Persons addressing the Planning Commission will be limited to four minutes of public address on a particular agenda item. Debate, questions/answer dialogue or discussion between Planning Commission members will not be counted towards the four minute time limitation. The Commission by affirmative vote of at least five members may extend the limitation an additional two minutes. The time limitation does not apply to the applicant’s initial presentation.

Items on this agenda will be forwarded to the City Council for final consideration.

All information forwarded to the City Council can be accessed via the internet on Thursday prior to the City Council meeting at: https://www.topeka.org/calendar

ADA Notice: For special accommodations for this event, please contact the Planning Department at 785-368-3728 at least three working days in advance.
HEARING PROCEDURES

Welcome! Your attendance and participation in tonight’s hearing is important and ensures a comprehensive scope of review. Each item appearing on the agenda will be considered by the City of Topeka Planning Commission in the following manner:

1. The Topeka Planning Staff will introduce each agenda item and present the staff report and recommendation. Commission members will then have an opportunity to ask questions of staff.

2. Chairperson will call for a presentation by the applicant followed by questions from the Commission.

3. Chairperson will then call for public comments. Each speaker must come to the podium and state his/her name. At the conclusion of each speaker’s comments, the Commission will have the opportunity to ask questions.

4. The applicant will be given an opportunity to respond to the public comments.

5. Chairperson will close the public hearing at which time no further public comments will be received, unless Planning Commission members have specific questions about evidence already presented. Commission members will then discuss the proposal.

6. Chairperson will then call for a motion on the item, which may be cast in the affirmative or negative. Upon a second to the motion, the Chairperson will call for a roll call vote. Commission members will vote yes, no or abstain.

Each item appearing on the agenda represents a potential change in the manner in which land may be used or developed. Significant to this process is public comment. Your cooperation and attention to the above noted hearing procedure will ensure an orderly meeting and afford an opportunity for all to participate. Please Be Respectful! Each person’s testimony is important regardless of his or her position. All questions and comments shall be directed to the Chairperson from the podium and not to the applicant, staff or audience.

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<th>Members of the Topeka Planning Commission</th>
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<td>Matt Werner</td>
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A. Roll call
B. Approval of minutes – February 18, 2019
C. Declaration of conflict of interest/ex parte communications by members of the commission or staff
D. Public Hearings
   1. Z19/02 by: Juan Perez-Dominguez requesting to amend the District Zoning Classification from C-1 Commercial District to X-1 Mixed Use District, on a portion of property located at 2632 SE Ohio Avenue to provide for one duplex (two residential units.) Item Withdrawn by applicant.
   2. Z19/01 by: Topeka Planning Commission requesting to amend the district zoning map from RR-1 Residential Reserve District to R-1 Single Family Dwelling District on a 9.21 acre property lying between SW 21st Street and SW 29th Street along the west side of SW Indian Hills Road and containing 33 single family residential platted lots. (Driver)
E. Discussion Items
   1. ACZR 18/02 Visual Code Update III Review and discuss draft sign standards and the feedback received from the February 26, 2019 public meetings. (Hall)
F. Communications to the Commission
G. Adjournment
Monday, February 18, 2019

6:00PM – Municipal Building, 214 SE 8th Street, 2nd floor Council Chambers

Members present:  Brian Armstrong, Corey Dehn, Marc Fried, Carole Jordan, Wiley Kannarr, Corliss Lawson, Katrina Ringler, Matt Werner (8)

Members Absent:  Ariane Messina (1)

Staff Present:  Bill Fiander, Planning & Development Director; Dan Warner, Comprehensive Planning Manager; Annie Driver, Current Planning; John Neunuebel, Current Planning; Kris Wagers, Administrative Officer; Mary Feighny, Legal

Roll Call – Chairperson Katrina Ringler called the meeting to order with eight members present for a quorum.

Approval of Minutes from December 17, 2018

Motion to approve by Mr. Fried, second by Mr. Dehn. APPROVED (6-0-2 with Ms. Jordan and Mr. Kannarr abstaining)

Election of 2019 Officers – Chair and Vice Chair

Ms. Ringler confirmed she would be willing to serve as second term as Chair, and Mr. Armstrong confirmed he would be willing to serve a second term as Vice-Chair. Motion by Mr. Armstrong, second by Ms. Jordan to nominate Ms. Ringler as 2019 Chair. Motion by Ms. Lawson, second by Ms. Ringler to nominate Mr. Armstrong as 2019 Vice-Chair. The vote was taken by ballot. Results were 8-0-0 to elect Katrina Ringler 2019 Planning Commission Chair and Brian Armstrong 2019 Planning Commission Vice-Chair.

Declaration of conflict of interest/ex parte communications by members of the commission or staff –

Ms. Lawson stated that she would abstain from hearing or voting on CU19/05 by GreatLIFE North Topeka. She then left the room as the case was called.

Public Hearings

CU19/05 JJ&J Inc. by: GreatLIFE North Topeka - Great Play requesting a Conditional Use Permit to allow for operation of Recreation, Outdoor Type II facility in the form of paintball and obstacle course(s), along with foot golf and disc golf course on property zoned R-1 Single Family Dwelling District and located at 1936 NW Tyler Street within a building formerly operated as North Topeka YMCA. (Neunuebel)

Mr. Neunuebel presented the staff report and staff recommendation for approval subject to conditions in the staff report, noting a handout (2/18/19 memo from Mr. Fiander) that recommends a revision to Condition #4.

Ms. Ringler declared the public hearing open.
Mark Boyd of SBB Engineering came forward representing the applicant. He stated that the applicant agrees to the conditions listed in the staff report, as well as the revision to Condition 4 as given in the handout (2/18/19 memo from Mr. Fiander). He stated that Planning staff summed up the request adequately and both he and the applicant were available for questions.

Mr. Fried asked for confirmation that the facility would be open until midnight on Sundays. Mr. Boyd clarified that they would be allowed to stay open as late as midnight Sundays.

Sam Reilly of 2320 SE 29th Street came forward to speak, expressing concern about the possibility of neighbors complaining about noise levels. He stated that if a neighbor complains the noise level is too loud, the owner could be cited.

Mr. Neunuebel pointed to the Statement of Operations noise limit of no more than 50 decibels at 10 feet from the muzzle of paintball gun (p 5 of the staff report).

With nobody else coming forward to speak, Ms. Ringler declared the public hearing closed.

Mr. Armstrong stated that it appears to be a good re-use of the facility and he hopes that it gives people in the area something cool to do and get outside. Mr. Werner stated he agrees with Mr. Armstrong and Ms. Ringler stated the same.

Motion by Mr. Dehn to recommend approval to the Governing Body of the Conditional Use Permit, subject to the conditions in the staff report, including the revision to #4 as typed in the memo/handout. Second by Ms. Jordan. APPROVED (7-0-1 with Ms. Lawson abstaining).

Upon the recording of the vote, Ms. Lawson returned to her seat.

CU19/04 David & Mary Kaiser by: AT&T Wireless requesting a Conditional Use Permit for a Communications Tower (130 ft. tall monopole structure and associated ground equipment) on property zoned R-1 Single Family Dwelling District and located at 2446 SE 29th Street. (Neunuebel)

Mr. Neunuebel presented the staff report and noted the handout (memo from Bill Fiander) recommending the addition of a condition requiring a new note be made on the CUP site plan regarding exterior lighting. He concluded his presentation with staff's recommendation for approval subject to conditions in the staff report as well as the additional condition included in the handout/memo.

Ms. Ringler declared the public hearing open and Glen Klocke came forward to speak representing the applicant.

