a street frontage shall be placed adjacent to same and face the direction of travel along said street. Signs permitted by separate street frontages shall not be combined to attain a greater area or height. Exception: When one sign is erected at the corner of a zoning lot formed by two intersecting streets in lieu of one sign for each street frontage, then that sign may be increased 5 feet in height and 50% in area.
3. Height Limit. No ground or pole sign shall exceed a height of 30 feet, except that when the number of permitted signs on a zoning lot is reduced, the height of any one sign may be increased 5 feet for each sign reduction. The use of this method to increase a sign height shall not permit any sign to exceed a height of 45 feet.
4. Area. The maximum permitted area of a ground or pole sign, except when two or more permitted signs are combined, shall not exceed the figures shown in the following table:

TABLE OF AREAS

<u>Maximum permitted Areas for On Site Ground or Pole Signs</u>	
Type of Street*	Area of Sign in Square Feet
Undesignated**	25
Collector	50
Arterial	150
Expressway	150

\*As designated Map 13A of the Transportation Plan Element of the Comprehensive Plan.

\*\*When an undesignated street is located in an area that both sides of the street, between two intersecting streets, are zoned entirely of the Business or Manufacturing Districts, the limitations of a collector street shall then apply.

5. Rotating Signs. Rotating ground or pole signs are permitted in all office, commercial or industrial districts except the BB Office District. When rotating signs are used, the area permitted by 7-215(D) shall be reduced 33%.

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 25 feet, whichever is less. When more than one sign is permitted on a zoning lot, there shall be a distance of not less than 150 feet between signs.

I. Off Site Signs when Permitted in the Business or Manufacturing Districts.

1. Number permitted. There shall be permitted not more than one off site sign facing a direction of travel for each 1000 lineal feet, or major fraction thereof, of street having "C" Commercial or "E" Light Industrial properties adjacent thereto. There shall be permitted not more than one off site sign facing a direction of travel for each 660 lineal feet, or major fraction thereof, of street having "F" Heavy Industrial properties adjacent thereto. Whenever any portion of the street has both "C" or "E" and the "F" zoning districts adjacent thereto, the permitted number shall be based on the "F" zoning district.

The number of off site signs, facing a direction of travel within any designated mile, shall be determined by the lineal measurement in feet, along the center line of the street right-of-way, that is within or adjacent to any zoning district wherein off site signs are a permitted use. A designated mile shall be the length of the center line of a street between mile section lines, even though the lineal measurement may exceed 5280 feet. Under no circumstance shall there be more than five off site signs facing a direction of travel within any designated mile unless such street is within or adjacent to the "F" Heavy Industrial district. Whenever such a condition is present, the calculations based on the permitted number for these districts shall not permit more than eight off site signs within any designated mile.

2. Size permitted. The gross surface area of an off site sign shall not exceed 600 square feet, nor shall it exceed 40 feet in height.
3. Prohibited locations. No off site sign shall be erected on a property when any of the following conditions are found to exist:

- a. No off site sign shall be erected on a zoning lot that already has more than two on site ground or pole signs; or
  - b. No off site sign shall be erected on a zoning lot that already has more than 200 square feet of on site ground or pole signs facing a direction of travel, regardless of the number of signs; or
  - c. No off site sign shall be erected on any property that would obscure the view of any on site signs. This shall be determined by establishing a sight point at the center line of the street 150 feet in either direction, then no on site sign within 150 feet of the off site sign shall be obscured from view; or
  - d. No off site sign shall be located closer than 330 feet to another off site sign facing the same direction of travel; or
  - e. No off site sign shall be erected on a zoning lot that does not comply with the minimum lot size requirements of the zoning district.
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 above the roof of any building, nor shall any portion of a sign project over public right-of-way.

September 20, 1974

Wichita-Sedgwick County Metropolitan  
Area Planning Commission

Robert A. Lakin, Director of Planning

DR 74-27 - Amendment to the Zoning  
Ordinance Re: Sign Regulations

Attached hereto is a copy of the proposed amendment to the existing zoning ordinance that has been advertised for public hearing at the Planning Commission meeting of September 26, 1974.

BACKGROUND

At a special meeting of the Planning Commission on June 3, 1974, you were presented the recommendations on sign regulations for the proposed new zoning ordinance that had been prepared by the Zoning Advisory Committee after a two-year study. At the end of that meeting, it was the consensus of the Planning Commission that further study of the ZAC recommendation on signs should be made. It was recommended that a smaller ad hoc committee be appointed by the Chairman of the Planning Commission. This Special Sign Committee Task Force was appointed and given 45 days to return with a recommendation. This ad hoc committee consisted of Ted Hill, Chairman; Michael Gragert, and Dwight Hopper of the MAPC, Kenneth Stewart and Paul V. Elliott of the Zoning Advisory Committee.

The Special Sign Committee Task Force brought their recommendation to the Planning Commission at a special meeting on August 12, 1974. After full discussion and public debate, several minor changes were made to Article 7, Signs, of the proposed zoning ordinance. It was also recommended that the existing ordinances be amended to incorporate the major changes of the sign regulations, thereby effecting some immediate results in sign controls. The attached amendment relates only to the limitations placed on signs by the zoning ordinance and has been advertised for public hearing on September 26, 1974 and will provide such controls. The proposal includes the following major changes from the existing regulations.

1. Prohibit roof-mounted off-site signs. (These are now permitted in the "C" Commercial, "D" Central Business, "E" Light Industrial and "F" Heavy Industrial Districts.)
2. Prohibit off-site signs in the "D" Central Business District.

3. Limit the number of off-site signs in the "C" Commercial and "E" Light Industrial Districts to five per mile facing a direction of travel and to eight per mile in the "F" Heavy Industrial District. (There are no limitations on the number of off-site signs included in the existing ordinances.)
4. Establish controls for the size, height and placement of off-site signs to include a maximum area of 600 square feet, a 40-foot height, a distance separation of 330 feet, and not to be located on a property with a large amount of on-site signs or to interfere with sight angles of existing on-site signs. (Present regulations limit ground supported billboards to 500 square feet and 30 feet in height. There is no limitation to the number permitted on a property or their relation to the other signs that might be located in close proximity. In the development of the regulations by the Zoning Advisory Committee, it was agreed to allow a greater height if such signs were to remain behind the building setback lines. This concept is included in the proposed amendment.)
5. Establish controls for on-site ground or pole signs that limit the number, height and area, based on the size of a property. These limitations are based on the type of street adjacent to the property. Larger signs are permitted adjacent to arterials and expressways. It also permits an increase in the size and height of sign when the permitted number of signs is reduced. (Present regulations do not limit the number of signs on a property and this is considered one of the major contributors to visual pollution caused by signs. Present regulations limit the height to 30 feet and the area to 250 square feet, that may be increased by the City Commission. The proposed regulations allow heights up to 45 feet and areas up to 450 square feet when there is a reduction of the number of signs permitted on the property.)
6. Establish controls for portable ground signs and temporary decorations by limiting the use to special events such as grand openings, carnivals and the like. (Present regulations are practically non-existent on portable ground signs, with the only limitation that if they exceed 4'6" in height they must be placed 6'0" behind the front property line. This was considered a major cause of visual pollution by those serving on the Zoning Advisory Committee due to the over-proliferation of this type of sign at many retail businesses, and the many times complete disregard of the regulations to not place them on public property.)

7. Establish reasonable controls for subdivision identification signs, construction signs, and real estate signs. See Section C-1, 2 and 3 on pages 8 and 9 of the proposed amendment to the zoning ordinance. (This will allow such signs on a temporary basis that are now in many instances, conflicting with the existing zoning ordinance.)

SUMMARY OF CITY COMMISSION COMMENTS

In light of the City Commission's expressed interest in sign controls, and at their request, a report of the development of sign regulations, as proposed, was furnished to the City Commission at their meeting on September 10, 1974. They were not asked to make any formal recommendations on these regulations, but they were asked to indicate whether the proposed regulations were somewhere in line with their desires for sign controls. It is my opinion that the majority of the City Commission is in concurrence with the general content of the proposed regulations, however, the following questions were raised as concerns by individual Commissioners.

1. A limit on the number of off-site signs not exceeding 5 per mile in any zoning district that permits such signs. (The proposed regulations now propose up to 8 per mile in the "F" Heavy Industrial district.)
2. Concern for the preservation of the visual quality of the River corridors and the areas adjacent to the Canal Route. (Although the new zoning maps indicate zoning districts that will not permit off-site signs in most of these areas, the proposed regulations for the existing ordinance do not provide the protection that the new zoning districts would provide. Along the elevated portion of the Canal Route, there will be little area, other than north of 17th Street, that will permit off-site signs. One possible method for protecting these areas would be to prohibit off-site signs within all zoning districts within 660 feet (or such other distance as the Commission may establish), of the Little Arkansas and Big Arkansas Rivers, elevated interstate highways, or public parks. A reduction of height to 30 feet, as indicated in item number 3, would reduce the potential signs along the Canal Route but would accomplish nothing to the area adjacent to the Rivers or public parks.)
3. Questioned the increase in the permitted height of off-site signs from 30 feet to 40 feet and area of off-site signs from 500 square feet to 600 square feet.
4. Concern was also expressed over the introduction of new areas of the City for off-site signs, such as the proposed zoning for East Kellogg from Edgemoor to the Turnpike, which would permit off-site signs. (This area is now zoned, for the most

part, Light Commercial, and does not permit off-site signs, and would not be changed at the present time. One Commissioner suggested that there could possibly be some method of establishing aesthetic controls in such areas if off-site signs are to be permitted. The only method which could be suggested is to make off-site signs a special permit in B-4 and B-5, with special criteria as to lighting, material and color of sign support and framing and requiring complete enclosure of support material. (Note: This would not be applicable to this hearing as off-site signs are not being suggested for the "LC" Light Commercial District nor are any new districts, such as B-4 and B-5 being introduced at this time.)

5. Concern of the lack of limitations on area and number of signs permitted in the "D" Central Business District. (This could be resolved by limiting the total permitted building sign area to six square feet for each lineal foot of street frontage as is suggested for the "C", "E" and "F" districts. We would recommend this change.)
6. It was suggested that some limitation be placed on the size of directional signs for public buildings and other governmental uses that are exempted from the provisions of the ordinance. (A limitation of six square feet would accommodate the largest directional signs installed at the present time. This change is recommended.)
7. One of the Commissioners agreed with the representative of the outdoor sign industry that the requirement of an off-site sign be located on a zoning lot that complied with the minimum lot size requirements of the zoning district would be inequitable. (As I stated at the meeting on August 12, 1974 when the question arose, this requirement was placed in the ordinance to prevent the industry from circumventing the intent of the regulations by buying or leasing a strip of land for an off-site sign. If this were permitted, they could exempt themselves from the limitations of locations in relationship to on-site signs they suggested be inserted into the ordinance. This provision would not prevent such a use to be established on a lot of record that has been held under distinct ownership separate from the adjoining tracts of land. This would not prevent the use of odd shaped or sub-sized lots of record for off-site signs if they would not violate the other conditions for location, as they would be legal "lots of record", hence a legal "zoning lot".)
8. Concern over the requirement that all signs should comply with the regulations within ten years. Consideration should possibly be based on the cost of the sign. (In order to carry

Page 5 - Metropolitan Planning Commission  
September 20, 1974

out the desires of the Planning Commission that all signs comply with the proposed regulations within ten years, the Legal Department has advised that this type of provision should be placed in Title 24 and not in the zoning ordinance.

RECOMMENDATION

It is recommended that the proposed amendments to the zoning ordinance, along with any changes deemed appropriate, be forwarded to the City Commission with a recommendation for adoption.

Any recommendation will be forwarded to the City Commission at the same time as the revised Title 24 of the Code to correlate all provisions for sign controls.

RAL:GEL:ber

Attachment

cc: Robt. Feldner,  
Roy Bruggeman

POSSIBLE AMENDMENTS TO THE ZONING ORDINANCE OF THE CITY OF WICHITA ESTABLISHING REGULATIONS TO CONTROL SIGNS BY LIMITING THE NUMBER, HEIGHT, AREA AND TYPE OF SIGNS TO BE PERMITTED ON A PROPERTY, BASED ON THE SIZE OF THE PROPERTY AND THE LOCATION BY ZONING DISTRICTS.

SECTION 28.04.020 of the Code of the City of Wichita, Kansas, be amended to include the following definitions:

**SIGN.** Any printed or written text (including letter, word or numeral), pictorial representation (including illustration, decoration or figure), emblem (including device, symbol or trademark), commercial flag (including advertising banner, streamer or pennant), or any other object which:

Is a structure or any part thereof; or is attached to, painted on, or in any other manner represented on a building, fence, wall, post or any other structure or surface; and,

Is used to identify, instruct, attract, guide or advertise.

**LOT, ZONING.** A parcel of land that is designated by its owner or developer, at the time of applying for an occupancy certificate as a tract, 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, or
- (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.

SECTION 28.04.040 A-10, 28.04.065 A-3, 28.04.070 A-11, 28.04.070 A-12, 28.04.080 A-10 and 28.04.090 A-1.24 shall be amended to read as follows:

-1-

Signs, as permitted by Section 28.04.139.

SECTION 28.04.090 A-2.1 shall be amended to read as follows:

2.1 Signs, not permitted by Section 28.04.139.

SECTION 28.04.139 shall be inserted into the ordinance as follows:

**28.04.139 Sign Regulations.** Notwithstanding the provisions of this Code regulating the uses permitted in the zoning districts, signs shall be regulated by this section of the Code.

No sign shall be painted, constructed, erected, relocated, remodeled or expanded 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 of Wichita and shall particularly regulate the size, height and type of sign permitted by the zoning districts.

**A. General Standards.**

1. **Classification of Signs.** Signs shall be classified by the Superintendent of Central Inspection in accordance with the following classifications:

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, painted onto a wall, erected upon or above the roof of a building or structure, the height of which shall not exceed 4 feet 6 inches above the roof or parapet.

-2-

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, and shall include all poster panel signs.

j. Sign, on-site

A sign which carries only 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. Such sign shall not include advertising of a product in a manner other than when it pertains directly to premises, such as the use of national advertising poster panels, or the use of advertising trade marks or symbols when a product is sold only by vending machines on 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 32 square feet of gross surface area shall be classified as an off-site sign and regulated accordingly.

m. Sign, Portable

An on-site sign designed in such a manner to be readily movable and not permanently attached to the property. Any non-permanent sign not classed as a temporary sign shall be deemed to be a portable sign.

n. Sign, Poster Panel

An off-site sign designed for the application of advertising poster displays or being comprised of a series of connected panels on which the advertising is frequently changed.

o. 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.

p. 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.

q. Sign, Projecting

An on-site sign suspended from or supported by a building or structure and projecting therefrom a distance exceeding 1'0" beyond the property line.

r. Sign, Real Estate

An on-site sign displayed for the purpose of offering real property for sale, lease or rent.

s. Sign, Roof

A sign erected upon or above the roof of a building or structure to a height exceeding 4 feet 6 inches above the roof or parapet.

t. Sign, Temporary

An on-site sign such as cloth banners, pennants, window signs in business and industrial establishments, signs of light-weight cardboard, airborne, plastic or paper materials intended to be displayed for a short period of time.

u. 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.

v. Sign, Window

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

2. Gross Surface Area of 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 the distance between the faces does not exceed two feet, then only one face of the sign shall be considered in determining the sign area.

In determining the surface area of a sign, each face of a sign may be broken down into three areas. Each surface area shall include the total area within a single continuous perimeter enclosing the extreme limits of the sign elements, and in no case passing through or between any 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 does not contain any advertising or printed copy, is not lighted and does not exceed 10% of the permitted sign area.

2. Limitations. Limitations apply to the type, height, setback, number and gross surface area of signs on each zoning lot.
3. Height of Sign. Sign height shall be measured from grade at the nearest street right-of-way line to the highest portion of the sign structure.
4. Illuminated Signs. Signs shall be shaded wherever necessary to avoid casting bright light upon property located in 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

300 feet of any residential district, shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m. Signs may not be illuminated unless so designated to permit same.

5. **Flashing or Moving Signs.** No flashing signs, rotating or moving signs, animated signs, signs with moving lights, or signs which created the illusion of movement shall be permitted in an residential zoning district, or in the "SB" Office district.
  6. **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 in a plane within 30° of a line perpendicular to the center line of the street. A sign shall be considered facing both directions of travel along a street if the angle exceeds the 30° as described above. Exception: Signs located within 250 feet of an intersection of arterials or expressways, or combination thereof, shall be considered facing the lane of traffic it is most directed toward providing the face of the sign is in a plane within 30° of a line perpendicular to the centerline of that street.
  7. **Distance Between Off Site Signs.** Distance between off site signs facing a direction of travel shall be measured at the center line of a street at the points where lines are projected perpendicular to the center line of the street to the center of the signs.
- B. **Exemptions.** The following signs shall be exempt from the requirements of the zoning ordinance.
1. Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organization, displayed on private property and provided further any emblem shall be used only as an identifying symbol and shall not include advertising language.
  2. Signs 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.

-7-

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.
  5. 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, rest rooms, freight entrances, and the like.
  6. 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 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.
  7. Identification signs denoting only the name of the building or building complex when consisting of letters less than 15 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 2 inches from the surface to which they are attached.
- C. **Signs Permitted in All Zoning Districts.** The following signs shall be permitted in all Zoning Districts.
1. **Construction signs with the following limitations:**
    - One sign per street frontage.
    - Gross surface area per sign - 32 square feet in "AA" and "A" districts, 128 square feet in all other districts.
    - Sign may include illustration of project under construction.
  2. **Real Estate Signs, advertising the sale, rental or lease of the premises on which it is displayed, with the following limitations:**

-8-

One sign per street frontage per listing, provided that a maximum of 4 Real Estate signs be permitted on a zoning lot.