Mr. Klocke noted that the pole in question is a 130’ monopole tower for which the FAA does not require lighting. He explained that there would be a 60’x60’ fenced area at the base of the pole, and everything related to the pole would be housed within that fencing. There are not guide wires, etc. An access road would be built from the owner’s driveway to the pole to allow access.

Mr. Dehn asked if the property is occupied and Mr. Klocke stated that it is.
Ms. Ringler inquired about the expected lifespan for a tower such as the one proposed and Mr. Klocke stated that the property lease goes for 50 years; the towers are well maintained and life expectancy is likely greater than 70-80 years.

Roy Bynun of 2404 SE 28th Terrace came forward to speak in opposition of the CUP. Mr. Bynun stated that he attended the Neighborhood Information Meeting where he expressed concerns about the health effects of communication towers. He stated that the applicant said he would send information to him but he never received it. Mr. Bynun expressed concerns about long-run costs of the tower, especially its effect on property values and home depreciation. He suggested the tower be placed in Dornwood Park.

William Miller Jr. of 2835 SE Golden came forward to speak in opposition of the CUP. He stated he would see the tower every time he looks out his bay window. He stated that real estate agents he has spoken say the tower would affect property values by about 20%, which would be a $24,000 loss to him. He also noted that this would mean a decrease in property taxes collected by Shawnee County.

Mr. Miller stated that a number of scientists suggest communication towers such as this should not be built due to health concerns. He also stated that the tower would point to the turnpike, giving people on the turnpike better service but not adding anything to the service of people in the city. He expressed concern about the health effects of the tower and their effect on wildlife in the area. He concluded by expressing concern about the City and the Planning Commission ignoring this part of town. He stated that he has rehabbed 8 homes in the neighborhood but will not be able to continue to do so when “the city seems to drag us down every chance they get.”

Griselda Mora of 2419 SE 28th Terrace came forward to speak in opposition of the CUP. She stated she lives within 200’ of where the tower is to be located and asked if commissioners would want this in their neighborhood. She expressed concern about the safety of children living in proximity to the tower.

Sam Reilly of 2320 SE 29th Street came forward to speak in opposition of the CUP. He expressed concerns about environmental and health risks of the tower and believes deer which normally run through Dornwood Park will go elsewhere due to the tower.

With nobody else coming forward to speak, Ms. Ringler declared the public hearing closed.

Mr. Armstrong asked Mr. Neunuebel to elaborate on staff’s evaluation regarding potential environmental harm the tower might cause. Mr. Neunuebel explained that federal and state law prohibits cities from regulating the placement of personal wireless service facilities such as cell towers on the basis of the environmental effects of radio frequency emissions or perceived/alleged environmental effects of radio frequency emissions or exposure. Moreover, state law precludes cities from imposing environmental tests, sampling, or monitoring.

Ms. Ringler stated again that state and federal government does not allow cities to restrict the placement of communication towers based on health or environmental concerns. The decision of commissioners must be based strictly on planning and zoning related items.

Mr. Armstrong inquired about the service area. Mr. Klocke returned to the podium and explained that the towers in question provide service to an area approximately 1.5 miles in each direction, measured from the top of the tower, so a total area of around 3 miles. The towers “talk” to other towers they see.
Mr. Kannarr inquired regarding information that was to be sent to NIM attendees and Mr. Bynun indicated he had never received. Mr. Neunuebel explained that a Neighborhood Information Meeting was held by the applicant and Mr. Neunuebel was in attendance. He stated that several in attendance had expressed concerns about the potential health impacts. He stated that the applicant was going to some information to those who provided their contact information.

Mr. Klocke returned to the podium and stated that he had sent information to staff and people who had provided contact information at the Neighborhood Information Meetings regarding all 3 towers under consideration this evening. He added that there was contact information he could not read on the sign-in sheets. Ms. Ringler noted that there are links on the City of Topeka website’s Communication Towers page that take people to health/safety information provided by both the applicant and by concerned citizens.

Mr. Dehn asked Mr. Klocke how sites are chosen. Mr. Klocke explained that engineers provide a rather small search ring based on where towers are needed to provide the best coverage. Mr. Klocke’s firm then contacts property owners of potential sites and attempts to negotiate land leases.

Mr. Armstrong stated that he has reviewed information included in the City’s CIP regarding the SE Topeka Interchanged. He noted that the proposed work would not be impacted by this tower.

Ms. Ringler noted that based on the zoning maps and land use and growth management plan maps of the City, the proposal appears to be consistent with the plans we have.

Mr. Kannarr stated he agrees with Ms. Ringler; he noted that nobody really wants to have a tower where they are, and people will speak against them wherever they’re proposed to be placed. He also noted that there are a number of things that the Commission cannot consider due to state and federal regulations. While he may not love the idea, he can find no reason to vote against it based on things he’s allowed to consider.

Mr. Armstrong noted that he concurs with Mr. Kannarr.

Mr. Dehn stated that he too concurs with Mr. Kannarr. He noted that he has a similar tower within about 400’ of his home. He understands the concerns expressed by those speaking this evening, but the existence of the tower did not preclude him from purchasing his home.

Mr. Fried noted legal issues and subsequent financial effects that arose from a previous case where a Planning Commission denied a tower simply on the basis that they didn’t like the placement, and Ms. Lawson noted that she too is familiar and understands that nobody really likes these towers.

Motion by Mr. Kannarr to recommend approval to the Governing Body of the Conditional Use Permit, subject to the conditions in the staff report, including the addition of the condition included in the handout/memo regarding exterior lighting. Second by Mr. Werner. APPROVED (8-0-0).

CU19/01 Fairlawn Church of the Nazarene by: AT&T Wireless requesting a Conditional Use Permit for a Communications Tower (130’ tall monopole structure and associated ground equipment) on property located at 730 SW Fairlawn Road. (Driver)
Ms. Driver presented the staff report and noted the handout (memo from Bill Fiander) recommending the addition of a condition requiring a new note be made on the CUP site plan regarding exterior lighting. It was noted that upon request of Planning staff, AT&T and the property owner agreed to a change in the placement of the tower on the property. Ms. Driver concluded her presentation with staff’s recommendation for approval subject to conditions in the staff report as well as the additional condition included in the handout/memo.

Ms. Ringler declared the **public hearing open.**

Glen Klocke came forward representing the applicant. He explained that the change in placement of the tower came about because of concerns by staff and neighbors. The original placement would have allowed the property owners to increase the size of their parking lot at some point in the future, but upon hearing concerns they agreed to the proposed relocation. Mr. Klocke explained that the fenced area of this tower would be 45’x75’ and everything associated with the tower would be contained within the fenced area.

Mr. Armstrong asked if this tower would provide a 3 mile area of coverage (1.5 miles in each direction measuring from the top of the tower) and Mr. Klocke stated it would.

Ms. Lawson noted that at the Neighborhood Information Meeting someone had suggested placing the tower at Landon Middle School and asked Mr. Klocke if that was considered. He stated that he did not think he had spoken with the school and explained that the search ring for tower locations is very small. He noted there was one other location option but the property owners were not interested in leasing.

Patricia Byers of 726 SW Grand Ct. came forward to speak in opposition of the CUP. She said she and her husband calculated there are approximately 25 homeowners within 200’ and of those, they obtained signatures from 20 individuals representing 15 home owners, all of whom disapprove of the tower. She stated the remaining 10 homeowners simply weren’t home or they were impeded by snow. She stated they all think the proposed tower is an eyesore and will devalue their property. She also expressed concerns about the health risks, especially to children in nearby daycares and retired people who are home all day.