Unlighted only.

Gross Surface Area per Sign, Residential Zoning districts - 8 square feet, all other zoning districts - 32 square feet.

3. Project Title Signs, for subdivision identification, with the following limitations:

Time period, two years, however the Zoning Administrator may grant extensions every six months until the subdivision is 70% developed.

Exclusively for the purpose of advertising the subdivision in which the sign is located.

Unlighted only and neither reflective nor fluorescent.

Permit issued only after the final subdivision plat has been duly recorded.

Located at or near entrances to tract sections under construction.

Not more than 2 sign structures shall be maintained in any one subdivision less than 40 acres in size. For each additional 40 acres or major fraction thereof, one additional sign may be erected.

Area, maximum - 128 square feet for each sign.

Length, Maximum - 16 feet.

4. Nameplate signs with a maximum area of 2 square feet.
5. Signs, portable and advertising decorations, temporarily displayed during special event periods only, such as grand openings, holidays, carnivals, and the like, with a limit of two such events and a total time limitation of 30 days within any calendar year for any business or institution.
6. Temporary signs in conjunction with licensed miscellaneous sales, when located in a residence district, and not on public property.

7. Political signs, when located on private property with the permission of the owner or tenant, and with the following limitations:

Not more than 4 signs for each street frontage, per zoning lot.

Total area of all signs shall not exceed 64 square feet per zoning lot.

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.

8. Bulletin board signs not exceeding 25 square feet gross area and lighted indirectly only by white light.
9. Building sign, unlighted and not exceeding two square feet in area for a home occupation, but shall be permitted in the "AA" single family dwelling district only when the home occupation is required to be identified by a state law.
10. Other signs which the Zoning Administrator may determine fall within the intent and purpose of this section.
- D. Signs permitted in the "AA", "A", "R-B", "R-5", "R-6" and "B" Residential zoning districts.

1. Identification signs for multiple family dwellings and other major office and institutional uses. Such signs shall not exceed 16 square feet in area nor exceed 20 feet in height, and shall be limited to indirect or internal illumination of white light only.

- E. Signs permitted in the "BB" Office district and the "U" University district.

1. Identification signs, provided they shall not exceed 32 square feet in area nor exceed 30 feet in height and one per zoning lot. Such signs shall be limited to indirect or internal illumination of white light only.
2. Building sign not exceeding 32 square feet in area or 30 feet in height, and be limited to one for each major use in the building. Such signs shall be limited to indirect or internal illumination of white light only.

F. Signs permitted in the "G" Mobile home district.

1. Identification sign for a mobile home park. Such sign shall not exceed 20 feet in height or exceed 64 square feet in area, and shall be limited to indirect or internal illumination of white light only.

G. Signs permitted in the "LC" Light Commercial district.

1. Illuminated on site ground or pole signs as permitted by Section K.
2. Illuminated building signs, provided that there shall be no more than 3 signs for each business for each building elevation having street frontage or fronting onto a parking area with a depth of 150 feet or more, and shall be limited in total area to 25% of each building elevation. Signs shall not be more than 30 feet above grade. Building elevations not having street frontage, but facing onto parking or loading areas exceeding 50 feet in depth may provide identification signs for each place of business having an entrance therefrom, providing such signs shall not exceed 15 square feet in area nor be more than 12 feet above grade.

H. Signs permitted in the "C" Commercial and "E" Light Industrial districts.

1. Illuminated on site ground or pole signs as permitted by Section K.
2. Illuminated off site signs as permitted by Section L.
3. Illuminated building signs, provided that no individual sign shall exceed 600 square feet and there shall not be more than six square feet of building sign area for each lineal foot of street frontage.
4. Illuminated roof signs, provided that it shall not project more than 20 feet above the highest point of the structure on which it is located and furthermore the height shall not exceed the distance of the sign to the center of the adjoining public right-of-way or to a residential zoning district. Any roof sign shall be in lieu of a permitted ground or pole sign.

I. Signs permitted in the "D" Central Business district.

1. Illuminated on site ground or pole signs as permitted by Section K.
2. Illuminated building signs, provided no individual sign shall exceed 600 square feet.
3. Illuminated roof signs provided that it shall not project more than 30 feet above the highest point of the structure on which it is located.

J. Signs permitted in the "F" Heavy Industrial district.

1. Illuminated on site ground or pole signs as permitted by Section K.
2. Illuminated off site signs as permitted by Section L.
3. Illuminated building signs, provided that no individual sign shall exceed 600 square feet in area and there shall not be more than six square feet of building sign area for each lineal foot of street frontage.
4. Illuminated roof signs, provided that it shall not project more than 20 feet above the highest point of the structure on which it is located and furthermore the height shall not exceed the distance of the sign to the center of the adjoining public right-of-way or to a residential zoning district.

K. On site ground or pole signs as referred to in Sections G, H, I and J.

1. Number and size permitted. One ground or pole sign is permitted for each zoning lot having frontage on a public right-of-way. Where a zoning lot has a frontage greater than 250 feet along the same right-of-way such zoning lot is permitted to have two ground or pole signs, plus one additional ground or pole sign for every additional 200 feet of frontage; or the owner may elect to combine two or more such signs, where permitted, into one ground or pole sign thereby allowing a 50% area increase for each sign that is eliminated, with a maximum allowable sign area not to exceed 300% of the area permitted by the table of areas in paragraph 4.

2. **More than one frontage.** 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. Signs permitted by a street frontage shall be placed adjacent to same and face the direction of travel along said street. Signs permitted by separate street frontages shall not be combined to attain a greater area or height. Exception: When one sign is erected at the corner of a zoning lot formed by two intersecting streets in lieu of one sign for each street frontage, then that sign may be increased 5 feet in height and 50t in area.
3. **Height Limit.** No ground or pole sign shall exceed a height of 30 feet, except that when the number of permitted signs on a zoning lot is reduced, the height of any one sign may be increased 5 feet for each sign reduction. The use of this method to increase a sign height shall not permit any sign to exceed a height of 45 feet.
4. **Area.** The maximum permitted area of a ground or pole sign, except when two or more permitted signs are combined, shall not exceed the figures shown in the following table:

TABLE OF AREAS

Maximum permitted Areas for On Site Ground or Pole Signs	
Type of Street*	Area of Sign in Square Feet
Undesignated**	25
Collector	50
Arterial	150
Expressway	150

\*As designated Map 13A of the Transportation Plan Element of the Comprehensive Plan.

\*\*When an undesignated street is located in an area that both sides of the street, between two intersecting streets, are zoned entirely of the Business or Manufacturing Districts, the limitations of a collector street shall then apply.

5. **Rotating Signs.** Rotating ground or pole signs are permitted in all office, commercial or industrial districts except the BB Office District. When rotating signs are used, the area permitted by 7-215(D) shall be reduced 33%.

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 25 feet, whichever is less. When more than one sign is permitted on a zoning lot, there shall be a distance of not less than 150 feet between signs.

**L. Off Site Signs when Permitted in the Business or Manufacturing Districts.**

1. **Number permitted.** There shall be permitted not more than one off site sign facing a direction of travel for each 1000 lineal feet, or major fraction thereof, of street having "C" Commercial or "I" Light Industrial properties adjacent thereto. There shall be permitted not more than one off site sign facing a direction of travel for each 660 lineal feet, or major fraction thereof, of street having "F" Heavy Industrial properties adjacent thereto. Whenever any portion of the street has both "C" or "I" and the "F" zoning districts adjacent thereto, the permitted number shall be based on the "F" zoning district.

The number of off site signs, facing a direction of travel within any designated mile, shall be determined by the lineal measurement in feet, along the center line of the street right-of-way, that is within or adjacent to any zoning district wherein off site signs are a permitted use. A designated mile shall be the length of the center line of a street between mile section lines, even though the lineal measurement may exceed 5280 feet. Under no circumstance shall there be more than five off site signs facing a direction of travel within any designated mile unless such street is within or adjacent to the "F" Heavy Industrial district. Whenever such a condition is present, the calculations based on the permitted number for these districts shall not permit more than eight off site signs within any designated mile.

2. **Size permitted.** The gross surface area of an off site sign shall not exceed 600 square feet, nor shall it exceed 40 feet in height.
3. **Prohibited locations.** No off site sign shall be erected on a property when any of the following conditions are found to exist:

- a. No off site sign shall be erected on a zoning lot that already has more than two on site ground or pole signs; or
  - b. No off site sign shall be erected on a zoning lot that already has more than 200 square feet of on site ground or pole signs facing a direction of travel, regardless of the number of signs; or
  - c. No off site sign shall be erected on any property that would obscure the view of any on site signs. This shall be determined by establishing a sight point at the center line of the street 150 feet in either direction, then no on site sign within 150 feet of the off site sign shall be obscured from view; or
  - d. No off site sign shall be located closer than 330 feet to another off site sign facing the same direction of travel; or
  - e. No off site sign shall be erected on a zoning lot that does not comply with the minimum lot size requirements of the zoning district.
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 above the roof of any building, nor shall any portion of a sign project over public right-of-way.

September 20, 1974

Mr. Jim Hurley  
Wichita Association of Home  
Builders  
730 North Main  
Wichita, Kansas 67203

Dear Mr. Hurley:

Attached hereto is a copy of the information being mailed today to the Planning Commission that has been advertised for public hearing at their meeting of September 26, 1974.

Although this item is scheduled last on the agenda, due to the relatively short agenda, it is anticipated that discussion could begin as early as 2:30 p.m.

Sincerely,

Glen E. Lytle  
Special Assistant for Zoning

GEL:rme  
Attachment

September 20, 1974

Letters sent to:

Wichita Board of Realtors  
230 South Market, 67202

Mrs. Pat Guinan  
135 North Pershing, 67208

Mrs. Joan Kamas, Chairman  
Environmental Resource Advisory Board  
3619 Elmwood, 67218

Roy L. Frost, Associate Director  
Kansas Petroleum Council  
200 East 1st Street, 67202

Kansas Restaurant Association  
359 South Hydraulic, 67211

Mr. Fred Wendt  
Wichita Chamber of Commerce  
350 West Douglas, 67202

Mr. Everett Hale  
Kansas State Sign Association  
139 Cleveland, 67214

Wichita Independent Business Association  
Union National Building, 67202

September 20, 1974

Jim Tidwell, Manager  
Donrey Outdoor Advertising Company  
250 North Kansas  
Wichita, Kansas 67214

Dear Jim:

Attached hereto for your information is a copy of the material being mailed today to the Wichita-Sedgwick County Metropolitan Area Planning Commission. This will be the last item to be heard on the agenda at their meeting of September 26, 1974.

Due to the relatively short agenda for this meeting, it is anticipated that discussion on this item could begin as early as 2:30 p.m. If you have any questions or need additional copies, please let me know.

Sincerely,

Glen E. Lytle  
Special Assistant for Zoning

GEL:rme  
Attachment

cc: John Blair, Attorney  
301 North Market, 67202

THE CITY OF WICHITA



OFFICE OF THE CITY MANAGER  
PHONE (AC 316) 252-0611  
CITY BUILDING — 204 S. MAIN ST.  
WICHITA, KANSAS 67202

lyfle

September 17, 1974

Ms. Joan Kamas, Chairperson  
Environmental Resource Advisory Board  
1900 East Ninth Street  
Wichita, Kansas 67214

Dear Mrs. Kamas:

This is to acknowledge your letter of September 13, 1974, to Mayor Porter regarding the existing zoning ordinance on signs.

By copy of this letter your recommendations are being transmitted to Mr. Robert Lakin, Director of Planning, for consideration at the Metropolitan Area Planning Commission public hearing on this matter on September 26, 1974.

Sincerely,

Ralph Wulz  
City Manager

RW/tmp

cc: The Honorable Board of City Commissioners  
Robert A. Lakin, Director of Planning ✓



WICHITA — SEDGWICK COUNTY



DEPARTMENT OF COMMUNITY HEALTH  
1900 E. 9TH ST.—WICHITA, KAN. 67214

ROUTING:	
<input checked="" type="checkbox"/> RW	_____
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SEP 13 1974	
<input type="checkbox"/> EK	_____
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September 13, 1974

Mayor Garry Porter  
City of Wichita  
204 South Main  
Wichita, Kansas

At the meeting of the Environmental Resource Advisory Board on Monday, September 9, 1974, the proposed changes to the existing zoning ordinance as regards signs was approved; with five modifications.

1. Hold off-site signs to a size of 500 square feet and a height of 30 feet.
2. Limit number of billboards to 5 per mile in all zoning districts.
3. Establish means for removal of non-conforming signs in a reasonable time period based on value.
4. Concerned that when the proposed zoning ordinance is approved there will be new areas opened up to billboards where they are now prohibited such as on East Kellogg from Edgemoor to the turnpike.
5. All new signs, except in downtown area, be prohibited from projecting over the public right-of-way.

*Joan Kamas*  
Joan Kamas, Chairman  
Environmental Resource Advisory Board

JK:pp

cc      Commissioner Donnell                      Commissioner Shanahan  
          Commissioner Peters                     Commissioner Stevens

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

September 5, 1974

TO: Ralph Wulz, City Manager

FROM: Robert A. Lakin, Director of Planning *RL*

SUBJECT: Recommendation on Sign Regulations

As requested by the Board of City Commissioners, a recommendation on sign regulations by the Wichita-Sedgwick County Metropolitan Area Planning Commission is hereby submitted.

BACKGROUND

The MAPC held a special meeting on Monday, August 12, 1974, at 7:30 p.m. to discuss the sign regulations (Article 7), to be included in the new zoning ordinance. Copies of the MAPC minutes of that meeting are attached for your information.

Article 7, Signs, as submitted for consideration by the MAPC on August 12, 1974, was the result of six weeks review by a special Sign Committee Task Force. This Committee was appointed by the Planning Commission after a special meeting on June 3, 1974, to consider the recommendations of the Zoning Advisory Committee. This Special Sign Committee Task Force consisted of three members of the MAPC (Hill, Gragert, Hopper) and two members of the Zoning Advisory Committee (Kenneth Stewart and Paul Elliott) and was chaired by Ted Hill.

The recommendation of the Planning Commission was to approve the recommendation of the Task Force on Article 7, Signs, as amended on August 12, 1974, to be included into the new zoning ordinance, subject to a provision that all signs be brought into compliance within a period of ten years.

It was further recommended that the necessary amendments to the existing ordinances (both zoning-Title 28 and Signs-Title 24), be prepared to effectuate some immediate controls on signs, such as to: (a) prohibit off-site signs (billboards) in the Central Business District, (b) prohibit roof-mounted off-site signs (billboards), (c) limit the number of off-site signs to five per mile in the "C" Commercial and "E" Light Industrial Districts and eight per mile in the "F" Heavy Industrial District, (d) place number, height and area limitations on ground or pole signs, and (e) regulate the use of portable signs by limiting their use to special events.

The amendment to the zoning ordinance has been prepared and advertised for public hearing before the MAPC at their regular meeting of September 26, 1974. Copies of the advertisement and the amendments to the zoning ordinance are attached for your information. Glen Lytle of my staff and Dwight Flowers of the Central Inspection Division are presently preparing revisions to the existing sign ordinance (Title 24 of the City Code), to correlate the provisions of the two ordinances. The regulations for the type, height, area and lighting of signs will be placed in the zoning ordinance. The regulations requiring permits, licensing of sign hangers, structural and construction standards, and the provisions for administration of the sign regulations will remain in the sign code. Both ordinances will be forwarded to the Board of City Commissioners to be considered concurrently on or about October 15, 1974. This will be the first date possible due to the State statute regulating amendments to the zoning ordinance.

SUMMARY

- A. The following is a summary of the changes that will be included in the proposed changes to the existing zoning ordinance:
1. Prohibit any new roof-mounted off-site signs. (These are now permitted in the "C" Commercial, "D" Central Business, "E" Light Industrial and "F" Heavy Industrial Districts.)
  2. Prohibit any new off-site signs in the "D" Central Business District.
  3. Limit the number of off-site signs in the "C" Commercial and "E" Light Industrial Districts to five per mile facing a direction of travel and to eight per mile in the "F" Heavy Industrial District. (There are no limitations on the number of off-site signs included in the existing ordinances.)
  4. Establish controls for the size, height and placement of off-site signs to include a maximum area of 600 square feet, 40-foot height, distance separation of 330 feet, and not to be located on a property loaded with on-site signs or to interfere with existing on-site signs. (Present regulations limit ground supported billboards to 500 square feet and 30 feet in height. There is no limitation to the number permitted on a property or their relation to other signs that might be located in close proximity. In the development of the regulations, it was agreed to allow a greater height if such signs were to remain behind the building setback line.)

5. Establish controls for on-site ground or pole signs that limit the number, height and area, based on the size of a property. See Section K, page 12, 13 and 14 of the proposed amendment to the zoning ordinance. (Present regulations do not limit the number of signs on a property and this is considered one of the major contributors to visual pollution caused by signs. Present regulations limit the height to 30 feet and the area to 250 square feet, that may be increased by the City Commission. The proposed regulations allow heights up to 45 feet and areas up to 450 square feet when there is a reduction of the number of signs permitted on the property.)
  6. Establish controls for portable ground signs and temporary decorations by limiting the use to special events such as grand openings, carnivals and the like. (Present regulations are practically non-existent on portable ground signs, with the only limitation that if they exceed 4'6" in height they must be placed 6'0" behind the front property line. This was considered the greatest cause of visual pollution by those serving on the Zoning Advisory Committee due to the over-proliferation of this type of sign at many retail businesses, and the many times complete disregard of the regulations to not place them on public property.)
  7. Establish reasonable controls for subdivision identification signs, construction signs, and real estate signs. See Section C-1, 2 and 3 on pages 8 and 9 of the proposed amendment to the zoning ordinance. (This will allow such signs on a temporary basis that is in conflict with the existing zoning ordinance.)
  8. Regulate the lighting of signs that are within 200 feet of a residential zoning district. (There are practically no regulations of sign lighting in the existing ordinances.)
  9. Allow identification signs for buildings and building complexes when such are an architectural detail. (See Section B-7 of the proposed amendment to the zoning ordinance.)
  10. Other minor adjustments to the sign regulations that will eliminate some of the conflict between the two ordinances.
- B. The Planning Commission also recommended language for the new Article 7 of the new zoning ordinance (see minutes). These provisions closely parallel those made for the existing ordinance.