Ms. Byers expressed concern about the tower lighting, adding that she doesn’t want a red flashing light outside her window. She inquired about the landscaping of the fenced area and who was going to maintain it. She made reference to CU19/03, noting that planning staff has not recommended approval of that tower. She believes planning staff are worried about the effect it will have on property values there and stated that’s what the neighbors on Grand Court are concerned about regarding their property. She concluded by stating that a search for suitable sites for these poles should be away from any neighborhoods.

William Miller Jr. of 2835 SE Golden came forward to speak in opposition of the CUP, expressing concern about property values declining. He stated that in this neighborhood, there are approximately 100 homes that will lose substantial value if the tower is allowed to be built.

Mary Lou Weidenbach of 925 SW Grand Court came forward to speak in opposition of the CUP. She stated that some people received a letter dated 1/8 on 1/18 telling about the Neighborhood Information Meeting on meeting on 1/22. She stated there was a snowstorm and poor street/weather conditions the evening of the meeting and it was difficult for people to attend.
Ms. Weidenbach provided some history on the neighborhood and stated that every lot on Grand Court from 6th to 10th is residential single family homes and the people are concerned about property values decreasing because of the tower.

Dawn Downing of 822 SW 6th Avenue came forward to speak in opposition of the CUP. She stated she is the Ward Meade NIA President and urged commissioners to hear what the neighbors were saying when they voiced concerns. She stated she understands that nobody wants these towers in their neighborhood, but especially not in struggling neighborhoods. She stated that they hadn’t received enough information so didn’t know the right questions to ask. She’s concerned about the tower being an eyesore, health concerns, and a lowering in property values.

Jim Simons of 704 Randolph came forward to speak in opposition of the CUP. He stated that a real estate agent has told him that his property value will go down because of the tower, plus the tower will be an eyesore. He stated that he hasn’t spoken with anyone in the neighborhood that’s for the tower.

Susan Bausch of 709 SW Crest Driver came forward to speak in opposition of the CUP. She stated she moved to her home in November 2017 from the country, and what attracted her to the neighborhood is that it is residential, has large lots, and she has a wonderful, scenic back yard. If the tower goes up, that’s what she’ll be looking at all the time she’s out in her back yard.

Ms. Bausch expressed concern about the homes that will have a view of the tower. She doesn’t understand why a tower would be proposed in such a dense neighborhood and believes it would be better placed at Landon Middle School.

With no others coming forward to speak, Ms. Ringler declared the public hearing closed.

Mr. Werner asked if there are alternate locations on the church’s property, closer to Fairlawn, where the tower could sit. Ms. Driver stated that she’s not aware of any that the church had agreed to. Mr. Werner stated it looks to him like there are other locations on church property, closer to Fairlawn, that the pole could sit, and he pointed out there are already 100+ transmission power pole in place along Fairlawn every few hundred feet. He believes the communication tower might blend in better if it were closer to the existing poles.

Mr. Klocke came forward and explained that the grassy area behind the parking lot is the only place available. The original location was further back away from Fairlawn, closer to Grand Ct.

Ms. Feighny stated that state law precludes the commission from taking into consideration where the pole could have been placed, so that cannot factor into the decision.

Some in the audience were having difficulty hearing, so Ms. Ringler re-stated that federal and state laws prohibit the commission from looking at the environmental and health impacts, as well as the possibility of the proposed tower being located somewhere else. Under consideration is the placement that is before them and how that will impact planning & zoning.

Mr. Kannarr asked staff if they are aware of the actual effect placement of communication towers has on property values. Mr. Fiander stated that staff has no information as to whether it does or does not affect
property values. Ms. Feighny explained that case law says that an owner’s opinion is insufficient on its own; there has to be tangible evidence to establish a decrease in property values.

Motion by Ms. Ringler to recommend approval to the Governing Body of the Conditional Use Permit, subject to the conditions in the staff report, including the addition of the condition included in the handout/memo regarding exterior lighting. Second by Mr. Kannarr. APPROVED (6-2-0 with Mr. Werner and Ms. Jordan dissenting).

CU19/03 DMM LLC by: AT&T Wireless requesting a Conditional Use Permit to allow a Communications Tower (100’ tall monopole structure and associated ground equipment) on property zoned M-1a Limited Multiple Family Dwelling District and located at 513 & 519 SW Taylor Street. (Driver)

Ms. Driver presented the staff report and noted the handout (memo from Bill Fiander) recommending the addition of a condition requiring a new note be made on the CUP site plan regarding exterior lighting. Ms. Driver concluded her presentation with a staff recommendation for disapproval of the proposal. She noted that if the commission chooses to approve the proposal, staff recommends they do so subject to conditions in the staff report as well as the additional condition included in the handout/memo.

Mr. Fried stated that he as a commissioner feels as though he’s restricted legally and doesn’t have a lot of discretion. He stated he is having difficulty understanding why staff feels a tower does not fit the character of this neighborhood but it did fit the character in the last neighborhood (referencing CU19/01).

Ms. Driver noted the small size of the property and the location of the leased area being in the middle of the property. In the cases of the other properties (CU19/01 & CU19/02), they are significantly larger and the towers can be located in a different manner so they are not set right up next to the street and right across from properties that are only set back 6’ from the street right of way line.

Ms. Lawson noted that, given the other votes taken this evening, she will have a hard time voting. She stated that we want investors to come in and invest money in seriously distressed neighborhoods, but that’s what has already been done in the other neighborhoods. She stated it doesn’t seem right to withhold putting the cell tower in until after people have invested. She added that nobody likes these cell towers and she’s struggling with this decision.

Ms. Ringler noted she sees a difference in the size of the lot (from previous cases) but also agrees with what other commissioners have spoken about.

Glen Klocke came forward representing the applicant and explained that this location was chosen by an engineer that was looking at coverage objectives. The fact that the area is populated had an effect on the choice because people need coverage in areas where there are houses. They’re trying to provide coverage to both the residential areas and the business areas that are near the location. He stated the tower will not be lit and will have fencing that encases everything related to the pole. There are no guide wires, etc. and it will have a very short access road coming off the alley.

Ms. Jordan asked if any locations were looked at further north with fewer houses around. Mr. Klocke stated he believes they looked a bit to the north but again are restricted by where the engineers say best placement for coverage area is.
Ms. Ringler declared the public hearing open.

Dawn Downing, Ward Meade NIA president, came forward. She explained that the neighborhood is in an intensive care area. While property values may or may not be affected, because it’s uncertain she feels the commission should consider the possibility that it may adversely affect property values. Regarding the NIM notice, she stated she didn’t receive hers until the day after the meeting. She heard from several neighbors that they did not receive notices. She believes there is a lack of communication and neighbors don’t have the whole story. They have no idea what they’re getting in to and they don’t want to see it in their back yard.

Joseph Ledbetter came forward to speak against the proposed CUP. Mr. Ledbetter stated that he has a client who lives nearby whom he is certain did not receive any information about the CUP else she would have contacted him about it. He also stated that the Planning Commission as a body voted on/approved the Neighborhood Plan in 2010.

Mr. Ledbetter wondered if the land had been re-platted to allow for such a lease and if it’s an industrial use in a residential area. He wondered what the standard footprint is for a tower such as this, and how landscaping can help a 100’ tower.

Mr. Ledbetter spoke of the importance of neighborhood plans and the fact that the neighborhood in question is deemed “intensive care”. When his 4 minute time limit was up he requested and was granted an additional 2 minutes to speak. He stated that the reason the neighborhood has gone downhill and is considered in “intensive care” s due to city neglect. The neighborhood plan asks for the city to start turning that around and putting in infill housing. He believes the towers are industrial structures in residential areas. He stated that we need other infrastructure such as water towers, but not in residential areas. He’s not concerned about AT&T making money but rather about our citizens. He urged the commission to disapprove this proposal.

Marty Hillard of 1011 SW 8th Avenue came forward to speak against the proposed CUP. He stated that he is aware notice was given within proximity to the site but stated a tower of this magnitude will have effects beyond its immediate vicinity. His concerns included a disruption to property values and he believes it invites vandalism because of the amount of space it occupies. He’s concerned about health effects from long term electro-magnetic radiation and the fact that there are schools, hospitals and major intersections in close proximity. He stated that tens of thousands will come within this tower’s location on a daily basis for an indefinite number of years. He believes the tower is counter to what we’ve committed to within the neighborhood as well as the city’s commitment to revitalizing its core and building momentum for future generations. Setting the precedent sends a wrong message to Topeka citizens and he asks that the commission reject the proposal.

Kevin Byers came forward and stated that he doesn’t believe a word the applicant’s representative says.

Mary Lou Weidenbach of 925 SW Grand Court came forward to speak in opposition of the CUP. She stated he had spoken in opposition of a previous CUP case and she feels sorry for these residents also. She believes the pictures provided are misleading and wonders of commissioners have driven through the areas themselves. She suggested amending the application to limit what other equipment can be added to the top of the pole as more equipment will make it even more ugly.
With no others coming forward to speak, Ms. Ringler declared the **public hearing closed**.

Ms. Ringler asked staff about the notifications – who sends them out and how it is determined who they go to. Ms. Driver explained that per state law, notice of a public hearing is mailed by Planning staff to property owners within 200’ of the property itself (property boundary). Regarding Neighborhood Information Meetings (NIMs), this is something staff initiated and staff opted to increase the notification area to 300’ if the property in question is less than 3 acres or 500’ if the property in question is more than 3 acres. For neighborhood meetings, planning staff creates the mailing labels and inserts and provides them to the applicant to mail. Planning & Development Department policy is to attempt to have notices and labels to the applicant at least 15 days prior to the meeting. In some cases this is may not be possible, as is likely true in the instances with this evening’s cases. It is Ms. Driver’s understanding that AT&T’s representative mailed the notices out as soon as he got them.

Upon questions from Mr. Kannarr, Ms. Feighny explained that NIMs are not statutory but rather the policy of the Planning & Development Department. State law requires all property owners within 200’ of the property be notified of the public hearing. Lack of notice does not affect the validity of the decision the Planning Commission makes, nor should it affect the decisions made by commissioners.

Ms. Ringler asked staff about whether it’s even possible to limit the amount of equipment placed on communication poles. Ms. Feighny explained that state law does not allow cities to dictate what kind of equipment does or does not go on those poles. Mr. Fiander added that in fact, staff actually encourages co-location so as to reduce the number of poles that have to be placed.

Mr. Kannarr asked if Mr. Klocke could let the commission know when the NIM notices were mailed. Mr. Klocke came forward and stated that he received labels and inserts for all 3 CUP applications in the same UPS deliver and people in his office mailed them out the day they received them. He’s uncertain as to the exact date. He stated that he sent Ms. Driver and Mr. Neunuebel emails letting them know that the notifications had been mailed out.

Ms. Ringler commented that this CUP application concerns her more than the other two considered this evening because of the small lot size and proximity to the street and neighbors.

Mr. Dehn noted he struggles with voting no on this CUP after voting yes on the two previous. He acknowledged that they’re very ugly; he stated he has one 4 lots down from his house and it’s not attractive, but he has 5 cell phones in his house and knows that without infrastructure they won’t work. He believes that when we are trying to bring people in from out of town, we need to have infrastructure in place.

Ms. Lawson stated that inevitably in the inner city we’ll end up seeing infrastructure on smaller lots. Everyone wants coverage and new development and the infrastructure has to go somewhere.

Mr. Fried noted that he used to have to stand out in his driveway to make calls because of lack of cell coverage. He’d love to be able to say no because it doesn’t look good, but he also knows that he’s dealt with other cases where people thought it would destroy property values but ultimately sold their house with no obvious effect to property values. He understands the smaller lot size makes a difference but encourages people to speak with congress people and state legislators because so many laws limit what the commission can consider.
Ms. Ringler noted that staff has recommend disapproval but included language in their staff report encouraging the requirement of conditions if the commission does approve the CUP. She asked if anyone had any thoughts about those conditions, especially number 2 that talks about relocating the tower on the property. She stated she would be in support of the relocation condition.

Mr. Kannar asked staff if they discussed the possibility of relocating the tower on the property and staff explained that the applicant was not receptive to that idea. Mr. Klocke came forward and stated that with the lot being so small, they didn’t feel like moving the tower location would have a substantial visual impact. He stated that if the required setbacks could be met, they would move it if necessary.

Ms. Driver estimated that the tower could be moved 30’ to the west and 30’ to the south and still meet the 50’ fall zone required for residential properties. She further explained that the tower setback is measured from the monopole itself.

Ms. Ringler stated that while the tower is huge, her concern from a ground level has to do with the massing of the fencing being too close to the street.

Mr. Kannarr noted for him it’s also the closeness to the street and feels the visual effects of the fencing could be limited to some extent by moving it back. If it’s moved back, it’s harder to come up with a specific reason to vote against it.

Motion by Mr. Kannarr to recommend approval of this proposal, subject to the recommendations provided by staff with the set back referred to in 2b to the maximum distance that can still comply with setbacks and as amended by the lighting memo. Second by Mr. Armstrong. Ms. Feighny stated again prior to the vote that the motion is to recommend approval of the CUP subject to conditions of staff. APPROVED (6-2-0 with Mr. Werner and Ms. Jordan dissenting).

Other Action Items

2020-2029 CIP – In accordance with K.S.A. 12-748(b), review the City of Topeka’s capital improvement program (CIP) to ensure that it is consistent with the comprehensive metropolitan plan. (Warner)

Mr. Warner explained that state statute designates the Planning Commission review the CIP for consistency with the Comprehensive Plan. Staff has selected projects from the CIP that may impact the City’s Land Use and Growth Management Plan or other elements of the Comprehensive Plan such as our Bikeways Master Plan, etc. and included information and summaries of these projects in the agenda packet.

Mr. Warner reviewed some of the projects and answered questions as they arose. Ms. Ringler stated that the projects seem to represent a good diversity of project locations and project types.

Motion by Mr. Armstrong recommend approval to the Governing Body; Second by Mr. Werner. APPROVED (8-0-0).

Communications to the Commission

Mr. Fiander announced that there are two public meetings scheduled for February 26 to present the new sign code update and received public feedback.
Mr. Fiander announced that Topeka Planning Department’s name has officially changed to Topeka Planning & Development Department.

**With no further agenda items, meeting was adjourned at 8:18PM.**
APPLICATION INFORMATION

APPLICATION CASE NO: Z19/1 By: Topeka Planning Commission (Sherwood Village Subdivision)

REQUESTED ACTION / CURRENT ZONING: Zoning change from “RR-1” Residential Reserve District TO “R-1” Single Family Dwelling District

APPLICANT: Topeka Planning Commission

PROPERTY LOCATION / PARCEL ID: On property located along the west side of SW Indian Hills Road between SW 21st and SW 29th Street/ PID: 1511201001001020

PARCEL SIZE: 9.21 acres

STAFF PLANNER: Annie Driver, AICP, Current Planner

RECOMMENDATION: Based on the following findings and analysis, the Planning Department recommends APPROVAL of the zone change from “RR-1” Residential Reserve District to “R-1” Single Family Dwelling District.

RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body approval of the reclassification of the property from “RR-1” Residential Reserve District TO “R-1” Single Family Dwelling District.