Page 4 - Ralph Wulz, City Manager  
September 5, 1974

RECOMMENDATION

Receive and file the report and make such recommendation to the  
MAPC for their consideration and use at their forthcoming public  
hearing on text changes to the existing ordinance.

RAL:ber

Attachments

7-31-74

Revised by MAPC 8-12-74

Revised sheets of Article 7 to be  
inserted into your copy of 7-31-74.

## SIGNS

### PART 1. GENERAL PROVISIONS

- 7-101. Intent and Purpose. This article is to implement the purposes, intent and provisions of the Comprehensive Plan, and is intended to: aid in identification of 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 and to improve traffic safety by reducing sign and advertising distractions, obstructions and hazards; enhance and protect open space, natural beauty, and in general the total urban environment; protect the character and dignity of public and private buildings and; preserve distinctive features of the different zoning districts and neighborhoods, especially of a cultural, historic or of other important public interest.
- 7-102. Sign permits. No sign shall be painted, constructed, erected, remodeled, relocated, or expanded other than normal maintenance and repair and message modification, except for signs listed in Section 7-105, until a permit for such sign has been obtained in accordance with all regulations and design standards of all applicable ordinances of the City of Wichita including the regulations of this article. The provisions herein contained shall be considered together with the Electrical, Building and Sign ordinances of the City of Wichita, and shall particularly regulate signs by location, height, area and type in each zoning district.
- 7-103. Definitions.
- (A) Sign. Any printed or written text (including letter word or numeral), pictorial representation (including illustration, decoration or figure), emblem (including device, symbol or trademark), commercial flag (including advertising banner, streamer or pennant), or any other object which:
- is a structure or any part thereof; or is attached to, painted on, or in any other manner represented on a building, fence, wall, post or any other structure or surface; and;  
Is used to identify, instruct, attract, guide or advertise.

(B) Types of Signs.

(1) Sign, advertising decoration

Various sign materials used for temporary display and decoration including streamers, banners, pennants, pinwheels, commercial flags, bunting and similar devices.

(2) Sign, advertising statuary

An imitation, representation or similitude of a person or thing which is sculptured, molded, modeled or cast in any solid or plastic substance, material or fabric which for advertising or identifying purposes is erected or attached to the surface of the ground.

(3) Sign, Building

An on site sign attached to, painted onto a wall, erected upon or above the roof of a building or structure, the height of which shall not exceed 4 feet 6 inches above the roof or parapet.

(4) 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.

(5) 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.

(6) Sign, Directional

A sign containing words or symbols indicating an entrance to, exit from, or location of parking, loading, rest rooms, and emergency entrances which are for the convenience of the public.

- (4) Political signs not exceeding 32 square feet in gross surface area per direction of travel, provided such signs shall not be more than 5 feet in height and shall not be located closer than 6 feet to a property line.
- (5) Real Estate signs not exceeding eight square feet in gross surface area.

7-106. Signs Permitted in All Zoning Districts. The following signs shall be permitted in all Zoning Districts.

(A) Construction signs with the following limitations:

One sign per street frontage.

Gross surface area per sign - 32 square feet in R-3 and R-4 districts, 128 square feet in all other districts.

Sign may include illustration of project under construction.

(B) Real Estate Signs, 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 4 Real Estate signs be permitted on a zoning lot.

Unlighted only.

Gross Surface Area per Sign, Residential Zoning districts - 8 square feet, all other zoning districts - 32 square feet.

(C) Project Title Signs, for subdivision identification, with the following limitations:

Time period, two years, however the Zoning Administrator may grant extensions every six months until the subdivision is 70% developed.

Exclusively for the purpose of advertising the subdivision in which the sign is located.

Unlighted only and neither reflective nor fluorescent.

Permit issued only after the final subdivision plat has been duly recorded.

Located at or near entrances to tract sections under construction.

Not more than 2 sign structures shall be maintained in an one subdivision less than 40 acres in size. For each additional 40 acres or major fraction thereof, one additional sign may be erected.

Area, maximum - 128 square feet for each sign.

Length, Maximum - 16 feet.

- (D) Nameplate signs with a maximum area of 2 square feet.
- (E) Signs, portable and advertising decoration, temporarily displayed during special event periods only, such as grand openings, holidays, carnivals, and the like, with a limit of two such events and a total time limitation of 30 days within any calendar year for any business.
- (F) Temporary signs in conjunction with licensed miscellaneous sales, when located in a residence district, and not on public property.
- (G) Political signs, when located on private property with the permission of the owner or tenant, and with the following limitations:

Not more than 4 signs for each street frontage, per zoning lot.

Total area of all signs shall not exceed 64 square feet per zoning lot.

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.

- (H) Bulletin board signs not exceeding 25 square feet gross area and lighted indirectly only by white light.
- (I) Off site directional signs, on private property, for churches and similar charitable organizations, provided that the sign shall not be located farther than 1/2 mile from the use and not exceed 8 square feet in area nor exceed 4 feet in height; and provided further the design and location shall first have been approved by the zoning administrator.

(J) Other signs which the Zoning Administrator may determine fall within the intent and purpose of this Article.

7-107. Signs Prohibited in All Zoning Districts. The following signs shall be prohibited in all zoning districts.

- (A) Off site signs greater than 600 square feet total area.
- (B) Off site signs, free standing, in excess of 40 feet in height.
- (C) Off site roof signs.
- (D) Off site signs within 50 feet of a residential structure.
- (E) Signs at street intersections not conforming to the "visibility triangle" provisions of Chapter 11.22 of the Code of the City of Wichita.
- (F) Vehicles or trailers parked on public right-of-way or on private property so as to be visible from any public right-of-way, which has attached thereto or located thereon any sign or advertising device for basic purpose of providing attraction to, direction to or location of any business, product or activity. This is not intended to apply to business or commercial vehicles or trailers when such signs are permanent and used for identification purposes or to those signs authorized under Section 7-106 E.
- (G) Signs, advertising statuary, over 20 feet in height.
- (H) Signs, advertising decoration - permanent display.
- (I) Other signs which the Zoning Administrator may determine fall within the intent and purpose of this Article.

PART 2. DISTRICT REGULATIONS

7-201. Signs Permitted by Zoning Districts. In addition to the signs permitted in any zoning district as allowed by Section 7-106, signs limited by type, number, area, height, setback, illumination, etc. for conforming uses are also permitted by the following zoning district regulations.

7-202. A-1 General Agriculture District.

- (A) Types Permitted.

- (1) On site ground, pole or building signs, pertaining only to the sale of agricultural products produced on the premises.
- (2) Identification signs.
- (3) Building sign for a home occupation.
- (B) Number of Signs Permitted. One sign per zoning lot, with the exception that an identification sign may be permitted for each separate and distinct building use established on the property.
- (C) Maximum Gross Surface Area.
  - (1) On site ground or building signs, 32 square feet per street frontage.
  - (2) Identification signs, 25 square feet.
  - (3) Building sign for home occupations, 2 square feet.
- (D) Maximum Height. 20 feet.
- (E) Required Setback. No requirement.
- (F) Illumination. None, except for identification signs illuminated with white light.

7-203. A-2 Commercial Agriculture District.

- (A) Types Permitted. Any type of on site sign except projecting signs or roof signs.
- (B) Number of Signs Permitted. Two per zoning lot.
- (C) Maximum Gross Surface Area. 100 square feet per street frontage.
- (D) Maximum Height. 20 feet.
- (E) Required Setback. No requirement.
- (F) Illumination. One sign per zoning lot may be illuminated provided that it does not exceed 50 square feet in gross surface area.

7-204. R-3, R-4, R-5, R-6 and R-7 Residence Districts.

- (A) Types Permitted.

- (2) On site building signs: No limitation.
- (3) On site roof signs: One per zoning lot, but shall be in lieu of a permitted ground or pole sign.
- (4) Off site signs: As permitted by Section 7-216.

(C) Maximum Gross Surface Area.

- (1) On site ground or pole signs: As permitted by Section 7-215.
- (2) All other on site signs: A total of six square feet for each lineal foot of street frontage of the zoning lot however, no individual sign shall exceed 600 square feet.
- (3) Off site signs: As permitted by Section 7-216.

(D) Maximum Height.

- (1) On site signs: 30 feet, except on site ground or pole signs may be increased as permitted by Section 7-215, and a roof sign shall not project more than 20 feet above the highest point of the structure on which it is located and furthermore the height shall not exceed the distance from any portion of the sign to the center of the adjoining public right-of-way or to a residential zoning district.
- (2) Off site signs: 40 feet.

(E) Required Setback. Same as required for buildings, except on site ground or pole signs permitted by Section 7-215.

(F) Illumination. Illuminated signs shall be permitted.

7-211. B-6 Central Business District.

- (A) Types permitted. Any type of on site signs, however projecting signs may be permitted only on structures located within seven feet of a front property line.
- (B) Number of Signs Permitted. No limitation.
- (C) Maximum Gross Surface Area. No limitation.

- (D) Maximum Height. No sign shall project more than 30 feet above the highest point of the structure on which it is located. Ground or pole signs as permitted by Section 7-215.
- (E) Required Setback. No requirement.
- (F) Illumination. Illuminated signs shall be permitted.

7-212. B-7 Service Business District. B-8 General Commercial District and B-9 Commercial Recreation District.

- (A) Types Permitted. Any type of on site signs, however projecting signs may be permitted only on structures located within seven feet of a front property line, but not in violation of other regulations. Off site signs are also permitted.
- (B) Number of Signs Permitted.
  - (1) On site ground or pole signs: As permitted by Section 7-215.
  - (2) On site building signs: No limitation.
  - (3) On site roof signs: One per zoning lot, but shall be in lieu of a permitted ground or pole sign.
  - (4) Off site signs: As permitted by Section 7-216.
- (C) Maximum Gross Surface Area.
  - (1) On site ground or pole signs: As permitted by Section 7-215.
  - (2) All other on site signs: Six square feet for each lineal foot of street frontage, however, no individual sign shall exceed 600 square feet in area.
  - (3) Off site signs: As permitted by Section 7-216.
- (D) Maximum Height.
  - (1) On site signs: 30 feet, except on site ground or pole signs may be increased as permitted by Section 7-215, and a roof sign shall not project more than 20 feet above the highest point of the structure on which it is located and furthermore the height shall not exceed the distance from any portion of the sign to the center of the adjoining public right-of-way or to a residential zoning district.

(2) Off site signs: 40 feet.

(E) Required Setback. Same as required for buildings except on site ground or pole signs permitted by Section 7-215.

(F) Illumination. Illuminated signs shall be permitted.

7-213. M-1 Light Industrial District.

(A) Types Permitted. On site ground, pole or building signs. Projecting signs may be permitted only on structures located within seven feet of a front property line, but not in violation of other regulations.

(B) Number of Signs Permitted.

(1) On site ground or pole signs: As permitted by Section 7-215.

(2) Building signs: 3 per zoning lot for each street frontage.

(C) Maximum Gross Surface Area.

(1) On site ground or pole signs: As permitted by Section 7-215.

(2) Building signs: One square foot of sign for each two lineal feet of street frontage providing no single sign shall exceed a gross surface area of 250 square feet.

(D) Maximum Height. 30 feet, except on site ground or pole signs may be increased as permitted by Section 7-215.

(E) Required Setback. Same as required for buildings except on site ground or pole signs permitted by Section 7-215.

(F) Illumination. Illuminated signs shall be permitted.

7-214. M-2 and M-3 Manufacturing Districts.

(A) Types Permitted. Any type of on site signs, however, projecting signs may be permitted only on structures located within seven feet of a front property line, but not in violation of other regulations. Off site signs are also permitted.

(B) Number of Signs Permitted.

- (1) On site ground or pole signs: As permitted by Section 7-215.
- (2) Building signs: 3 per zoning lot for each street frontage.
- (3) Projecting signs when permitted: Not to exceed one for each major occupancy of a building.
- (4) Off site signs: As permitted by Section 7-216.

(C) Maximum Gross Surface Area.

- (1) On site ground or pole signs: As permitted by Section 7-215.
- (2) All other on site signs: A total of twelve square feet for each lineal foot of street frontage of the zoning lot, provided no single sign shall exceed a gross surface area of 600 square feet.
- (3) Off site signs: As permitted by Section 7-216.

(D) Maximum Height.

- (1) On site signs: 30 feet, except on site ground or pole signs may be increased as permitted by Section 7-215, and a roof sign shall not project more than 20 feet above the highest point of the structure on which it is located and furthermore the height shall not exceed the distance from any portion of the sign to the center of the adjoining public right-of-way or to a residential zoning district.
- (2) Off site signs: 40 feet.

(E) Required Setback. Same as required for buildings except on site ground or pole signs permitted by Section 7-215.

(F) Illumination. Illuminated signs shall be permitted.

7-215. On Site Ground or Pole Signs Permitted in All Business and Manufacturing Districts.

(A) Number and size permitted. One ground or pole sign is permitted for each zoning lot having frontage on a public right-of-way. Where a zoning lot has a

frontage greater than 250 feet along the same right-of-way such zoning lot is permitted to have two ground or pole signs, plus one additional ground or pole sign for every additional 200 feet of frontage; or the owner may elect to combine two or more such signs, where permitted, into one ground or pole sign thereby allowing a 50% area increase for each sign that is eliminated, with a maximum allowable sign area not to exceed 300% of the area permitted by Table 7-215(D).

- (B) More than one frontage. 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. Signs permitted by a street frontage shall be placed adjacent to same and face the direction of travel along said street. Signs permitted by separate street frontages shall not be combined to attain a greater area or height. Exception: When one sign is erected at the corner of a zoning lot formed by two intersecting streets in lieu of one sign for each street frontage, then that sign may be increased 5 feet in height and 50% in area.
- (C) Height Limit. No ground or pole sign shall exceed a height of 30 feet, except that when the number of permitted signs on a zoning lot is reduced, the height of any one sign may be increased 5 feet for each sign reduction. The use of this method to increase a sign height shall not permit any sign to exceed a height of 45 feet.
- (D) Area. The maximum permitted area of a ground or pole sign, except when two or more permitted signs are combined, shall not exceed the figures shown in the following table:

TABLE 7-215(D)  
Maximum Permitted Areas for On Site Ground or Pole Signs

Type of Street*	Area of Sign in Square Feet
Undesignated**	25
Collector	50
Arterial	150
Expressway	150

\*As designated Map 13A of the Transportation Plan Element of the Comprehensive Plan.

\*\*When an undesignated street is located in an area that both sides of the street, between two intersecting streets, are zoned entirely of the Business or Manufacturing Districts, the limitations of a collector street shall then apply.

- (E) Rotating signs. Rotating ground or pole signs are permitted in all Business or Manufacturing Districts except the B-1 and B-3 districts. When rotating signs are used, the area permitted by 7-215(D) shall be reduced 33%.
- (F) 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 25 feet, whichever is less. When more than one sign is permitted on a zoning lot, there shall be a distance of not less than 150 feet between signs.

7-216. Off Site Signs when Permitted in the Business or Manufacturing Districts.

- (A) Number permitted. There shall be permitted not more than one off site sign facing a direction of travel for each 1000 lineal feet, or major fraction thereof, of street having B-4, B-5, B-7, B-8 or B-9 zoned properties adjacent thereto. There shall be permitted not more than one off site sign facing a direction of travel for each 660 lineal feet, or major fraction thereof, of street having M-2 or M-3 zoned properties adjacent thereto. Whenever any portion of the street has both business and manufacturing districts adjacent thereto, the permitted number shall be based on the manufacturing district.

The number of off site signs, facing a direction of travel within any designated mile, shall be determined by the lineal measurement in feet, along the center line of the street right-of-way, that is within or adjacent to any zoning district wherein off site signs are a permitted use. A designated mile shall be the length of the center line of a street between mile section lines, even though the lineal measurement may exceed 5280 feet. Under no circumstance shall there be more than five off site signs facing a direction of travel within any designated mile unless such street is within or adjacent to the M-2 or M-3 districts. Whenever such a condition is present, the calculations based on the permitted number for these districts shall not permit more than eight off site signs within any designated mile.

- (B) Size permitted. The gross surface area of an off site sign shall not exceed 600 square feet.
- (C) Prohibited locations. No off site sign shall be erected on a property when any of the following conditions are found to exist:
- (1) No off site sign shall be erected on a zoning lot that already has more than two on site ground or pole signs; or
  - (2) No off site sign shall be erected on a zoning lot that already has more than 200 square feet of on site ground or pole signs facing a direction of travel, regardless of the number of signs; or
  - (3) No off site sign shall be erected on any property that would obscure the view of any on site signs. This shall be determined by establishing a sight point at the center line of the street 150 feet in either direction, then no on site sign within 150 feet of the off site sign shall be obscured from view; or
  - (4) No off site sign shall be located closer than 330 feet to another off site sign facing the same direction of travel; or
  - (5) No off site sign shall be erected on a zoning lot that does not comply with the minimum lot size requirements of the zoning district.

( ) Published in The Daily Record on September 5, 1974)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Thursday, September 26, 1974, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at 1:30 p.m. will consider the following change to Title 28, the Code of the City of Wichita, Kansas.

Amend the Sections of the Zoning Ordinance now regulating signs and establish regulations for signs by limiting the number, height, area and type of signs to be permitted on a property, based on the size of the property and the location by zoning districts.

Copies of the proposed amendment are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department.

The proposed amendment will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed changes of the zoning ordinance will be considered by the Commission as by law provided.

WITNESS my hand and seal this 3rd day of September, 1974.

(SEAL)

Robert A. Lakin, Secretary  
Wichita-Sedgwick County Metro-  
politan Area Planning Commission

( ) Published in The Daily Record on September 5, 1974)

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WITNESS my hand and seal this 3rd day of September, 1974.

(SEAL)

Robert A. Lakin, Secretary  
Wichita-Sedgwick County Metro-  
politan Area Planning Commission

POSSIBLE AMENDMENTS TO THE ZONING ORDINANCE OF THE CITY OF WICHITA ESTABLISHING REGULATIONS TO CONTROL SIGNS BY LIMITING THE NUMBER, HEIGHT, AREA AND TYPE OF SIGNS TO BE PERMITTED ON A PROPERTY, BASED ON THE SIZE OF THE PROPERTY AND THE LOCATION BY ZONING DISTRICTS.

SECTION 28.04.020 of the Code of the City of Wichita, Kansas, be amended to include the following definitions:

**SIGN.** Any printed or written text (including letter, word or numeral), pictorial representation (including illustration, decoration or figure), emblem (including device, symbol or trademark), commercial flag (including advertising banner, streamer or pennant), or any other object which:

Is a structure or any part thereof; or is attached to, painted on, or in any other manner represented on a building, fence, wall, post or any other structure or surface; and,

Is used to identify, instruct, attract, guide or advertise.

**LOT, ZONING.** A parcel of land that is designated by its owner or developer, at the time of applying for an occupancy certificate as a tract, 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, or
- (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.

SECTION 28.04.040 A-10, 28.04.065 A-3, 28.04.070 A-11, 28.04.070 A-12, 28.04.080 A-10 and 28.04.090 A-1.24 shall be amended to read as follows:

-1-

Signs, as permitted by Section 28.04.139.

SECTION 28.04.090 A-2.1 shall be amended to read as follows:

2.1 Signs, not permitted by Section 28.04.139.

SECTION 28.04.139 shall be inserted into the ordinance as follows:

28.04.139 Sign Regulations. Notwithstanding the provisions of this Code regulating the uses permitted in the zoning districts, signs shall be regulated by this section of the Code.

No sign shall be painted, constructed, erected, relocated, remodeled or expanded 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 of Wichita and shall particularly regulate the size, height and type of sign permitted by the zoning districts.

A. General Standards.

1. Classification of Signs. Signs shall be classified by the Superintendent of Central Inspection in accordance with the following classifications:

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, painted onto a wall, erected upon or above the roof of a building or structure, the height of which shall not exceed 4 feet 6 inches above the roof or parapet.

-2-

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, financiers, 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, and shall include all poster panel signs.

j. Sign, on-site

A sign which carries only 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. Such sign shall not include advertising of a product in a manner other than when it pertains directly to premises, such as the use of national advertising poster panels, or the use of advertising trade marks or symbols when a product is sold only by vending machines on 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 32 square feet of gross surface area shall be classified as an off-site sign and regulated accordingly.

m. Sign, Portable

An on-site sign designed in such a manner to be readily movable and not permanently attached to the property. Any non-permanent sign not classed as a temporary sign shall be deemed to be a portable sign.

n. Sign, Poster Panel

An off-site sign designed for the application of advertising poster displays or being comprised of a series of connected panels on which the advertising is frequently changed.

o. 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.

p. 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.

q. Sign, Projecting

An on-site sign suspended from or supported by a building or structure and projecting therefrom a distance exceeding 1'0" beyond the property line.

r. Sign, Real Estate

An on-site sign displayed for the purpose of offering real property for sale, lease or rent.

s. Sign, Roof

A sign erected upon or above the roof of a building or structure to a height exceeding 3 feet 6 inches above the roof or parapet.

t. Sign, Temporary

An on-site sign such as cloth banners, pennants, window signs in business and industrial establishments, signs of light-weight cardboard, air-borne, plastic or paper materials intended to be displayed for a short period of time.

u. 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.

v. Sign, Window

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

2. Gross Surface Area of 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 the distance between the faces does not exceed two feet, then only one face of the sign shall be considered in determining the sign area.

In determining the surface area of a sign, each face of a sign may be broken down into three areas. Each surface area shall include the total area within a single continuous perimeter enclosing the extreme limits of the sign elements, and in no case passing through or between any 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 does not contain any advertising or printed copy, is not lighted and does not exceed 10% of the permitted sign area.

2. Limitations. Limitations apply to the type, height, setback, number and gross surface area of signs on each zoning lot.
3. Height of Sign. Sign height shall be measured from grade at the nearest street right-of-way line to the highest portion of the sign structure.
4. Illuminated Signs. Signs shall be shaded wherever necessary to avoid casting bright light upon property located in 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

200 feet of any residential district, shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m. Signs may not be illuminated unless so designated to permit same.

5. **Flashing or Moving Signs.** No flashing signs, rotating or moving signs, animated signs, signs with moving lights, or signs which created the illusion of movement shall be permitted in an residential zoning district, or in the "BE" Office district.
  6. **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 in a plane within 30° of a line perpendicular to the center line of the street. A sign shall be considered facing both directions of travel along a street if the angle exceeds the 30° as described above.  
Exception: Signs located within 250 feet of an intersection of arterials or expressways, or combination thereof, shall be considered facing the lane of traffic it is most directed toward providing the face of the sign is in a plane within 30° of a line perpendicular to the centerline of that street.
  7. **Distance Between Off Site Signs.** Distance between off site signs facing a direction of travel shall be measured at the center line of a street at the points where lines are projected perpendicular to the center line of the street to the center of the signs.
- B. **Exemptions.** The following signs shall be exempt from the requirements of the zoning ordinance.
1. Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organization, displayed on private property and provided further any emblem shall be used only as an identifying symbol and shall not include advertising language.
  2. Signs 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.

-7-

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.
5. 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, rest rooms, freight entrances, and the like.
6. 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 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.
7. Identification signs denoting only the name of the building or building complex when consisting of letters less than 15 inches in height, carved into or securely attached in such a way that they are an architectural detail of the building or entrance-way; and provided further, they are not illuminated apart from the building or entranceway, are not made of reflecting material and do not project more than 2 inches from the surface to which they are attached.

C. **Signs Permitted in All Zoning Districts.** The following signs shall be permitted in all Zoning Districts.

1. Construction signs with the following limitations:  
One sign per street frontage.  
Gross surface area per sign - 32 square feet in "AA" and "A" districts, 128 square feet in all other districts.  
Sign may include illustration of project under construction.
2. Real Estate Signs, advertising the sale, rental or lease of the premises on which it is displayed, with the following limitations:

-8-

One sign per street frontage per listing, provided that a maximum of 4 Real Estate signs be permitted on a zoning lot.

Unlighted only.

Gross Surface Area per Sign, Residential Zoning districts - 8 square feet, all other zoning districts - 32 square feet.

3. Project Title Signs, for subdivision identification, with the following limitations:

Time period, two years, however the Zoning Administrator may grant extensions every six months until the subdivision is 70% developed.

Exclusively for the purpose of advertising the subdivision in which the sign is located.

Unlighted only and neither reflective nor fluorescent.

Permit issued only after the final subdivision plat has been duly recorded.

Located at or near entrances to tract sections under construction.

Not more than 2 sign structures shall be maintained in any one subdivision less than 40 acres in size. For each additional 40 acres or major fraction thereof, one additional sign may be erected.

Area, maximum - 128 square feet for each sign.

Length, Maximum - 16 feet.

4. Nameplate signs with a maximum area of 2 square feet.
5. Signs, portable and advertising decorations, temporarily displayed during special event periods only, such as grand openings, holidays, carnivals, and the like, with a limit of two such events and a total time limitation of 30 days within any calendar year for any business or institution.
6. Temporary signs in conjunction with licensed miscellaneous sales, when located in a residence district, and not on public property.

7. Political signs, when located on private property with the permission of the owner or tenant, and with the following limitations:

Not more than 4 signs for each street frontage, per zoning lot.

Total area of all signs shall not exceed 64 square feet per zoning lot.

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.

8. Bulletin board signs not exceeding 25 square feet gross area and lighted indirectly only by white light.
9. Building sign, unlighted and not exceeding two square feet in area for a home occupation, but shall be permitted in the "AA" single family dwelling district only when the home occupation is required to be identified by a state law.
10. Other signs which the Zoning Administrator may determine fall within the intent and purpose of this section.

D. Signs permitted in the "AA", "A", "R-B", "R-5", "R-6" and "B" Residential zoning districts.

1. Identification signs for multiple family dwellings and other major office and institutional uses. Such signs shall not exceed 16 square feet in area nor exceed 20 feet in height, and shall be limited to indirect or internal illumination of white light only.

E. Signs permitted in the "BB" Office district and the "U" University district.

1. Identification signs, provided they shall not exceed 32 square feet in area nor exceed 30 feet in height and one per zoning lot. Such signs shall be limited to indirect or internal illumination of white light only.
2. Building sign not exceeding 32 square feet in area or 30 feet in height, and be limited to one for each major use in the building. Such signs shall be limited to indirect or internal illumination of white light only.

F. Signs permitted in the "G" Mobile home district.

1. Identification sign for a mobile home park. Such sign shall not exceed 20 feet in height or exceed 64 square feet in area, and shall be limited to indirect or internal illumination of white light only.

G. Signs permitted in the "LC" Light Commercial district.

1. Illuminated on site ground or pole signs as permitted by Section K.
2. Illuminated building signs, provided that there shall be no more than 3 signs for each business for each building elevation having street frontage or fronting onto a parking area with a depth of 150 feet or more, and shall be limited in total area to 25% of each building elevation. Signs shall not be more than 30 feet above grade. Building elevations not having street frontage, but facing onto parking or loading areas exceeding 50 feet in depth may provide identification signs for each place of business having an entrance therefrom, providing such signs shall not exceed 15 square feet in area nor be more than 12 feet above grade.

H. Signs permitted in the "C" Commercial and "E" Light Industrial districts.

1. Illuminated on site ground or pole signs as permitted by Section K.
2. Illuminated off site signs as permitted by Section L.
3. Illuminated building signs, provided that no individual sign shall exceed 600 square feet and there shall not be more than six square feet of building sign area for each lineal foot of street frontage.
4. Illuminated roof signs, provided that it shall not project more than 20 feet above the highest point of the structure on which it is located and furthermore the height shall not exceed the distance of the sign to the center of the adjoining public right-of-way or to a residential zoning district. Any roof sign shall be in lieu of a permitted ground or pole sign.

I. Signs permitted in the "D" Central Business district.

1. Illuminated on site ground or pole signs as permitted by Section K.
2. Illuminated building signs, provided no individual sign shall exceed 600 square feet.
3. Illuminated roof signs provided that it shall not project more than 30 feet above the highest point of the structure on which it is located.

J. Signs permitted in the "F" Heavy Industrial district.

1. Illuminated on site ground or pole signs as permitted by Section K.
2. Illuminated off site signs as permitted by Section L.
3. Illuminated building signs, provided that no individual sign shall exceed 600 square feet in area and there shall not be more than six square feet of building sign area for each lineal foot of street frontage.
4. Illuminated roof signs, provided that it shall not project more than 20 feet above the highest point of the structure on which it is located and furthermore the height shall not exceed the distance of the sign to the center of the adjoining public right-of-way or to a residential zoning district.

K. On site ground or pole signs as referred to in Sections G, H, I and J.

1. Number and size permitted. One ground or pole sign is permitted for each zoning lot having frontage on a public right-of-way. Where a zoning lot has a frontage greater than 250 feet along the same right-of-way such zoning lot is permitted to have two ground or pole signs, plus one additional ground or pole sign for every additional 200 feet of frontage; or the owner may elect to combine two or more such signs, where permitted, into one ground or pole sign thereby allowing a 50% area increase for each sign that is eliminated, with a maximum allowable sign area not to exceed 30% of the area permitted by the table of areas in paragraph 4.

2. **More than one frontage.** 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. Signs permitted by a street frontage shall be placed adjacent to same and face the direction of travel along said street. Signs permitted by separate street frontages shall not be combined to attain a greater area or height. Exception: When one sign is erected at the corner of a zoning lot formed by two intersecting streets in lieu of one sign for each street frontage, then that sign may be increased 5 feet in height and 50% in area.
3. **Height Limit.** No ground or pole sign shall exceed a height of 30 feet, except that when the number of permitted signs on a zoning lot is reduced, the height of any one sign may be increased 5 feet for each sign reduction. The use of this method to increase a sign height shall not permit any sign to exceed a height of 45 feet.
4. **Area.** The maximum permitted area of a ground or pole sign, except when two or more permitted signs are combined, shall not exceed the figures shown in the following table:

TABLE OF AREAS Maximum permitted Areas for On Site Ground or Pole Signs	
Type of Street*	Area of Sign in Square Feet
Undesignated**	25
Collector	50
Arterial	150
Expressway	150

\*As designated Map 13A of the Transportation Plan Element of the Comprehensive Plan.

\*\*When an undesignated street is located in an area that both sides of the street, between two intersecting streets, are zoned entirely of the Business or Manufacturing Districts, the limitations of a collector street shall then apply.

5. **Rotating Signs.** Rotating ground or pole signs are permitted in all office, commercial or industrial districts except the BB Office District. When rotating signs are used, the area permitted by 7-215(D) shall be reduced 33%.

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 25 feet, whichever is less. When more than one sign is permitted on a zoning lot, there shall be a distance of not less than 150 feet between signs.

**L. Off Site Signs when Permitted in the Business or Manufacturing Districts.**

1. **Number permitted.** There shall be permitted not more than one off site sign facing a direction of travel for each 1000 lineal feet, or major fraction thereof, of street having "C" Commercial or "E" Light Industrial properties adjacent thereto. There shall be permitted not more than one off site sign facing a direction of travel for each 600 lineal feet, or major fraction thereof, of street having "F" Heavy Industrial properties adjacent thereto. Whenever any portion of the street has both "C" or "E" and the "F" zoning districts adjacent thereto, the permitted number shall be based on the "F" zoning district.

The number of off site signs, facing a direction of travel within any designated mile, shall be determined by the lineal measurement in feet, along the center line of the street right-of-way, that is within or adjacent to any zoning district wherein off site signs are a permitted use. A designated mile shall be the length of the center line of a street between mile section lines, even though the lineal measurement may exceed 5280 feet. Under no circumstance shall there be more than five off site signs facing a direction of travel within any designated mile unless such street is within or adjacent to the "F" Heavy Industrial district. Whenever such a condition is present, the calculations based on the permitted number for these districts shall not permit more than eight off site signs within any designated mile.

2. **Size permitted.** The gross surface area of an off site sign shall not exceed 600 square feet, nor shall it exceed 40 feet in height.
3. **Prohibited locations.** No off site sign shall be erected on a property when any of the following conditions are found to exist:

- a. No off site sign shall be erected on a zoning lot that already has more than two on site ground or pole signs; or
  - b. No off site sign shall be erected on a zoning lot that already has more than 200 square feet of on site ground or pole signs facing a direction of travel, regardless of the number of signs; or
  - c. No off site sign shall be erected on any property that would obscure the view of any on site signs. This shall be determined by establishing a sight point at the center line of the street 150 feet in either direction, then no on site sign within 150 feet of the off site sign shall be obscured from view; or
  - d. No off site sign shall be located closer than 330 feet to another off site sign facing the same direction of travel; or
  - e. No off site sign shall be erected on a zoning lot that does not comply with the minimum lot size requirements of the zoning district.
4. **Setback.** Off-site signs shall comply with all building setback lines.

September 5, 1974

Mr. James Tidwell, Manager  
Donrey Outdoor Advertising Co.  
250 North Kansas  
Wichita, Kansas 67214

Dear Mr. Tidwell:

Enclosed herewith is a copy of the recommendations on sign regulations by the Planning Commission. These recommendations will be forwarded to the City Commission, and will be on the City Commission agenda on Tuesday, September 10, 1974.

I have also attached copies of the revised sheets of Article 7, Signs, that were amended by the MAPC at their meeting of August 12, 1974. Also included is a copy of the proposed amendments to the zoning ordinance that has been advertised for public hearing before the MAPC on September 26, 1974.

If you have any questions on this matter, please give me a call.

Sincerely,

Glen E. Lytle  
Special Assistant for Zoning

GEL:ber

Attachments

*Copies as attached  
GEL.*

Jim Tidwell mgr.  
Honey Oulton Adv. Co  
250 N. Kans.

14

John Blair City  
301 N. Market

03

Lonnie Hephoers,  
737 So. Wash.

11

Mrs. Pat Steinar  
135 N. Pershing

08

Mrs. Joan Kanas  
Evin Res. Adv. Bd.

3619 Elmwood

~~18~~ 18

Mrs. Elizabeth King  
352 Garnett

06

Mr. Everett Hale  
Claude Non Fed.

Cleveland

14

W. B. Warhurst  
129 W. 29 N.

64

Maymie Marshall  
656 S. Rossmore

18

Mrs. Pat Strecher  
161 S. Belmont

18

Mrs. Marjorie ~~Stet~~  
Stet Adv. Agency  
Univ. Nat'l Bldg

62

September 5, 1974

Ralph Wulz, City Manager

Robert A. Lakin, Director of Planning

Recommendation on Sign Regulations

As requested by the Board of City Commissioners, a recommendation on sign regulations by the Wichita-Sedgwick County Metropolitan Area Planning Commission is hereby submitted.