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY: 33 single family residential lots at 3.6 dwelling units per acre

DEVELOPMENT / CASE HISTORY: The property is currently undeveloped.

On December 17, 2018, the Topeka Planning Commission initiated the rezoning of Sherwood Village from “RR-1” to “R-1” pending its annexation into the City. The Governing Body annexed the subject property on February 19, 2019 and accepted land for public purposes at that time (Sherwood Village Subdivision). The proposed zoning is more restrictive than the “RR-1” zoning and will provide greater protection for the existing and future single-family residential development from potentially incompatible uses.

ZONING AND SURROUNDING PROPERTIES: The area to the north, south, and east is zoned “R-1” Single-Family Dwelling District, within the City Limits, and developed as single-family residential. Some of the land north is zoned PUD for single family and neighborhood commercial “C-1” uses (Miller’s Glen) and
is undeveloped.

**BACKGROUND:**

The purpose of the “RR-1” zoning district is, “to provide for a transitional area between urbanized development and rural-agricultural areas. ‘RR-1’ zoning is intended to allow for the gradual development of urban uses while providing for the coexistence of agricultural farmland based upon the availability of municipal services.” In essence, this land is “reserved” for future urbanization. Once platted and annexed, these subdivisions in theory lose their transitional status as designated under “RR-1” zoning and should reflect a more appropriate urban zoning classification. “R-1” zoning is consistent with all the surrounding land uses.

The proposed “R-1” zoning will prohibit the types of agricultural/farming uses allowed by right that are no longer compatible with the expectations of an urbanized single-family development.

---

**DEVELOPMENT STANDARDS AND POLICIES**

**USE AND DIMENSIONAL STANDARDS OF PROPOSED ZONING COMPARED TO EXISTING ZONING:**

Uses permitted by-right in “RR-1” and not permitted in “R-1”:

- **Agriculture-** Refers to land devoted to the production of plants, animals, fish, or horticultural products, including but not limited to: forages, grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef, cattle, sheep, swine and horses; aquaculture; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. (TMC 18.55 Definitions)

Uses allowed through Conditional Use Permit in “RR-1” and not permitted in “R-1”:

- **Recreational Vehicle Short Term Campgrounds**
- **Animal Care and Services Type II** (including outdoor kenneling and veterinary care of horses, cattle, sheep, goats, and swine)
- **Billboards**
- **Oil/Gas Drilling**
- **Construction & Demolition Landfills**
- **Sanitary Landfills**

**Dimensional Standards:**

<table>
<thead>
<tr>
<th>“RR-1” compared “R-1” Dimensional Standards</th>
<th>RR-1 (The following apply to unplatted land)</th>
<th>R-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot area</td>
<td>20 acres</td>
<td>6,500 sq. ft.</td>
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### Maximum Building Coverage

<table>
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<tr>
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<th>10%</th>
<th>45%</th>
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### Minimum Lot Width

<table>
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<tr>
<th>Minimum lot width</th>
<th>200' (road frontage)</th>
<th>60' (measured at the required building setback line)</th>
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### Maximum Density

<table>
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<th>Maximum density</th>
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</thead>
</table>

### OFF – STREET PARKING:

Single – family dwellings: 2 spaces per unit

### COMPREHENSIVE PLANS:

LUGMP – 2040: Urban/Suburban Low Density Residential

### TRANSPORTATION/MTPO PLANS:

SW Indian Hills Road is not included in the MTPO’s Long Range Transportation Plan (2040).

The Pedestrian Master Plan and Bikeways Master Plan do not include any previously planned improvements for Indian Hills Road. Sidewalks along both sides of Indian Hills Road will be part of any future street improvement plans. Staff has recommended Indian Hills Road be placed on the City’s Capital Improvement Plan (CIP).

### OTHER FACTORS

**SUBDIVISION PLAT:**

Platted as Sherwood Village Subdivision (33 lots)

**FLOOD HAZARDS, STREAM BUFFERS:**

Not Applicable

**UTILITIES:**

All utilities to be extended at the expense of the developer.

**TRANSPORTATION/TRAFFIC:**

The lots have direct access from SW 24th Terrace (to be extended at the expense of the developer or as part of a street benefit district approved by City Council).

**HISTORIC PROPERTIES**

Not applicable

**NEIGHBORHOOD INFORMATION MEETING:**

A neighborhood information meeting was conducted by the developer as part of the subdivision application. Key concerns included: The condition of Indian Hills Road, lot sizes and density, and stormwater runoff. The developer is required to design and manage stormwater so that it does not negatively impact properties nearby. The consultant’s Stormwater Management Report for the subdivision has been reviewed and accepted by the Departments Public Works and Utilities.
KEY DATES

SUBMITTAL: December 17, 2018 (initiated)

NEIGHBORHOOD INFORMATION MEETING: November 27, 2018 (subdivision plat request)

LEGAL NOTICE PUBLICATION: January 23, 2019 (Re-advertised February 20, 2019)

PROPERTY OWNER NOTICE MAILED: January 25, 2019 (Re-notified February 22, 2019)

STAFF ANALYSIS

CHARACTER OF NEIGHBORHOOD: The predominant character of the neighborhood is single family residential land uses and undeveloped vacant land. The land immediately surrounding the subject property are developed for detached single-family dwellings at lower density to the south and north. The entire east side of SW Indian Hills Road is developed for detached single family residential uses at a higher density. The property to the west is undeveloped and lies vacant. The proposed “R-1” zoning is consistent with surrounding land uses and zoning.

ZONING AND USES OF SURROUNDING PROPERTIES: The surrounding zoning and land uses are for “R-1” Single Family Dwellings to both the northeast, south, and east. The property to the northeast is zoned “PUD” and included in the Miller’s Glen Master Planned Unit Development Plan for single family residential uses. That PUD was intended to accommodate low – maintenance homes with common open spaces and private streets maintained by an HOA rather than single family lots and public streets. The property to the west is zoned “RR-1” Residential Reserve District and is undeveloped and vacant land. As the property to the west develops and is platted and annexed, it is anticipated it will also be rezoned to “R-1”.

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The subject property is and has always been undeveloped. A detention pond was constructed on the south portion of the property in 2000 with the Sherwood Park Subdivision, which is being vacated as a part of the stormwater design for this subdivision and relocated to the north within Miller’s Reserve Subdivision.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The subject property is currently zoned “RR-1” Residential Reserve District, which allows uses no longer compatible with surrounding development inside the city limits. As it is currently zoned, there are some uses permitted, such as, farming/-agricultural land uses that are not reflective of the property’s current urban status. Other such uses are allowed by Conditional Use Permit (e.g. outdoor kennels and veterinary care of cattle, horses, and swine; billboards; sanitary and demolition landfills; oil/gas drilling; storage of fertilizers and pesticides), which may commonly be seen as nuisances in urban single-family residential neighborhoods. Therefore, the subject property is no longer seen as suitable for uses to which it has been restricted and allowed under its current rural residential zoning classification for “RR-1”.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