BACKGROUND

The MAPC held a special meeting on Monday, August 12, 1974, at 7:30 p.m. to discuss the sign regulations (Article 7), to be included in the new zoning ordinance. Copies of the MAPC minutes of that meeting are attached for your information.

Article 7, Signs, as submitted for consideration by the MAPC on August 12, 1974, was the result of six weeks review by a special Sign Committee Task Force. This Committee was appointed by the Planning Commission after a special meeting on June 3, 1974, to consider the recommendations of the Zoning Advisory Committee. This Special Sign Committee Task Force consisted of three members of the MAPC (Hill, Cragert, Hopper) and two members of the Zoning Advisory Committee (Kenneth Stewart and Paul Elliott) and was chaired by Ted Hill.

The recommendation of the Planning Commission was to approve the recommendation of the Task Force on Article 7, Signs, as amended on August 12, 1974, to be included into the new zoning ordinance, subject to a provision that all signs be brought into compliance within a period of ten years.

It was further recommended that the necessary amendments to the existing ordinances (both zoning-Title 28 and Signs-Title 24), be prepared to effectuate some immediate controls on signs, such as to: (a) prohibit off-site signs (billboards) in the Central Business District, (b) prohibit roof-mounted off-site signs (billboards), (c) limit the number of off-site signs to five per mile in the "C" Commercial and "E" Light Industrial Districts and eight per mile in the "F" Heavy Industrial District, (d) place number, height and area limitations on ground or pole signs, and (e) regulate the use of portable signs by limiting their use to special events.

The amendment to the zoning ordinance has been prepared and advertised for public hearing before the MAPC at their regular meeting of September 26, 1974. Copies of the advertisement and the amendments to the zoning ordinance are attached for your information. Glen Lytle of my staff and Dwight Flowers of the Central Inspection Division are presently preparing revisions to the existing sign ordinance (Title 24 of the City Code), to correlate the provisions of the two ordinances. The regulations for the type, height, area and lighting of signs will be placed in the zoning ordinance. The regulations requiring permits, licensing of sign hangers, structural and construction standards, and the provisions for administration of the sign regulations will remain in the sign code. Both ordinances will be forwarded to the Board of City Commissioners to be considered concurrently on or about October 15, 1974. This will be the first date possible due to the State statute regulating amendments to the zoning ordinance.

SUMMARY

- A. The following is a summary of the changes that will be included in the proposed changes to the existing zoning ordinance:
1. Prohibit any new roof-mounted off-site signs. (These are now permitted in the "C" Commercial, "D" Central Business, "E" Light Industrial and "F" Heavy Industrial Districts.)
  2. Prohibit any new off-site signs in the "D" Central Business District.
  3. Limit the number of off-site signs in the "C" Commercial and "E" Light Industrial Districts to five per mile facing a direction of travel and to eight per mile in the "F" Heavy Industrial District. (There are no limitations on the number of off-site signs included in the existing ordinances.)
  4. Establish controls for the size, height and placement of off-site signs to include a maximum area of 600 square feet, 40-foot height, distance separation of 330 feet, and not to be located on a property loaded with on-site signs or to interfere with existing on-site signs. (Present regulations limit ground supported billboards to 500 square feet and 30 feet in height. There is no limitation to the number permitted on a property or their relation to other signs that might be located in close proximity. In the development of the regulations, it was agreed to allow a greater height if such signs were to remain behind the building setback line.)

5. Establish controls for on-site ground or pole signs that limit the number, height and area, based on the size of a property. See Section K, page 12, 13 and 14 of the proposed amendment to the zoning ordinance. (Present regulations do not limit the number of signs on a property and this is considered one of the major contributors to visual pollution caused by signs. Present regulations limit the height to 30 feet and the area to 250 square feet, that may be increased by the City Commission. The proposed regulations allow heights up to 45 feet and areas up to 450 square feet when there is a reduction of the number of signs permitted on the property.)
  6. Establish controls for portable ground signs and temporary decorations by limiting the use to special events such as grand openings, carnivals and the like. (Present regulations are practically non-existent on portable ground signs, with the only limitation that if they exceed 4'6" in height they must be placed 6'0" behind the front property line. This was considered the greatest cause of visual pollution by those serving on the Zoning Advisory Committee due to the over-proliferation of this type of sign at many retail businesses, and the many times complete disregard of the regulations to not place them on public property.)
  7. Establish reasonable controls for subdivision identification signs, construction signs, and real estate signs. See Section C-1, 2 and 3 on pages 8 and 9 of the proposed amendment to the zoning ordinance. (This will allow such signs on a temporary basis that is in conflict with the existing zoning ordinance.)
  8. Regulate the lighting of signs that are within 200 feet of a residential zoning district. (There are practically no regulations of sign lighting in the existing ordinances.)
  9. Allow identification signs for buildings and building complexes when such are an architectural detail. (See Section B-7 of the proposed amendment to the zoning ordinance.)
  10. Other minor adjustments to the sign regulations that will eliminate some of the conflict between the two ordinances.
- B. The Planning Commission also recommended language for the new Article 7 of the new zoning ordinance (see minutes). These provisions closely parallel those made for the existing ordinance.

Page 4 - Ralph Wulz, City Manager  
September 5, 1974

RECOMMENDATION

Receive and file the report and make such recommendation to the  
MAPC for their consideration and use at their forthcoming public  
hearing on text changes to the existing ordinance.

RAL:ber

Attachments

THE CITY OF WICHITA  
OFFICE OF CITY MANAGER

DATE July 31, 1974



TO Robert A. Lakin, Director of Planning

FROM Ralph Wulz, City Manager

SUBJECT Request for Final Report on  
New Sign Ordinance

On July 31, 1974, the City Commission unanimously moved that the Metropolitan Area Planning Commission be requested to provide, not later than September 10, 1974, a final report and recommendation on the proposed new sign ordinance.

Please bring this request to the attention of the MAPC.

  
Ralph Wulz  
City Manager

RW/fmp



POSTED  
10-1-74  
*[Signature]*

DR 74-28 - Request for Special Permit for Consideration of Additional Cattle Holding Pens (Stock Yards) at 21st & Cleveland by Dubuque Packing Company.

ACTION

DATE

COMMITTEE

M.A.P.C.

*Approved subject 10-24-74  
to conditions*

B.C.C./B.C.C.F.

*Approved subject 11-12-74  
to conditions  
as recommended*

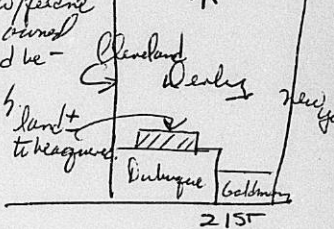
WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT  
 COMMUNITY DEVELOPMENT DIVISION

Public Inquiry Slip

NAME Dubuque Packing three Dick Upton CJC DATE 8-1-77  
 PHONE 265-7771 PHONE  COUNTER \_\_\_\_\_  
 PROPERTY LOCATION 21<sup>st</sup> & Cleveland MAP # 5550  
NE cor.

NATURE OF REQUEST: Bldg Permit,  
 CITY ZONING \_\_\_\_\_ COUNTY ZONING \_\_\_\_\_ CONDITIONAL USE \_\_\_\_\_  
 PLAT  LOT SPLIT \_\_\_\_\_ BZA \_\_\_\_\_  
 VACATION \_\_\_\_\_ DEDICATION \_\_\_\_\_ STREET NAME CHANGE \_\_\_\_\_

REMARKS: Question asked on handle of land to Dubuque by Dick Upton, does Dubuque have to plat? Concerned w/ plat & he agrees w/ following: Range m & B's tracts owned in separate ownership prior to '48. Trade of land between owners (Dubuque & Deely), even though m & B's, meets exception clause of S/D Regs. Even though Deely has acquired none since '48, they are separate tracts. land to Deely to acquire.



Called Upton 8/1/77 to convey above info. 1/2

ROUTE TO: GALBRAITH  SHIRKEY  OLIVER  NEWBY  RICHTER  DOBSON  MEEK  METM  
 LAKIN \_\_\_\_\_ STOCKWELL \_\_\_\_\_ RETURN TO file

COMMENTS: file in Dunflower 2<sup>nd</sup> add

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT  
COMMUNITY DEVELOPMENT DIVISION

Public Inquiry Slip

NAME Barber (Deluge Packing) DATE 11/23-24+27  
PHONE 267-1385 Ext 123 PHONE \_\_\_\_\_ COUNTER \_\_\_\_\_  
PROPERTY LOCATION 21st + Cleveland NE4 MAP # 5550

NATURE OF REQUEST:

CITY ZONING  COUNTY ZONING \_\_\_\_\_ CONDITIONAL USE \_\_\_\_\_

PLAT \_\_\_\_\_ LOT SPLIT \_\_\_\_\_ BZA \_\_\_\_\_

VACATION  DEDICATION \_\_\_\_\_ STREET NAME CHANGE \_\_\_\_\_

REMARKS: *Called Re Status of city permits. Plan into CID not yet worked.  
Code requirement for special permit Re "Location approval by BCL in F"  
has been met by DR 74-28 + mutation cases. Confirmed/Fielded by NBE  
on 11/28/77.*

ROUTE TO:

GALBRAITH  SHIRKEY \_\_\_\_\_ NEWBY  RICHTER \_\_\_\_\_ DOBSON \_\_\_\_\_ MEEK \_\_\_\_\_  
LAKIN \_\_\_\_\_ STOCKWELL \_\_\_\_\_ RETURN TO DR 74-28

COMMENTS:

T9-126

CONTINGENT DEDICATION

WHEREAS, Dubuque Packing Co. is owner of the following described real property, to-wit:

Beginning at the Southwest corner of the east half of the Southwest Quarter, Section 4, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, thence north 330 feet; thence east 360 feet; thence south 330 feet; thence west to place of beginning,

and has made application to the City of Wichita for approval of a special permit to construct additional cattle holding pens (stock-yards) on the above described real estate; and

WHEREAS, the City of Wichita anticipates in the future the necessity of acquiring additional street right-of-way for Cleveland Avenue adjacent to said property, which additional right-of-way will include a portion of the above-described real property; and

WHEREAS said Dubuque Packing Co. desires to continue the use of said additional right-of-way pending effectiveness of the dedication as hereinafter stated:

NOW, THEREFORE, in consideration of the premises and contingent upon the approval of said application for a special permit by the Board of City Commissioners of the City of Wichita, Sedgwick County, Kansas, Dubuque Packing Co. does hereby dedicate to the public for street purposes the following described real property, to-wit:

The West 30 feet of the following described tract:  
Beginning at the Southwest corner of the east half of the Southwest Quarter, Section 4, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence north 330 feet; thence east 360 feet; thence south 330 feet; thence west to place of beginning.

PROVIDED, HOWEVER:

1. That neither the public nor the City of Wichita shall be privileged nor entitled to the use of the area hereinabove dedicated for maintenance, excavation or fill, paving, instation of utilities and other similar street uses, until and unless the same is actually needed for the purposes as herein stated.
2. That until such time as the area hereby dedicated is actually used for the purposes of street right-of-way, including any or all of those uses as stated above, Dubuque Packing Co. shall be permitted the continued use of said additional street right-of-way.

This dedication herein expressed and made, conditioned as aforesaid, shall be accepted by the City of Wichita upon approval by its Board of City Commissioners of the application for a special permit to construct additional cattle holding pens (stockyards) and upon the recording of this instrument. Upon recording hereof, this instrument shall constitute a public dedication and a covenant running with the land binding upon Dubuque Packing Co., its heirs, successors and assigns. Acceptance by the City of Wichita of this contingent dedication and the recording of the same shall denote its acquiescence and agreement to all of the terms and provisions hereof.

IN WITNESS WHEREOF, Dubuque Packing Co. has executed this instrument and delivered the same to the City of Wichita, Kansas, on this \_\_\_\_\_ day of \_\_\_\_\_, 1974.

\_\_\_\_\_  
\_\_\_\_\_

State of Kansas)  
Sedgwick County) ss

Personally appeared before me a Notary Public in and for the  
County and State aforesaid \_\_\_\_\_

\_\_\_\_\_

to me personally known to be the same person who executed the  
foregoing instrument of writing and said person duly acknowledged  
the execution thereof.

Dated at Wichita, Kansas this \_\_\_\_\_ day of \_\_\_\_\_  
1974.

\_\_\_\_\_  
Notary Public

My commission expires:

November 12, 1974

Robert Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

DR 74-28 - Request for Special Permit

The Board of City Commissioners at their regular meeting on November 12, 1974 considered the above captioned special permit request to construct additional cattle holding pens for Dubuque Packing Company. The action of the City Commission was to approve the request subject to the conditions as recommended by the Planning Commission which are as follows:

1. Platting subject property to provide 30 feet of additional street right-of-way for Cleveland or submit a contingent street dedication providing that at such time as the City needs the right-of-way for street improvements, that dedication becomes effective.
2. Prior to the issuance of any building permits and before any cattle holding pen facilities are constructed, the applicant shall submit plans for review and approval to the Central Inspection Division and Maintenance Division of the Department of Public Works.
3. No new structures shall be permitted nearer to the south property line than 35 feet.

This is to advise you that the applicant has satisfied Condition #1 inasmuch as they submitted a satisfactory contingent dedication for Cleveland. It is necessary however, that prior to the beginning of construction that they submit plans to you and George Wilton for review and approval which meets Conditions #2 and #3.

If you have any questions, please call.

JHG:js

cc: Kent Evans, General Manager, Dubuque Packing Company  
P. O. Box 4225 67204

George Wilton, Superintendent of Public Works Maint.

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO  
BOARD OF CITY COMMISSIONERS  
REQUEST FOR SPECIAL PERMIT

CASE NO. DR 74-28

CONSIDERED BY MAPC: 10-24-74

REQUEST FOR: Special Permit

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

To allow construction of additional  
cattle holding pens.

GENERAL LOCATION: Northeast corner of 21st Street  
North and Cleveland

LEGAL DESCRIPTION:

Beginning at the southwest corner of the east half of  
the southwest quarter, Section 4, Township 27 South,  
Range 1 East of the 6th P.M., Sedgwick County, Kansas,  
north 330 feet, east 360 feet, south 330 feet, west  
to beginning

APPLICANT: Dubuque Packing Company, P.O.Box 4225 67204

COUNSEL FOR APPLICANT: Kent Evans, General Manager

PROTESTORS (LIST COUNSEL) IF ANY: None

SURROUNDING ZONING: To the north, east, and west is "F"  
zoning

LAND USE: Subject property is occupied by Dubuque Packing Company;  
north and west is Derby Refining Facilities; east is  
wrecking yard and heavy equipment; south is I-35 right-of-way

PLANNING COMMISSION RECOMMENDATION:

That a special permit be approved subject to the following:

1. The applicant submitting either a contingent street dedication for the west 30 feet of subject property, providing that at such time as the City needs the right-of-way for street improvements the dedication becomes effective; or submitting a properly executed vacation application for the 30 feet of existing right-of-way for Cleveland.
2. Prior to the issuance of any building permits and before any cattle holding pen facilities are constructed, the applicant shall submit plans for review and approval to the Central Inspection Division and Maintenance Division of the Department of Public Works.
3. No new structures shall be permitted nearer to the south property line than 35 feet.

Arnholz moved, Hennessy seconded and it carried unanimously. (Blakey, Hill,  
Hopper and Rising absent.)

- 
- ACTION: 1. Approve the application as recommended by the Metropolitan  
Area Planning Commission, subject to the recommended conditions of ap-  
proval; or
2. Take such action as the City Commission desires.

EXCERPT FROM PLANNING COMMISSION MINUTES OF OCTOBER 24, 1974:

10. DR 74-28 - Request from Dubuque Packing Company for special permit for additional cattle holding pens (stockyards). Northeast corner of 21st Street North and Cleveland.

GALBRAITH pointed out the area on the map and reviewed the following staff report:

Comments

1. Dubuque Packing Company is requesting a special permit to construct additional cattle holding pens (stockyards) to be utilized in conjunction with their packing company operation located at the northeast corner of 21st Street North and Cleveland, on property zoned "F" Heavy Industrial.
2. In accordance with Section 28.04.130 of the zoning ordinance, stockyards may be authorized in the "F" Heavy Industrial District by the Governing Body under a special permit.
3. The City Manager, in accordance with City Commission policy, has referred the applicant's request to the Planning Commission for recommendation after a public hearing.
4. On June 17, 1965, the Planning Commission considered and recommended approval of S/D 65-30, SUNFLOWER 2ND ADDITION, which contained the area included in this request. Subject plat provided for 30 feet of half-street right-of-way on the west for Cleveland, a 35-foot building setback from 21st Street and a 20-foot building setback from Cleveland. Access to 21st Street was also limited to two openings not exceeding 30 feet in width. However, all the conditions of approval were never complied with by the former owner, Sunflower Packing Company and, therefore, the plat was never forwarded to the City Commission and remains an open file.
5. The applicant has submitted a plot plan with their request which indicates that the proposed additional cattle holding pens, a sump and a pump will be constructed to the west property line and, therefore, makes no provision for the 30 feet of half-street right-of-way required by the Subdivision Committee and Planning Commission in 1965; nor does it provide for a 20-foot building setback from Cleveland.
6. It should be pointed out that the Derby Refining Company, which owns land adjacent to the north and west, has indicated an interest in vacating Cleveland. The Urban Renewal Agency and representatives of the Missouri Pacific Railroad and Reid Supply Company, all owning land farther to the north, have indicated they would prefer that Cleveland remain open until New York to the east is improved to City standards, at which time they would have no apparent objections to Cleveland being vacated. Such improvements, however, depend on the City acquiring additional right-of-way from Derby Refining Company and Goodman's Tractor Company. The Planning Commission may desire to defer this request until further discussions are held on street improvements for this area.
7. We have been advised that major problems exist in open cattle holding pens, where storm water is permitted to enter the sanitary sewer system. The City ordinance specifically prohibits any discharge of surface water into the sanitary sewer system. Representatives of the Department of Public Works, Health Department and Water Pollution Control, have briefly discussed this matter and recommend that the applicant present detailed plans that take this problem into consideration. Suggestions include as a minimum, the covering of all existing and proposed cattle holding pens. It is suggested that the applicant discuss this problem with the Maintenance Division of the Department of Public Works prior to the Planning Commission meeting.