PUBLIC WORKS/ENGINEERING: None

WATER POLLUTION CONTROL: None

FIRE: None

DEVELOPMENT SERVICES: None
CONFORMANCE TO COMPREHENSIVE PLAN: The property lies within the city limits and was annexed February 19, 2019 by the Governing Body. Prior to annexation, the property was contained within Tier 2 of the Urban Growth Area, which are those areas contiguous to the City and are the next priority for Topeka’s future urban growth. There is a limited amount of land designated as Tier 2 due to the fact that all future urban development must be cost effective for the City and urban growth should only happen where Topeka has already made service and infrastructure investments. The subject property lies in an area where urban infrastructure and services are available. Sherwood Village’s density is consistent with the urban residential density range that is supported by the LUGMP - 2040 of 3 to 4 DUs per acre for Urban/Suburban Low Density Residential land uses and therefore, is in conformance to the Comprehensive Plan.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: There will not be a detrimental effect upon adjacent properties by rezoning to “R-1” Single-Family Dwelling District. The proposed “R-1” zoning is appropriate given the property’s location within an urbanizing area inside the city limits and the land uses of surrounding properties. The proposed “R-1” zoning is more restrictive with respect to the land uses allowed, but less restrictive regarding residential density. As areas within Tier 2 of the Urban Growth Area grow and are annexed, this area will only continue to become more urban in character, making the “RR-1” Residential Reserve District no longer appropriate since these properties are inside the city limits and “RR-1” zoning allows for some uses that are better suited in areas that are rural in nature.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER’S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER: The property has been platted for the 33-lot single-family development and this “R-1” zoning is consistent with the plat for Sherwood Village Subdivision. As no detrimental effects are anticipated by the rezoning, there appears to be no particular gain to the public health, safety, and welfare by maintaining the present restrictions for the “RR-1” Residential Reserve District. The “RR-1” District allows for potentially incompatible uses with the urbanized single-family neighborhoods surrounding the property.

AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services and facilities are presently available to this area or will be extended at developer expense, including sanitary main, storm sewer and water main improvements. The Planning Commission has recommended SW Indian Hills Road be included in the City’s 10-year Capital Improvement Plan (CIP). The surrounding streets are constructed to an urban standard (21st, 29th, Urish) and Indian Hills should be constructed to this same standard, including sidewalks along both sides of the roadway.

STAFF RECOMMENDATION: Based upon the above findings and analysis Planning Department staff recommends APPROVAL of the proposed zoning change from “RR-1” Rural Residential District to “R-1” Single Family Dwelling District.

RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body approval of the reclassification of the property from “RR-1” Residential Reserve District TO “R-1” Single Family Dwelling District.

ATTACHMENTS:
Aerial Map
Zoning Map
Subject Property (annexed 2/19/19 by Governing Body)
Z19/01 By: Topeka Planning Commission
(Sherwood Village Subdivision)
MEMORANDUM

To: Topeka Planning Commission
From: Mike Hall, AICP; Manager, Current Planning
Date: March 18, 2019

RE: ACZR 18/02 Visual Code Update III / Sign Code Update / Draft Standards and Stakeholder Input from Public Meetings

Staff is presenting to you the latest recommended standards and stakeholder feedback for your consideration and discussion. No action is requested at this time.

February 26th Public Meetings

Staff conducted two public meetings on February 26, 2019 at the Topeka-Shawnee County Library to inform stakeholders and solicit their input. The meetings were well publicized and many people and organizations received direct notification. The City’s media relations director posted notice of the meetings on social media outlets Nextdoor, Twitter, Facebook, and Instagram and sent a news release to print and broadcast media. Planning Director Bill Fiander took part in three broadcast media interviews. The Planning and Development Department notified over 600 individuals and organizations by email and regular mail, including design professionals, sign companies, schools, churches, and others. Approximately 30 people attended the meetings. (Staff notified meeting attendees and those on the department’s email group list of this meeting.) Staff responded to questions and comments at the meeting and also collected comment cards. The questions, comments, and responses from the meetings are attached.

In addition to the February 26th meetings information about the sign code update has been and will continue to be available on the Planning and Development Department Visual Code Update web page throughout the process at: https://www.topeka.org/planning/visual-code-update/

Recommended Standards for Permanent and Temporary Signs

The attached tables include standards for permanent, temporary, and incidental signs. Staff presented standards for these types of signs to you in previous meetings, and most recently temporary and incidental signs on December 17, 2018. The standards in the attached tables reflect minor changes from what was presented to you at previous meetings and include revisions in response to the stakeholder input received at the February 26th meetings.
Sign Code Update Handbook

Also attached is the Sign Code Update Handbook which describes mostly in graphic form the proposed standards in comparison to the current sign code and the sign codes of other cities. Information in the Handbook was included in the February 26th meeting presentation.

Recommended Standards

The proposed sign regulations are intended to meet the following objectives which will be included in the “Purpose” section of the sign code:

- Provide for effective communications by businesses, institutions, and others
- Enhance traffic safety
- Enhance physical appearance of the community
- Prevent visual distractions
- Protect property values
- Accommodate the rights of individuals to free speech
- Preserve & promote the public health, safety, & general welfare

Recommended Standards for Permanent Signs

The proposed standards for permanent signs are mostly based on proportionality. In other words, for most zoning districts the size of the sign allowed is based on the size of the building and the property’s street frontage. A one-size fits all approach whereby the maximum size permitted is the same for every property within the same zoning district does not serve Topeka well. Topeka has developed over a long period of time and with a variety of uses and diverse range of building and parcel sizes. Proportional standards help to ensure context-sensitive signage.

Some of the proposed regulations are less restrictive than those in the current sign code. Other proposed regulations are more restrictive. For Office & Institutional districts and institutional uses in residential district the proposed standards for free-standing signs allow more height and area than the current sign code. For most of the commercial and industrial districts, tighter regulations are proposed for free-standing signs to promote best practices as informed by the Visual Appeal Survey.

Recommended Standards for Temporary Signs

The update to the temporary sign standards was driven mainly by the Reed v. Gilbert Supreme Court Case and its imperative for content-neutrality. To that end staff is recommending standards and definitions for more types of signs than described in the current sign code to distinguish signs by their manner of design and construction and not by their content.
Recommendation for Portable Message Center Signs

The attendees of the February 26th meetings asked questions and shared their opinions about portable message center signs. The stakeholder feedback affirms the Visual Appeal Survey’s findings about portable message centers, although the question was raised about allowing portable message centers as temporary signs as an alternative to prohibiting them. Staff recommend that portable message center signs be prohibited because they are generally poorly maintained, are misused as permanent signs, and the Visual Appeal Survey rated them as the most unappealing in our community.

Attachments

1. Standards for Permanent Signs, Temporary, and Incidental Signs (Tables)
2. Stakeholder Questions, Comments, and Responses to Date

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1 The meetings were held at 1pm and 6pm. Each meeting had the same agenda and content but were held at different times to accommodate varying schedules of stakeholders.
2 Many of the portable message center signs are owned by an individual who rents them to businesses on a monthly basis. This owner attended one of the February 26th meetings.
Contents

Standards for Permanent Signs

1. Wall Signs . . . . . . . . page S1
2. Awning and Canopy Signs . . . . . . S3
3. Roof Signs . . . . . . . . S5
4. Projecting Signs . . . . . . . . S7
5. Maximum Allocation - Attached Signs . . . . S9
6. Free-standing Signs . . . . . . . . S10
7. Incidental Free-standing Signs . . . . S13
8. Temporary Signs . . . . . . . . S16
10. Feather Flag Signs . . . . . . . . S18
11. Non-freestanding Banners . . . . . . S20
## Permanent Signs

### Wall Signs

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Zoning</th>
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<tr>
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<tr>
<td>Number</td>
<td>1 per 50 linear feet of the building façade on which the sign is located. See Note #2</td>
</tr>
<tr>
<td>Sign Area Allocation</td>
<td>1.5 sf per lf building frontage; max 100 sf per single sign. See Note #1</td>
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<tr>
<td>Electronic Message Center</td>
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<tr>
<td>Illumination</td>
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## Wall Signs

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<thead>
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<th>Requirements</th>
<th>I-1, I-2</th>
<th>U-1, M-S</th>
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<tr>
<td>Number</td>
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<td>1 per 100 linear feet of the building façade on which the sign is located. See Note #2</td>
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<td>3 sf per lf building frontage; max 200 sf per single sign. See Notes #1, #3</td>
<td>3 sf per lf building frontage; max 200 sf per single sign. See Note #1</td>
<td>3 sf per lf building frontage; max 200 sf per single sign. See Note #1</td>
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</table>

**Note #1:** Wall signs on facades located 300 ft or more from the street ROW to which they face are permitted up to 200 sf in O&I, C-1, U-1, MS-1, and D-2 district, and up to 300 sf in all other zoning districts.