8. Should the Planning Commission consider this an appropriate use and recommend that the City Commission grant a special permit, the following should be considered as conditions of approval:
- a. Platting subject property to provide 30 feet of additional street right-of-way for Cleveland or submit a contingent street dedication providing that at such time as the City needs the right-of-way for street improvement, that dedication becomes effective.
  - b. Prior to the issuance of any building permits and before any cattle holding pen facilities are constructed, the applicant shall submit plans for review and approval to the Central Inspection Division and Maintenance Division of the Department of Public Works.
  - c. No new structures shall be permitted nearer to the south property line than 35 feet.

GALBRAITH said the staff would recommend approval of this special permit subject to the conditions shown in the staff report, with the possibility of condition a. being amended to provide for platting, or dedication of a contingent dedication for 30 feet of right-of-way for Cleveland (in case the street is not eventually vacated), or the submission of a request for the vacation of Cleveland.

GALBRAITH said he thought such conditions would be acceptable, and a replat is not absolutely necessary at this time since the property has been held in its present configuration since prior to 1948.

HENNESSY thought that too many restrictions should not be imposed on the applicant to the point where they would create a hardship.

KENT EVANS, general manager of Dubuque Packing Company, said they have already met with the proper authorities in respect to storm sewer facilities as referred to in paragraph 7. of the staff report. He said they are agreeable to submitting plans and solving this problem.

As far as traffic congestion possibilities, EVANS said they presently unload cattle during the day, but will be adding a night shift and that trucks would pull off 21st Street and park on the applicant's property. He said there would be 8 or 10 semi trucks a day coming in principally during the night time. He said 21st Street is a oneway street directly in front of the plant.

No one appeared in opposition.

MOTION: That the Planning Commission recommend to the City Commission that a special permit be approved subject to conditions stated in the staff report. Arnholz moved and Hennessy seconded.

GALBRAITH asked for clarification isofar as replatting, a contingent dedication or application for vacation of Cleveland. HENNESSY said he had in mind a contingent dedication to be held until the possibility of vacating the street or additional dedication for Cleveland is decided. After more brief discussion, the wording of condition a. as shown in the staff report was reworded as shown later in these minutes.

AMENDED MOTION: Arnholz moved and Hennessy seconded that the above motion be amended to recommend approval of a special permit subject to the following:

1. The applicant submitting either a contingent street dedication for the west 30 feet of subject property, providing that at such time as the City needs the right-of-way for street improvements the dedication becomes effective; or submitting a properly executed vacation application for the 30 feet of existing right-of-way for Cleveland.
2. Prior to the issuance of any building permits and before any cattle holding pen facilities are constructed, the applicant shall submit plans for review and approval to the Central Inspection Division and Maintenance Division of the Department of Public Works.
3. No new structures shall be permitted nearer to the south property line than 35 feet.

VOTE ON MOTION was unanimous. (Blakey, Hill, Hopper and Rising absent.)

EVANS commented that he would prefer submitting a request for vacation of the right-of-way rather than a contingent dedication.

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*Dubuque Packing Company · Wichita, Kansas 67204*

P.O. Box 4225 - 1410 E. 21st St. - Phone 316 267-1385

November 6, 1974

The City Commission  
City of Wichita

We hereby submit as required by the City Planning Commission a contingent dedication of the west 30 feet of our property for the widening of Cleveland Street.

We submit this with the understanding that if and when we complete the application for vacation of Cleveland Street that this contingent dedication will be revoked and that the application for vacation will be accepted by the City of Wichita instead.

This then will fulfill our requirements in regard to the permit granted by the City Planning Commission to submit plans to the Central Inspection Division for the construction by us of additional stockyards to be constructed on our property.

Respectfully submitted,

Kent T. Evans  
General Manager

CONTINGENT DEDICATION

WHEREAS, Dubuque Packing Company is owner of the following described real property, to-wit:

Beginning at the Southwest corner of the east half of the Southwest Quarter, Section 4, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, thence north 330 feet; thence east 360 feet; thence south 330 feet; thence west to place of beginning,

and has made application to the City of Wichita for approval of a special permit to construct additional cattle holding pens (stockyards) on the above described real estate; and

WHEREAS, the City of Wichita anticipates in the future the necessity of acquiring additional street right-of-way for Cleveland Avenue adjacent to said property, which additional right-of-way will include a portion of the above-described real property; and

WHEREAS said Dubuque Packing Company desires to continue the use of said additional right-of-way pending effectiveness of the dedication as hereinafter stated;

NOW, THEREFORE, in consideration of the premises and contingent upon the approval of said application for a special

permit by the Board of City Commissioners of the City of Wichita, Sedgwick County, Kansas, Dubuque Packing Company does hereby dedicate to the public for street purposes the following described real property, to-wit:

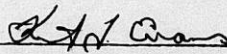
The West 30 feet of the following described tract:  
Beginning at the Southwest corner of the east half of the Southwest Quarter, Section 4, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence north 330 feet; thence east 360 feet; thence south 330 feet; thence west to place of beginning.

PROVIDED, HOWEVER:

1. That neither the public nor the City of Wichita shall be privileged nor entitled to the use of the area hereinabove dedicated for maintenance, excavation or fill, paving, installation of utilities and other similar street uses, until and unless the same is actually needed for the purposes as herein stated.
2. That until such time as the area hereby dedicated is actually used for the purposes of street right-of-way, including any or all of those uses as stated above, Dubuque Packing Company shall be permitted the continued use of said additional street right-of-way.

This dedication herein expressed and made, conditioned as aforesaid, shall be accepted by the City of Wichita upon approval by its Board of City Commissioners of the application for a special permit to construct additional cattle holding pens (stockyards) and upon the recording of this instrument. Upon recording hereof, this instrument shall constitute a public dedication and a covenant running with the land binding upon Dubuque Packing Company, its heirs, successors and assigns. Acceptance by the City of Wichita of this contingent dedication and the recordation of the same shall denote its acquiescence and agreement to all of the terms and provisions hereof.

IN WITNESS WHEREOF, Dubuque Packing Company has executed this instrument and delivered the same to the City of Wichita, Kansas, on this 4 day of NOVEMBER, 1974.



General Manager

State of Kansas)  
Sedgwick County) ss

Personally appeared before me as a Notary Public in and for the  
County and State aforesaid *Kene T. Evans*

to me personally known to be the same person who executed the  
foregoing instrument of writing and said person duly acknowledged  
the execution thereof.

Dated at Wichita, Kansas this *4* day of *November*,  
1974.



*Mary M. Harris*  
Notary Public

My commission expires: *May 16<sup>th</sup> 1978*

October 25, 1974

Mr. Kent Evans  
General Manager  
Dubuque Packing, Inc.  
1410 East 21st Street  
Wichita, Kansas 67214

Re: DR 74-28 - Request for  
Special Permit

Dear Mr. Evans:

At the regular meeting of the Metropolitan Area Planning Commission on October 24, 1974, the above-captioned request was considered. The action of the Commission was to recommend that the special permit be approved subject to the following conditions:

1. The applicant submitting either a contingent street dedication for the west 30 feet of subject property, providing that at such time as the City needs the right-of-way for street improvements the dedication becomes effective; or submitting a properly executed vacation application for the 30 feet of existing right-of-way for Cleveland.
2. Prior to the issuance of any building permits and before any cattle holding pen facilities are constructed, the applicant shall submit plans for review and approval to the Central Inspection Division and Maintenance Division of the Department of Public Works.
3. No new structures shall be permitted nearer to the south property line than 35 feet.

Attached is a copy of a vacation application and a sample contingent dedication form. One of these instruments satisfying condition 1. should be submitted to our office by 5:00 p.m. on November 6, 1974, so that this matter may be forwarded to the Board of City Commissioners for consideration on November 12, 1974, the meeting to start at 9:00 a.m. in Room 201 City Building, 204 South Main.

Page 2 - Mr. Kent Evans  
October 25, 1974

If you have any questions, please call.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ber

Enclosure

cc: George Wilton, Supt. of Public Works Maintenance  
Robert Feldner, Supt. of Central Inspection  
City Manager's Office

October 18, 1974

Mr. Kent Evans  
General Manager  
Dubuque Packing, Inc.  
1410 East 21st Street  
Wichita, Kansas 67214

Re: DR 74-28 - Request for  
Special Permit

Dear Mr. Evans:

Attached is a copy of the Planning Commission agenda for October 24 and a copy of our staff comments concerning your request. In a staff review of this proposal this afternoon serious questions were raised on the handling of storm water from subject holding pens. Also, as I had earlier advised you, there were discussions concerning the future vacation of Cleveland and improvement of New York Street which has not yet been resolved.

Concerning your plans for handling both storm sewer and sanitary sewer, I would recommend that you contact George Wilton, Superintendent of Public Works Maintenance and discuss your proposals with him prior to the Planning Commission meeting.

If you have any questions on our staff report, please contact me.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ber  
Attachment

cc: Ray Bruggemen, Director of Public Works  
George Wilton, Supt. of Public Works Maintenance

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 10-24-74

Case No. DR 74-28

Request: Special permit for construction of additional cattle holding pens

Location: Northeast corner of 21st Street  
North and Cleveland

Reason: To allow construction of additional cattle holding pens.

Acres: 2.7

Size: 330 ft. by 360 ft.

	<u>Land Use</u>	<u>Zoning</u>
Existing North	Dubuque Packing Company	"F"
East	Derby Refining Facilities	"F"
South	Wrecking yard & heavy equipment	"F"
West	I-357 right-of-way Derby Refining Company	- "F"

Existing P/W - Cleveland (full) 30 ft.

Proposed P/W - Cleveland (full) 70 ft.

History: S/D 65-30 - SUNFLOWER 2ND ADDITION

S/D: 6-10-65 Approved

MAPC: 6-17-65 Approved

Platted: no

Comments

1. Dubuque Packing Company is requesting a special permit to construct additional cattle holding pens (stockyards) to be utilized in conjunction with their packing company operation located at the northeast corner of 21st Street North and Cleveland, on property zoned "F" Heavy Industrial.
2. In accordance with Section 28.04.130 of the zoning ordinance, stockyards may be authorized in the "F" Heavy Industrial Districts by the Governing Body under a special permit.
3. The City Manager, in accordance with City Commission policy, has referred the applicant's request to the Planning Commission for recommendation after a public hearing.
4. On June 17, 1965, the Planning Commission considered and recommended approval of S/D 65-30, SUNFLOWER 2ND ADDITION, which contained the area included in this request. Subject plat provided for 30 feet of half-street right-of-way on the west for Cleveland, a 35-foot building setback from 21st Street and a 20-foot building setback from Cleveland. Access

to 21st Street was also limited to two openings not exceeding 30 feet in width. However, all the conditions of approval were never complied with by the former owner, Sunflower Packing Company and, therefore, the plat was never forwarded to the City Commission and remains an open file.

5. The applicant has submitted a plot plan with their request which indicates that the proposed additional cattle holding pens, a sump and a pump will be constructed to the west property line and, therefore, makes no provision for the 30 feet of half-street right-of-way required by the Subdivision Committee and Planning Commission in 1965; nor does it provide for a 20-foot building setback from Cleveland.
6. It should be pointed out that the Derby Refining Company, which owns land adjacent to the north and west, has indicated an interest in vacating Cleveland. The Urban Renewal Agency and representatives of the Missouri Pacific Railroad and Reid Supply Company, all owning land farther to the north, have indicated they would prefer that Cleveland remain open until New York to the east is improved to City standards, at which time they would have no apparent objections to Cleveland being vacated. Such improvements, however, depend on the City acquiring additional right-of-way from Derby Refining Company and Goodman's Tractor Company. The Planning Commission may desire to defer this request until further discussions are held on street improvements for this area.
7. We have been advised that major problems exist in open cattle holding pens, where storm water is permitted to enter the sanitary sewer system. The city ordinance specifically prohibits any discharge of surface water into the sanitary sewer system. Representatives of the Department of Public Works, Health Department and Water Pollution Control, have briefly discussed this matter and recommend that the applicant present detailed plans that takes this problem into consideration. Suggestions include as a minimum, the covering of all existing and proposed cattle holding pens. It is suggested that the applicant discuss this problem with the Maintenance Division of the Department of Public Works prior to the Planning Commission meeting.
8. Should the Planning Commission consider this an appropriate use and recommend that the City Commission grant a special permit, the following should be considered as conditions of approval:
  - a. Platting subject property to provide 30 feet of additional street right-of-way for Cleveland or submit a contingent street dedication providing that at such time as the City needs the right-of-way for street improvement, that dedication becomes effective.

Page 3 - Case No. DR 74-28  
October 24, 1974

- b. Prior to the issuance of any building permits and before any cattle holding pen facilities are constructed, the applicant shall submit plans for review and approval to the Central Inspection Division and Maintenance Division of the Department of Public Works.
  - c. No new structures shall be permitted nearer to the south property line than 35 feet.
-

DR 74-28 - 11 notices mailed out 10-10-74 for MAPC 10-24-74.

Names on ownership list, also those listed below.

Vic Pickering  
John Wynkoop  
George Wilton  
Jim Aiken  
Ray Bruggeman  
C. Robert Bell

METROPOLITAN AREA PLANNING COMMISSION  
CITY BUILDING ANNEX, 104 South Main  
Wichita, Kansas 67202

NOTICE TO ADJOINING PROPERTY OWNERS:

October 10, 1974

The Wichita-Sedgwick County Metropolitan Area Planning Commission in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, at its meeting beginning at 1:30 p.m., on October 24, 1974, will consider a referral from the Board of City Commissioners as to whether or not Dubuque Packing Company should be granted a special permit to construct additional cattle holding pens adjacent to Cleveland as provided in Section 28.04.130.A.11 of the City Zoning Ordinance, on the following described property:

Beginning at the southwest corner of the east half of the Southwest Quarter, Section 4, Township 27 South, Range 1 east of the 6th P.M., Sedgwick County, Kansas, North 330 feet, east 360 feet, south 330 feet, west to beginning. Generally located at the northeast corner of 21st Street North and Cleveland.

You may appear either in person, or by agent or attorney if you so desire.

Jack H. Galbraith  
Chief Planner

10-2-74

Mr. Evans of Dubuque was in on this date and we went over the requirements to consider their request for cattle holding pens. Brought to his attention the open plot and the requirement of 30' of right of way for Cleveland. He is concerned with the platting requirement as the configuration of their property existed prior to 1948. Advised him that dedication might not be required if all abutters to the street filed an application to vacate.

Ray Bruggeman also called this date and suggested a meeting with Water Health Maintenance prior to hearing by the P.C. He advised of EPA possible requirements that holding pens be roofed to prevent storm water from going into sanitary system. Demanding list is expected soon. J.H.S.

Kent Evans  
General Manager  
Dubuque Packing, Inc.  
1410 E 21st St.

September 30, 1974

Mr. Ivan Mauk  
Plant Engineer  
Dubuque Packing Company  
P. O. Box 4225  
Wichita, Kansas 67204

Subject: DP 74-28 - Request for  
Special Permit for Consideration of  
Additional Cattle Holding Pens  
(Stock Yards)

Dear Mr. Mauk:

The Board of City Commissioners on September 24, 1974 considered your request for a special permit to enlarge your cattle holding pens at 21st Street North and Cleveland. Their action was to refer your request to the Metropolitan Area Planning Commission for review and recommendation.

In accordance with the policy of the City Commission, the Planning Commission considers such requests at a public hearing at which time interested persons may speak either in favor or against such a request. It is necessary that, prior to our being able to place your request on the Planning Commission agenda, you furnish us with a legal description of your property, plus a current abstractors certificate listing the names, mailing addresses and zip codes of the owners of all adjacent property within a two hundred foot radius and including the property for which the request is made. Such list must be obtained from an abstract company. It is necessary that we receive this list no later than October 8, 1974 for this matter to be scheduled for the Planning Commission agenda of October 24, 1974. This would allow approximately a two-week notice to adjacent property owners.

Mr. Ivan Mauk  
September 30, 1974  
Page Two

In reviewing our files we find that in 1965 Sunflower Packing Company, Inc. was in the process of platting your area into a subdivision known as Sunflower Second Addition. This plat was never completed although the file reflects that building permits were issued for an addition in good faith that the plat would be completed. The plat reflects a 30-foot dedication on the west side of Cleveland Avenue. In reviewing your proposed site development plan we note that the proposed cattle pens are adjacent to Cleveland Avenue and, therefore, we are curious as to whether or not they are being proposed in the area originally required for additional right of way for Cleveland. I would like the opportunity to discuss this matter with you.

If you have any questions concerning the requirement of the ownership list, or the scheduling of this request for hearing by the Planning Commission, please call.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:js

cc: Ralph Wulz, City Manager  
Ray Bruggeman, Director of Public Works Department  
Robert Feldner, Superintendent of Central Inspection  
James Aiken, Environmental Health Director

September 30, 1974

James Aiken, Environmental Health Director

Jack H. Galbraith, Chief Planner

DR 74-28 - Request for Special Permit for Consideration of  
Additional Cattle Holding Pens (Stock Yards)

Attached is a copy of a letter to Ivan Mauk, Plant Engineer  
for the Dubuque Packing Company requesting additional infor-  
mation prior to our scheduling his request for consideration  
by the Planning Commission. Also attached is a xeroxed copy  
of a portion of his plan that indicates the proposed cattle  
holding pens adjacent to Cleveland.