**Note #2:** Regardless of the width of the building façade, each single tenant building is allowed a minimum of 1 wall sign per façade, and each multi-tenant or multi-use building is allowed 1 sign per tenant or use per façade.

**Note #3:** Wall signs shall not cover or obstruct any architectural features deemed integral to the historic appearance or character of the building. Such features shall include, but are not limited to, transom windows, detailed brick, tile, or shingles.
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<th>Requirements</th>
<th>Zoning</th>
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<td>Sign Area Allocation</td>
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# Awning and Canopy Signs

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<td>Regulate as a wall sign except no single sign shall exceed 100 sf.</td>
<td>Regulate as a wall sign except no single sign shall exceed 100 sf.</td>
<td>Regulate as a wall sign except no single sign shall exceed 100 sf.</td>
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<td>yes</td>
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Note #1: For marquees electronic message centers (EMCs) may comprise 100 percent of the face of the marquee and 100 percent of the size allowed for marquee signs.
Roof Signs

Definition. A "Roof Sign" means a sign that is mounted upon or above a roof or parapet of a building or structure that is wholly or partially supported by the building or structure, and which projects above the cornice or parapet line of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard. A sign mounted on a sloped roof or mansard having a pitch 1:3 or more (1 foot horizontal and 3 feet vertical) is a wall sign. A sign mounted on a sloped roof or mansard having a lesser vertical slope is a roof sign.

Standards
Structural members for roof signs shall be concealed, except for raceways that mount channel letters.

Roof Signs (Draft Standards Pending)

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| Permitted             |        |
| Number                |        |

| Sign Area Allocation |        |
| Electronic Message Center |    |
| Illumination         |        |
## Projecting Signs

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<td>.5 sf per lineal foot of building frontage max 15 sf per single sign. See Note #1</td>
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</tr>
<tr>
<td>Electronic Message Center</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td></td>
</tr>
<tr>
<td>Illumination</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td></td>
</tr>
</tbody>
</table>
### Projecting Signs

<table>
<thead>
<tr>
<th>Requirements</th>
<th>I-1, I-2</th>
<th>U-1, M-S</th>
<th>X-1, X-3</th>
<th>X-2</th>
<th>D-1, D-3</th>
<th>D-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>Number</td>
<td>1 per tenant or establishment on each side</td>
<td>1 per tenant or establishment on each side</td>
<td>1 per tenant or establishment on each side</td>
<td>1 per tenant or establishment on each side</td>
<td>1 per tenant or establishment on each side</td>
<td></td>
</tr>
<tr>
<td>Sign Area Allocation</td>
<td>1 sf per lineal foot of building frontage max 30 sf per single sign. See Note #1</td>
<td>1 sf per lineal foot of building frontage max 15 sf per single sign. See Note #1</td>
<td>1 sf per lineal foot of building frontage max 45 sf per single sign. See Note #1, #2</td>
<td>1 sf per lineal foot of building frontage max 45 sf per single sign. See Note #1</td>
<td>1 sf per lineal foot of building frontage max 45 sf per single sign. See Note #1, #2</td>
<td></td>
</tr>
<tr>
<td>Electronic Message Center</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td></td>
</tr>
<tr>
<td>Illumination</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td></td>
</tr>
</tbody>
</table>

**Note #1:** Projecting signs shall be mounted to the exterior of the first or second floors.

**Note #2:** An exception to the sign area standard may be made by the planning director where it can be demonstrated that any proposed projecting sign supports or restores the historical significance of a building.
### Maximum Allocation of all Attached Signs, including Wall, Canopy, Awning, Projecting, and Roof Signs

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>R, M-1, M-1a, RR-1</td>
<td></td>
</tr>
<tr>
<td>M-2, M-3, and Non-residential uses in R, M-1, M-1a, OS-1</td>
<td>O &amp; I-1, O &amp; I-2, O &amp; I-3</td>
</tr>
<tr>
<td>C-1, C-2, C-3, C-4</td>
<td></td>
</tr>
<tr>
<td><strong>Cumulative Area of All Attached Signs</strong></td>
<td></td>
</tr>
<tr>
<td>-</td>
<td>2 sf per lf building frontage</td>
</tr>
<tr>
<td></td>
<td>2 sf per lf building frontage</td>
</tr>
<tr>
<td></td>
<td>2.5 sf per lf building frontage</td>
</tr>
<tr>
<td></td>
<td>2.5 sf per lf building frontage</td>
</tr>
<tr>
<td></td>
<td>3 sf per lf building frontage</td>
</tr>
<tr>
<td></td>
<td>3 sf per lf building frontage</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-1, I-2</td>
<td></td>
</tr>
<tr>
<td>U-1, M-S</td>
<td>X-1, X-3</td>
</tr>
<tr>
<td>X-2</td>
<td>D-1, D-3</td>
</tr>
<tr>
<td>D-2</td>
<td></td>
</tr>
<tr>
<td><strong>Cumulative Area of All Attached Signs</strong></td>
<td></td>
</tr>
<tr>
<td>3 sf per lf building frontage</td>
<td>2 sf per lf building frontage</td>
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<tr>
<td>3 sf per lf building frontage</td>
<td>3 sf per lf building frontage</td>
</tr>
<tr>
<td>3 sf per lf building frontage</td>
<td>4 sf per lf building frontage</td>
</tr>
<tr>
<td>2 sf per lf building frontage</td>
<td>2 sf per lf building frontage</td>
</tr>
</tbody>
</table>
# Free-standing Signs

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R, M-1, M-1a, RR-1</td>
</tr>
<tr>
<td>Permitted</td>
<td>no</td>
</tr>
<tr>
<td>Number</td>
<td>1 per street frontage</td>
</tr>
<tr>
<td>Height</td>
<td>7 ft height on local and collector streets; 10 ft height on arterials.</td>
</tr>
<tr>
<td>Sign Area Allocation</td>
<td>40 sf on local and collector streets; 60 sf on arterials. See Note #1</td>
</tr>
<tr>
<td>Digital (Electronic Message Center)</td>
<td>yes</td>
</tr>
<tr>
<td>Illumination</td>
<td>yes</td>
</tr>
</tbody>
</table>
### Free-standing Signs

<table>
<thead>
<tr>
<th>Requirements</th>
<th>I-1, I-2</th>
<th>U-1, M-S</th>
<th>X-1, X-3</th>
<th>X-2</th>
<th>D-1, D-3</th>
<th>D-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>Number</td>
<td>1 per street frontage  See Notes #1, #6, #7</td>
<td>1 per street frontage  See Notes #1, #6, #8</td>
<td>1 per street frontage  See Notes #1 and #6</td>
<td>1 per street frontage  See Notes #1 and #6</td>
<td>1 per street frontage  See Notes #1</td>
<td>1 per street frontage  See Notes #1 and #6</td>
</tr>
<tr>
<td>Height</td>
<td>25 ft.  See Note #3, #7</td>
<td>15 ft.  See Note #2</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td>10 feet in historic district; 20 feet outside of historic district.</td>
<td>10 feet</td>
</tr>
<tr>
<td>Sign Area Allocation</td>
<td>.5 sf per 1 lf and not to exceed 120 sf. See Notes #1, #2, #5, #7, #8</td>
<td>.5 sf per 1 lf and not to exceed 80 sf. See Notes #1, #4</td>
<td>.5 sf per 1 lf and not to exceed 80 sf. See Notes #1, #4</td>
<td>.5 sf per 1 lf and not to exceed 80 sf. See Notes #1, #4</td>
<td>.5 sf per linear feet not to exceed 50 sf. See Notes #1, #2</td>
<td>.5 sf per linear feet not to exceed 50 sf. See Note #1</td>
</tr>
<tr>
<td>Electronic Message Center</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>Illumination</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
</tbody>
</table>