Inasmuch as the Planning Commission may recommend conditions  
of approval associated with this type of request, I would  
appreciate you reviewing this proposal and advising us of  
any conditions that you feel should be attached that might  
make this use more acceptable and protect adjacent property  
owners.

JHG:js

THE CITY OF WICHITA  
OFFICE OF CITY MANAGER

DATE September 25, 1974



TO Robert A. Lakin, Director of Planning  
FROM Ralph Wulz, City Manager

SUBJECT Open Air Stockyards

Transmitted herewith is the request of Dubuque Packing Company, 1410 East 21st Street, for an occupancy permit for an open air stockyards at its packing plant. A map of the proposed site is attached. At the meeting of September 24, 1974, the City Commission referred this request to the MAPC for its review and recommendation.

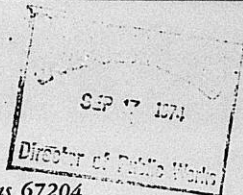
Please present this request to the MAPC for its recommendation at the earliest practicable date.

  
Ralph Wulz  
City Manager

RW/kmp

cc: Ray W. Bruggeman, Director of Public Works  
Robert Feldner, Superintendent of Central Inspection  
Jim Aiken, Environmental Health Director





Dubuque Packing Company · Wichita, Kansas 67204

P.O. Box 4225 - 1410 E. 21st St. - Phone 316 267-1385

September 16, 1974

Mr. Ray Bruggeman  
Director Public Works  
City of Wichita  
City Building, Wichita, Kansas

Dear Mr. Bruggeman,

We are hereby requesting permission from the city of Wichita to enlarge our cattle holding pens.

This addition is required because our new construction will take some of our present stock yards, leaving us short of holding capacity.

Also, after construction is completed, we are going to start a two shift operation at this plant. To do this, we will need more holding capacity than we now have or will have later.

The yards will be constructed of concrete block and steel pipe. Concrete block will fence the side by Cleveland Street and Derby Refinery. Steel pipe will be used on our property. There will be 1 foot 6 inch concrete curb around the outside of the holding pens to contain water and waste in the enclosure. The floor will be concrete pitched to a trough that will drain to a sump that will pump the water and waste up over a screen at the manure hopper now in use.

We wish to have the permit as soon as possible, as cold weather is almost here.

Sincerely,

Ivan Mauk  
Plant Engineer

IM/rh

CERTIFICATE OF OWNERSHIP

LAWYERS TITLE INSURANCE CORPORATION, Guarantee Title Division, hereby certifies the following to be a true and correct list of the property owners as shown by the last Deed of record in the Office of the Register of Deeds, of Sedgwick County, Kansas, within a 200 foot radius of and including the following described property, viz:

*OK for legal*

Beginning at the Southwest corner of the East Half of the Southwest Quarter, Section 4, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, North 330 feet, East 360 feet, South 330 feet, West to beginning.

<u>DESCRIPTION</u>	<u>OWNER/OWNERS/ADDRESS</u>	
<u>Section 4-27-1E</u>		
Beg. at SW cor. E/2 SE/4 of Sec. 4, N. 330', E. 360', S 330', W. to beg.	Dubuque Packing Co. 1410 East 21st St. Wichita, Kansas	67208
Beg. 492' E. of SW cor. E/2 SE/4 Sec. 4, N. 330', E. to canal, SW along Canal to S. line SE/4, W. to beg.	Mollie Goodman 1504 E. 21st St. Wichita, Kansas	67208
Beg. 330' N. of SW cor. of E/2 SE/4 of Sec. 4, N. 330', E. to Center Chisholm Creek, S. to point, E of Beg. W. to beg.	Derby Refining Co. Box 1030 Wichita, Kansas	67201
Beg. 360' E. of SW cor. of E/2 SE/4 of Sec. 4, N. 330', E. 132', S. 330', W. to beg.	Abe Goodman and Irving Goodman 1504 E. 21st St.	67208
<u>AMEYVILLE TOWNSITE CO. ADDN.</u>		
<u>Cleveland Avenue</u>		
Lots 44 thru 82 even inclusive	Derby Refining Co. Box 1030	67201
<u>Section 9-27-1E</u>		
Beg. 30' S & 30' W. of NE cor. NW/4 NE/4 of Sec. 9, W. 342', S. 150', E. 342', N. to beg.	City of Wichita 204 S. Main	67202
<u>HARVEY'S WALNUT GROVE</u>		
Reserve A	City of Wichita 204 S. Main	67202
<u>Mathewson Avenue</u>		
Lots 2-4-6-8-10-12 and Lots 1-3-5-7-9-11	City of Wichita 204 S. Main	67202
<u>Cleveland Avenue</u>		
Lots 2-4-6-8-10-12	City of Wichita 204 S. Main	67202

Dated this 4th day of October, 1974 at 7:00 o'clock A.M.

LAWYERS TITLE INSURANCE CORPORATION  
Guarantee Title Division

No. 636

By *Donald R. Hurler*  
Title Officer

METROPOLITAN AREA PLANNING COMMISSION  
CITY BUILDING ANNEX, 104 South Main  
Wichita, Kansas 67202

NOTICE TO ADJOINING PROPERTY OWNERS:

October 10, 1974

The Wichita-Sedgwick County Metropolitan Area Planning Commission in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, at its meeting beginning at 1:30 p.m., on October 24, 1974, will consider a referral from the Board of City Commissioners as to whether or not Dubuque Packing Company should be granted a special permit to construct additional cattle holding pens adjacent to Cleveland as provided in Section 28.04.130.A.11 of the City Zoning Ordinance, on the following described property:

Beginning at the southwest corner of the east half of the Southwest Quarter, Section 4, Township 27 South, Range 1 east of the 6th P.M., Sedgwick County, Kansas, North 330 feet, east 360 feet, south 330 feet, west to beginning. Generally located at the northeast corner of 21st Street North and Cleveland.

You may appear either in person, or by agent or attorney if you so desire.

Jack H. Galbraith  
Chief Planner

METROPOLITAN AREA PLANNING COMMISSION  
CITY BUILDING ANNEX, 104 South Main  
Wichita, Kansas 67202

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You may appear either in person, or by agent or attorney if you so desire.

Jack H. Galbraith  
Chief Planner

CONTINGENT DEDICATION

WHEREAS, DUBUQUE PACKING CO., IS OWNER OF THE FOLLOWING DESCRIBED REAL PROPERTY TO-WIT:

BEGINNING AT THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER, SECTION 4, TOWNSHIP 27 SOUTH, RANGE 1 EAST OF THE 6<sup>TH</sup> P.M., SEDGWICK COUNTY KANSAS, THENCE NORTH 330 FT., THENCE EAST 360 FT., THENCE SOUTH 330 FT., THENCE WEST TO PLACE OF BEGINNING,

AND HAS MADE APPLICATION TO THE CITY OF WICHITA FOR APPROVAL OF A SPECIAL PERMIT TO CONSTRUCT ADDITIONAL CATTLE HOLDING PENS (STOCKYARDS) ON THE ABOVE DESCRIBED REAL ESTATE; AND

WHEREAS, THE CITY OF WICHITA ANTICIPATES IN THE FUTURE THE NECESSITY OF ACQUIRING ADDITIONAL STREET RIGHT-OF-WAY FOR CLEVELAND AVE. ADJACENT TO SAID PROPERTY; WHICH ADDITIONAL RIGHT-OF-WAY WILL INCLUDE ~~AP~~ A PORTION OF THE ABOVE-DESCRIBED REAL PROPERTY; AND

WHEREAS SAID DUBUQUE PACKING CO. DESIRES TO CONTINUE THE USE OF SAID ADDITIONAL RIGHT-OF-WAY PENDING EFFECTIVENESS OF THE DEDICATION AS HEREINAFTER STATED:

NOW THEREFORE, IN CONSIDERATION OF THE PREMISES AND CONTINGENT UPON THE APPROVAL OF SAID APPLICATION FOR A SPECIAL PERMIT BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, DUBUQUE PACKING CO. ~~DOES~~ DOES HEREBY DEDICATE TO THE PUBLIC FOR STREET PURPOSES THE FOLLOWING DESCRIBED ~~TRACT~~ REAL PROPERTY, TO-WIT:

THE WEST 30 FT. OF THE FOLLOWING DESCRIBED TRACT;  
BEGINNING AT THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER, SECTION 4, TOWNSHIP 27

SOUTH, RANGE 1 EAST OF THE 6<sup>th</sup> P.M., SEDGWICK COUNTY, KANSAS; THENCE NORTH 330 FT.; THENCE EAST 360 FT.; THENCE SOUTH 330 FT.; THENCE WEST TO PLACE OF BEGINNING.

PROVIDED HOWEVER:


1. THAT NEITHER THE PUBLIC NOR THE CITY OF WICHITA SHALL BE PRIVILEGED NOR ENTITLED TO THE USE OF THE AREA HEREINAFORE DEDICATED FOR MAINTENANCE, EXCAVATION OR FILL, PAVING, INSTALLATION OF UTILITIES AND OTHER SIMILAR STREET USES, UNTIL AND UNLESS THE SAME IS ACTUALLY NEEDED FOR THE PURPOSES AS HEREIN STATED.

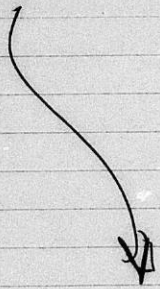
2. THAT UNTIL SUCH TIME AS THE AREA HEREBY DEDICATED IS ACTUALLY USED FOR THE PURPOSES OF STREET RIGHT-OF-WAY, INCLUDING ANY OR ALL OF THOSE USES AS STATED ABOVE, DUBUQUE PARKING CO. ~~SHALL~~ SHALL BE PERMITTED THE CONTINUED USE OF SAID ADDITIONAL STREET RIGHT-OF-WAY.

THIS DEDICATION HEREBY EXPRESSED AND MADE, CONDITIONED AS ~~STATED~~ AFORESAID, SHALL BE ACCEPTED BY THE CITY OF WICHITA UPON APPROVAL BY ~~THE~~ ITS BOARD OF CITY COMMISSIONERS OF THE APPLICATION FOR A SPECIAL PERMIT TO CONSTRUCT ADDITIONAL CATTLE HOLDING PENS (STOCKYARDS) ~~AND~~ AND UPON THE RECORDING OF THIS INSTRUMENT. UPON RECORDING HEREOF, THIS INSTRUMENT SHALL CONSTITUTE A PUBLIC DEDICATION AND A COVENANT RUNNING WITH THE LAND BINDING UPON DUBUQUE PARKING CO. ITS HEIRS, SUCCESSORS AND ASSIGNS, ~~AND~~ ACCEPTANCE BY THE CITY OF WICHITA OF THIS CONTINGENT DEDICATION AND THE RECORDATION OF THE SAME SHALL DENOTE ITS ~~THE~~ ACQUIESCENCE AND AGREEMENT TO ALL OF THIS TERMS AND PROVISIONS HEREOF.

IN WITNESS WHEREOF, DUBUQUE PARKING Co HAS  
EXECUTED THIS INSTRUMENT AND DELIVERED THE SAME TO  
THE CITY OF WICHITA, KANSAS, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
1974

---

  
ACKNOWLEDGEMENT



CONTINGENT DEDICATION

WHEREAS, Dubuque Packing Company, is owner of the following described real property, to-wit:

Beginning at the Southwest corner of the east half of the Southwest Quarter, Section 4, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, thence north 330 feet; thence east 360 feet; thence south 330 feet; thence west to place of beginning, and has made application to the City of Wichita for approval of a special permit to construct additional cattle holding pens (stockyards) on the above described real estate; and

WHEREAS, the City of Wichita anticipates in the future the necessity of acquiring additional street right-of-way for Cleveland Avenue adjacent to said property, which additional right-of-way will include a portion of the above-described real property; and

WHEREAS, said Dubuque Packing Company desires to continue the use of said additional right-of-way pending effectiveness of the dedication as hereinafter stated:

NOW, THEREFORE, in consideration of the premises and contingent upon the approval of said application for a special permit by the Board of City Commissioners of the City of Wichita, Sedgwick County, Kansas, Dubuque Packing Company does hereby dedicate to the public for street purposes the following described real property, to-wit:

The West 30 feet of the following described tract:  
Beginning at the Southwest corner of the east half of the Southwest Quarter, Section 4, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence north 330 feet; thence east 360 feet; thence south 330 feet; thence west to place of beginning.

Hold in file -  
Variation of Cleveland  
will be filed in the  
future. 11/12/74  
JH

PROVIDED, HOWEVER:

1. That neither the public nor the City of Wichita shall be privileged nor entitled to the use of the area hereinabove dedicated for maintenance, excavation or fill, paving, instation of utilities and other similar street uses, until and unless the same is actually needed for the purposes as herein stated.
2. That until such time as the area hereby dedicated is actually used for the purposes of street right-of-way, including any or all of those uses as stated above, Dubuque Packing Company shall be permitted the continued use of said additional street right-of-way.

This dedication herein expressed and made, conditioned as aforesaid, shall be accepted by the City of Wichita upon approval by its Board of City Commissioners of the application for a special permit to construct additional cattle holding pens (stockyards) and upon the recording of this instrument. Upon recording hereof, this instrument shall constitute a public dedication and a covenant running with the land binding upon Dubuque Packing Company, its heirs, successors and assigns. Acceptance by the City of Wichita of this contingent dedication and the recordation of the same shall denote its acquiescence and agreement to all of the terms and provisions hereof.

IN WITNESS WHEREOF, Dubuque Packing Company has executed this instrument and delivered the same to the City of Wichita, Kansas on this 11 day of November, 1974.

DUBUQUE PACKING COMPANY

By *Kent T. Evans*  
Title General Manager

State of Kansas)  
ss  
Sedgwick County)

Personally appeared before me a Notary Public in and for the County and State aforesaid Kent T. Evans to me personally known to be the same person who executed the foregoing instrument of writing and said person duly acknowledged the execution thereof.

Dated at Wichita, Kansas this 11 day of November, 1974.

*Mary M. Harris*  
Notary Public



Commission expires May 16, 1978:

CONTINGENT DEDICATION

WHEREAS, Dubuque Packing Co. is owner of the following described real property, to-wit:

Beginning at the Southwest corner of the east half of the Southwest Quarter, Section 4, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, thence north 330 feet; thence east 360 feet; thence south 330 feet; thence west to place of beginning,

and has made application to the City of Wichita for approval of a special permit to construct additional cattle holding pens (stock-yards) on the above described real estate; and

WHEREAS, the City of Wichita anticipates in the future the necessity of acquiring additional street right-of-way for Cleveland Avenue adjacent to said property, which additional right-of-way will include a portion of the above-described real property; and

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IN WITNESS WHEREOF, Dubuque Packing Co. has executed this instrument and delivered the same to the City of Wichita, Kansas, on this \_\_\_\_\_ day of \_\_\_\_\_, 1974.

\_\_\_\_\_  
\_\_\_\_\_

State of Kansas)  
Sedgwick County) ss

Personally appeared before me a Notary Public in and for the  
County and State aforesaid \_\_\_\_\_

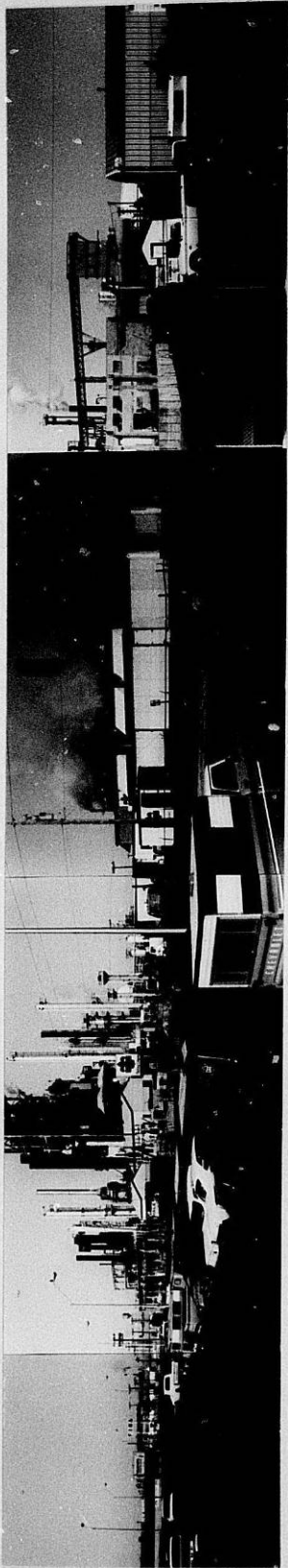
\_\_\_\_\_

to me personally known to be the same person who executed the  
foregoing instrument of writing and said person duly acknowledged  
the execution thereof.

Dated at Wichita, Kansas this \_\_\_\_\_ day of \_\_\_\_\_  
1974.

\_\_\_\_\_  
Notary Public

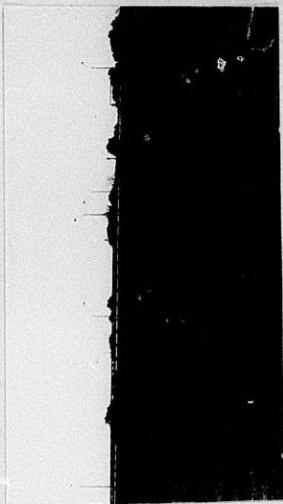
My commission expires:



I.



2.



3.



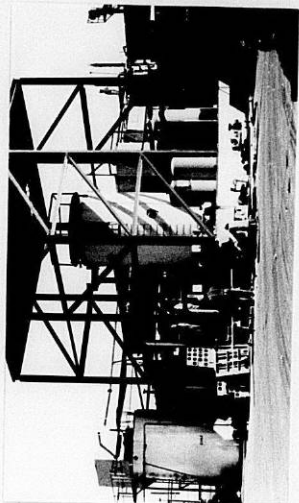
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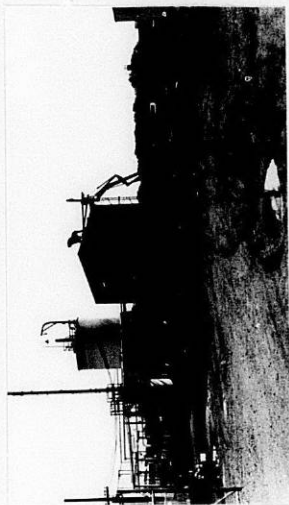
3.



4.



2.



6.



5.



8.

Map  
Sec  
Twp  
Range

AREA  
1.  
2.  
3.

4.  
5.  
6.

PHOTO  
Taken

Map  
Sec  
Twp  
Range

Map No. 5550  
 Sec. 4  
 Twp. 27  
 Range 1E

~~DR~~ DR 74-28  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

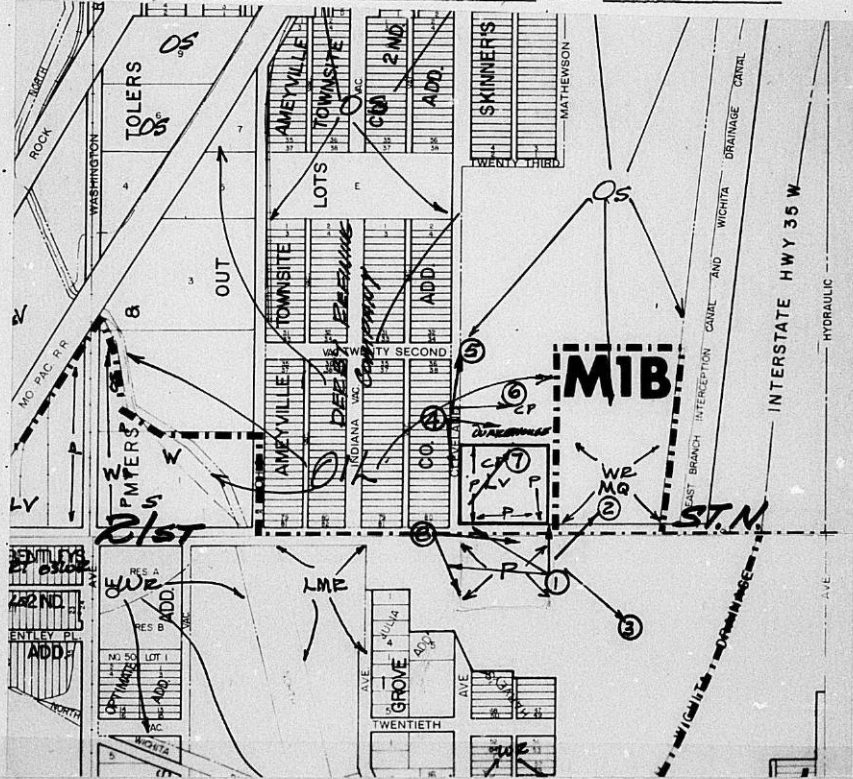
AREA DATA:

1. Acres: 2.7 (330 ft. by 360 ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East WORKING YARD HEAVY MACHINE & TRACTOR EQUIPMENT South PART OF REFRIG. OF 21ST  
 West DEERY KERNERY North OIL STORAGE TANKS.
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use is for for: PACKING CO.
6. Area (is) (is not) platted. \_\_\_\_\_

\* EXISTING SIDEWALKS.

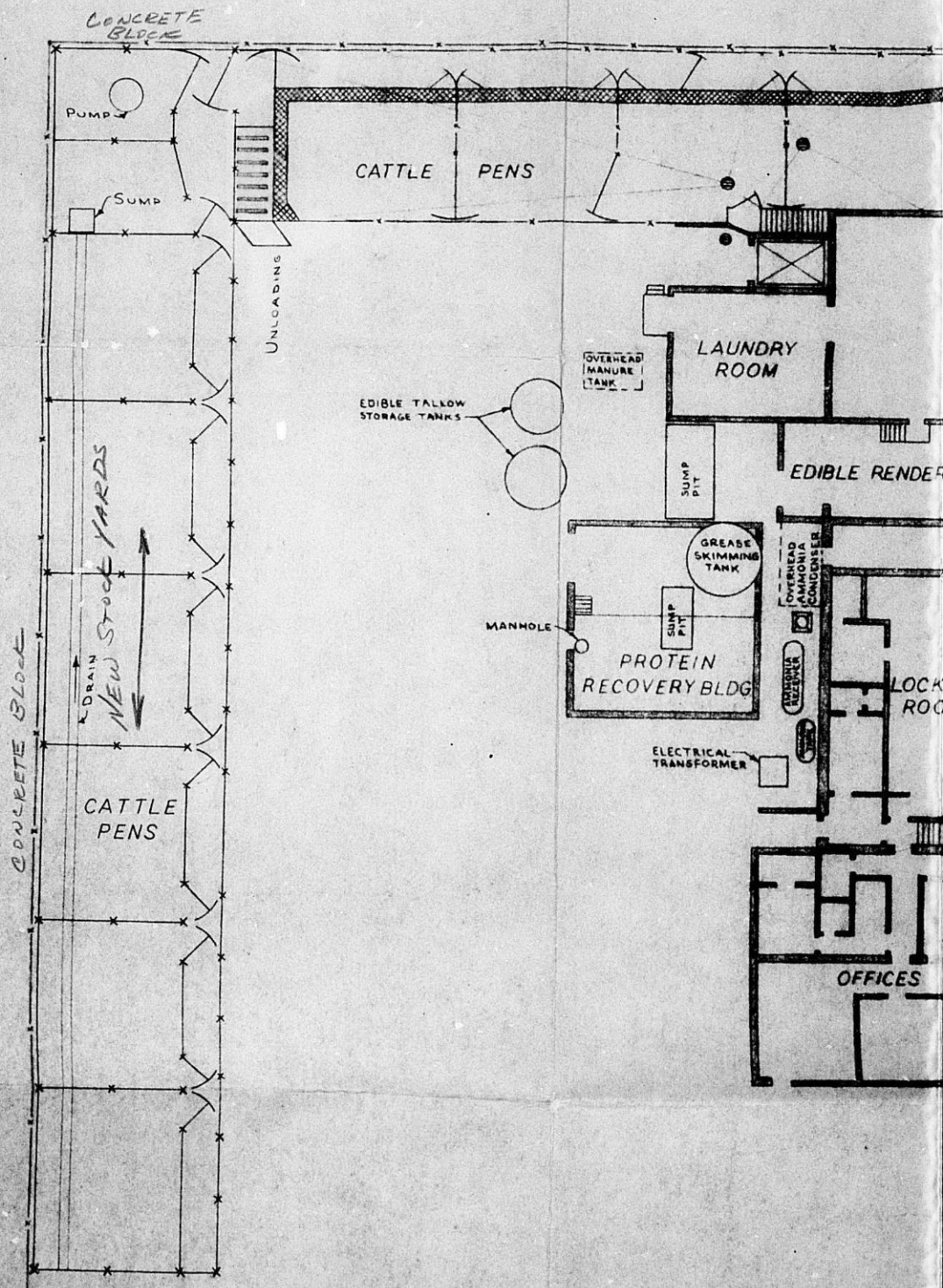
PHOTO DATA:

Taken by [Signature] Date 10-15-74 Time 10:30



1 2 3 4 5

GRID 30' x 30'



AND AVE

(G)

(H)

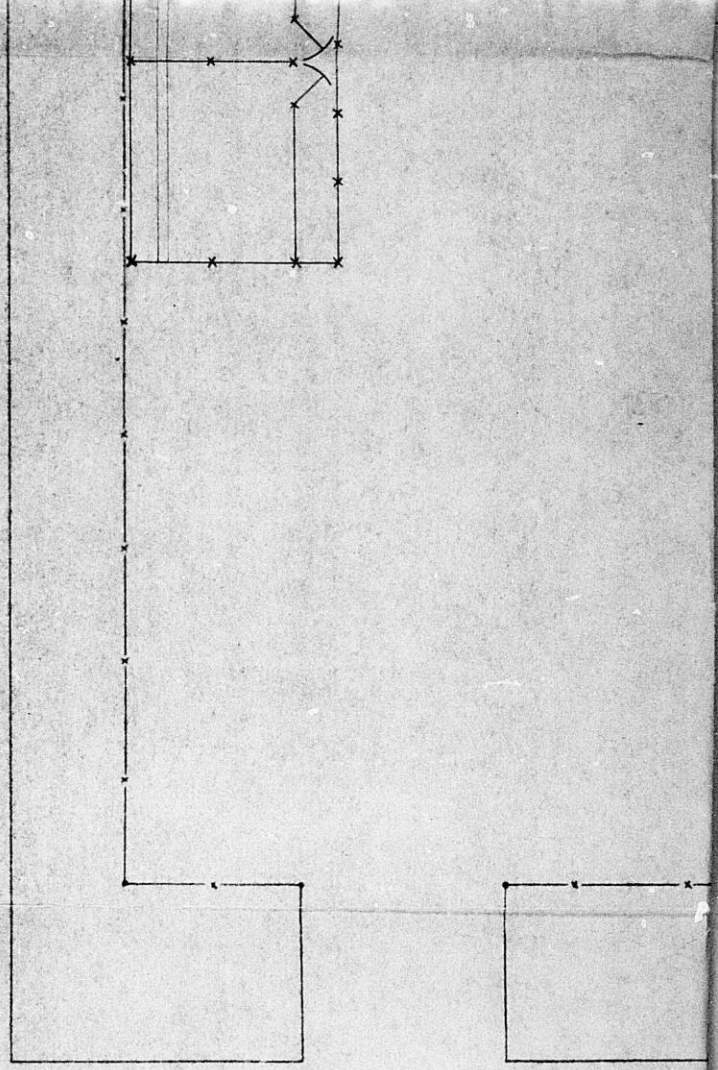
(I)

(J)

(K)

(L)

CLEVELAND AVE.



4

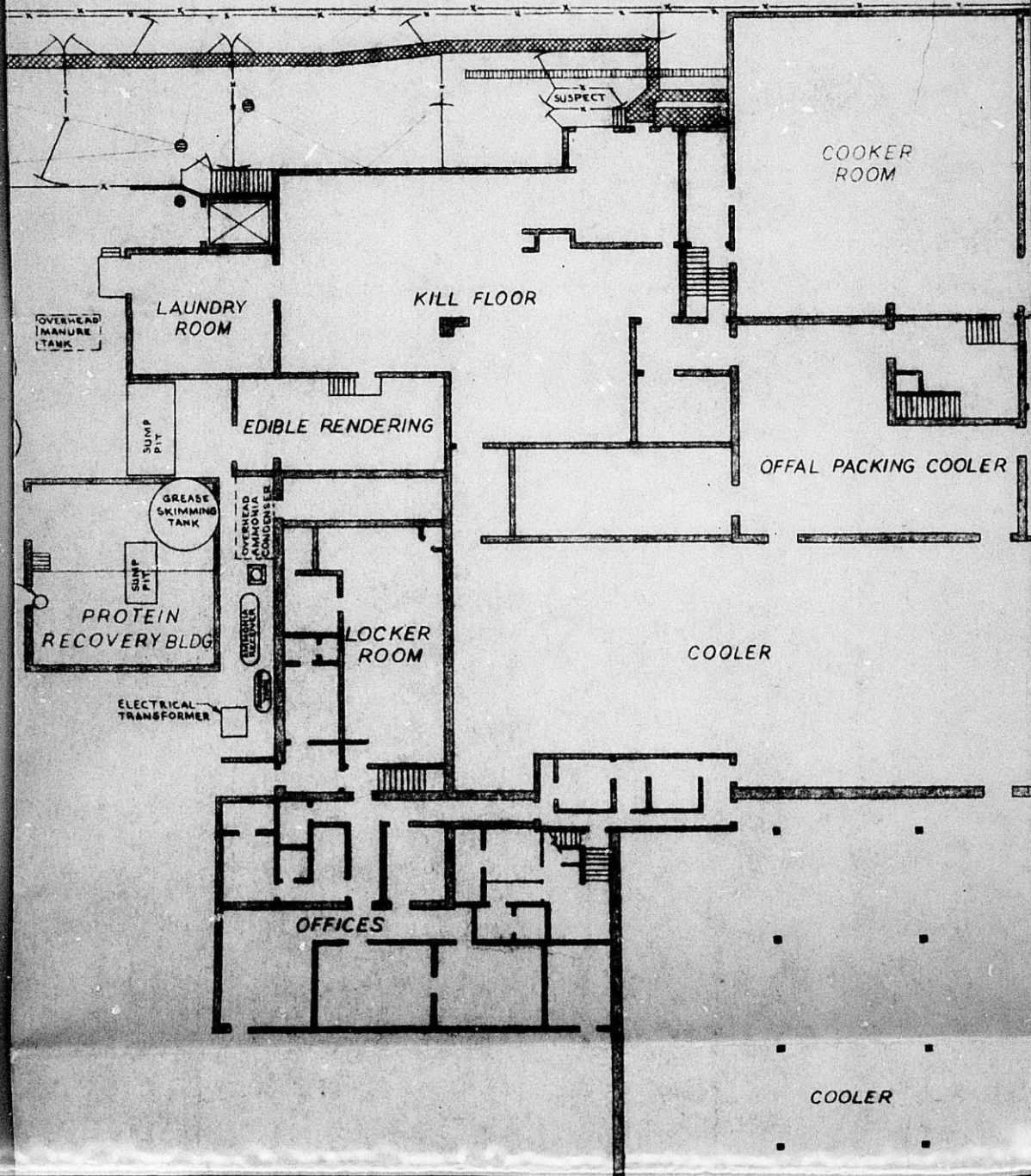
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6

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9



OFFICES

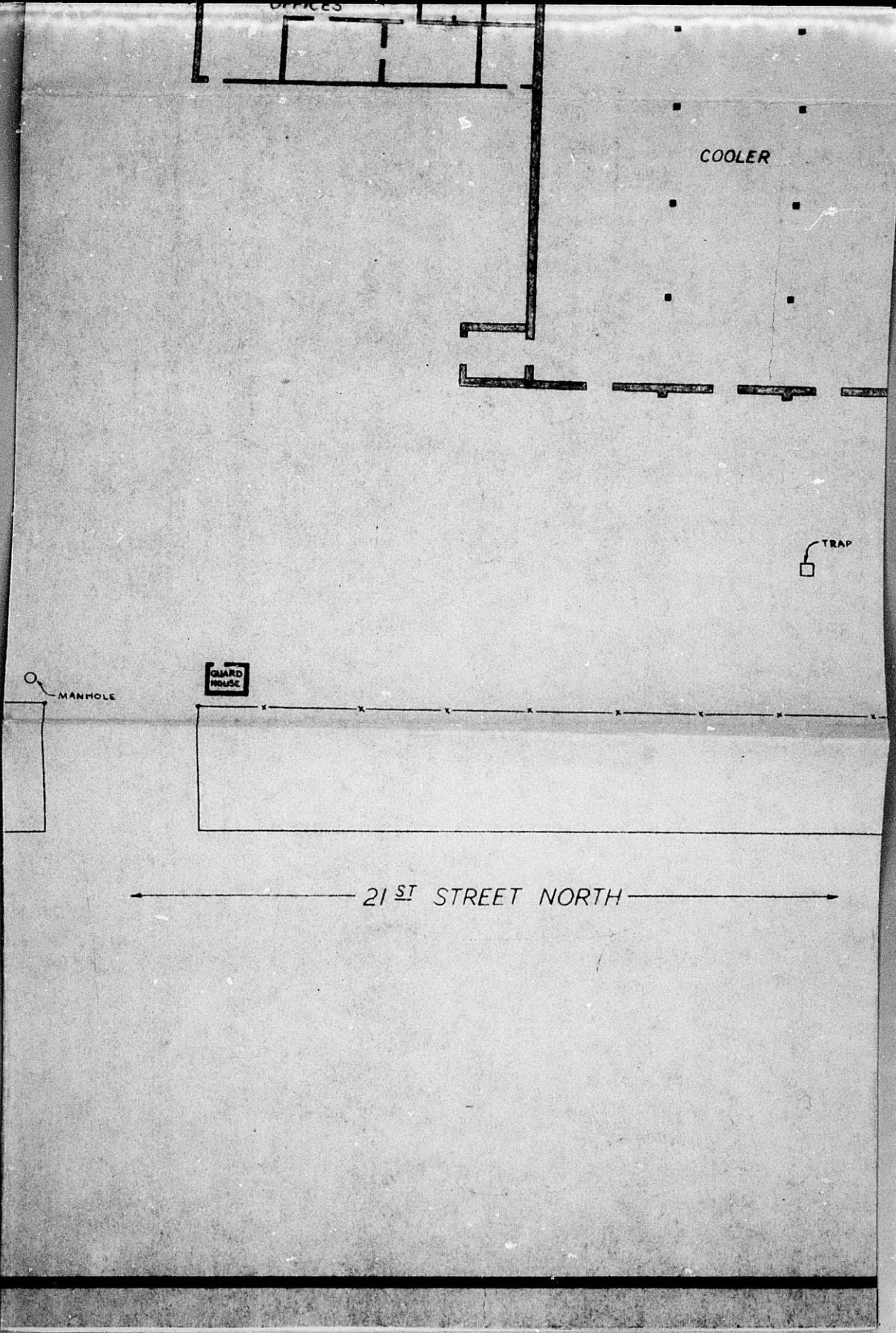
COOLER

TRAP

MANHOLE

GUARD HOUSE

21<sup>ST</sup> STREET NORTH



10

11

12

13