**Monument Sign Required.** Free-standing signs shall meet the definition of a monument sign unless. (A monument sign is a ground sign for which the width of the widest part of the base or cladding over structural support is 90 percent of the width of the widest part of the sign face.) A sign with a base less than 90 percent of the width of the widest part of the sign face may be approved by the Planning Director or designated staff when conditions of the site are such that sight distance requirements cannot be met with a monument sign.

**Note #1.** 1 per street frontage. If combining 2 frontages on single sign, limited to 1 sign per 2 street frontages, but permitted 130% of area allowed for the street with the most street frontage.
Note #2. Sign permitted to a height of 35 feet and sign area of 150 sf within a 700’ radius of the intersection of the centerline of I-70, I-470, or US-75 (north of I-70 and south of I-470) with any arterial or collector to which highway drivers have access to the arterial or collector.

Note #3. Sign permitted to a height of 55 feet and sign area of 250 sf within a 700’ radius of the intersection of the centerline of I-70, I-470, or US-75 (north of I-70 and south of I-470) with any arterial or collector to which highway drivers have access to the arterial or collector. Signs permitted under exception and exceeding a height of 35 feet may be mounted on a pole or pylon without covers.

Note #4. Regardless of frontage dimension, in C-2 zoning district minimum size permitted shall be 40 sf.

Note #5. Regardless of frontage dimension, in C-3, C-4, I-1, and I-2 zoning districts minimum size permitted shall be 50 sf.

Note #6. Where the zoning lot has street frontage on an arterial or collector street of more than 1,000 feet, one additional sign oriented to the arterial or collector street is permitted for each additional 1,000 feet or fraction thereof. Signs located along a street frontage shall be spaced a minimum of 250 feet apart.

Note #7. For each additional 5 foot setback from zoning lot lines, the maximum height and area of the sign may be increased by 10 percent up to a maximum height of 20 feet and 120 sf in C-2 districts, and maximum height of 30 feet and 180 sf in C-3, C-4, I-1, and I-2 districts.

Note #8. Master Sign Plans for Retail Centers, Office, Institutional, and Industrial Parks. For retail centers and industrial parks of 7 acres or more (5 acres or more for office and institutional uses) and having 5 or more tenants or 3 or more buildings, upon approval by the Planning Director or designee of a Master Sign Plan, the center is allowed 1 Center Sign as an exception to the baseline standards for the applicable zoning district:

- O&I-1, O&I-2: 2 x allowable area (baseline standard) and to a sign height of 15 feet
- C-2, U-1, MS-1: 2 x allowable area (baseline standard) and to a sign height of 20 feet.
- C-3, C-4, I-1, I-2: 2 x allowable area (baseline standard) and to a sign height of 30 feet.

In exchange for the exceptions applicable to the center sign, other allowed free-standing signs shall be reduced in height as follows:

- C-2, U-1, MS-1: From baseline standard of 15 feet to 10 feet.
- C-3, C-4, I-1, I-2: From baseline standard of 25 feet to 12 feet.

Other requirements to improve visual quality of signage may be required as a condition of the Master Sign Plan, including but not limited to coordinated materials of free-standing signs, and quality-based requirements for attached signage.
Topeka’s sign regulations do not distinguish incidental signs from other types of permanent signs. With a new sign code there is an anticipated need for regulations pertaining specifically to incidental free-standing signs because of the more restrictive standards anticipated for free-standing signs in commercial and industrial districts.
<table>
<thead>
<tr>
<th>Zoning Districts</th>
<th>Permitted</th>
<th>Number</th>
<th>Sign Area</th>
<th>Height</th>
<th>Spacing between incidental signs and other</th>
</tr>
</thead>
<tbody>
<tr>
<td>R (all), M-1, M1a, OS-1</td>
<td>yes</td>
<td>1 per 300’ of street frontage. No restriction on quantity of signs located a minimum of 30 feet from property line.</td>
<td>6 sf per sign; may increase by 4 sf for each additional 10’ setback, but shall not exceed 16 sf per sign, and maximum of 80 sf cumulative for all incidental signs.</td>
<td>4 feet; maximum height may increase by 1 foot for each additional 10’ setback, but regardless of location on site shall not exceed height of 8 feet.</td>
<td>NA</td>
</tr>
<tr>
<td>M-2, M-3 and nonresidential uses in R, M-1, M1a, OS-1</td>
<td>yes</td>
<td>1 per 300’ of street frontage. No restriction on quantity of signs located a minimum of 30 feet from property line.</td>
<td>6 sf per sign; may increase by 4 sf for each additional 10’ setback, but shall not exceed 16 sf per sign, and maximum of 80 sf cumulative for all incidental signs.</td>
<td>4 feet; maximum height may increase by 1 foot for each additional 10’ setback, but regardless of location on site shall not exceed height of 8 feet.</td>
<td>25’ for signs located with 30’ of property line.</td>
</tr>
<tr>
<td>O&amp;I (all), M-S, C-1</td>
<td>yes</td>
<td>1 per 300’ of street frontage. No restriction on quantity of signs located a minimum of 30 feet from property line.</td>
<td>6 sf per sign; may increase by 10 sf for each additional 10’ setback, but shall not exceed 16 sf per sign and shall not exceed 150 sf cumulative for all incidental signs.</td>
<td>4 feet; maximum height may increase by 1 foot for each additional 10’ setback, but regardless of location on site shall not exceed height of 8 feet.</td>
<td>25’ for signs located with 30’ of property line.</td>
</tr>
<tr>
<td>C-2, C-3, C-4, I-1, I-2, X-1, X-2, U-1, X-3, D-1, D-3, D-2</td>
<td>yes</td>
<td>2 per first 300’ of street frontage. 1 for each additional 300’ of street frontage. No restriction on quantity of signs located a minimum of 30 feet from property line.</td>
<td>6 sf per sign; may increase by 4 sf for each additional 10’ setback, but shall not exceed 150 sf cumulative for all incidental signs.</td>
<td>4 feet; maximum height may increase by 1 foot for each additional 10’ setback, but regardless of location on site shall not exceed height of 8 feet.</td>
<td>25’ for signs located with 30’ of property line.</td>
</tr>
</tbody>
</table>

*See note.
<table>
<thead>
<tr>
<th>detached signs</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Setback</strong></td>
<td>NA</td>
<td>0'</td>
<td>0'</td>
<td>0'</td>
</tr>
<tr>
<td><strong>Illumination</strong></td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Electronic Message Center</strong></td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No, but EMCs are permitted when not located within 25' of any property line.</td>
</tr>
<tr>
<td><strong>Changeable Copy</strong></td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Note:** For projects that qualify for a master sign plan, the Planning Director or designee may approve increases over height and size standards up to 10 percent for master sign plans that meet the intent of the sign regulations and other applicable policies and regulations.

**Note:** In X-3, D-1, D-2, and D-3 districts A-frame and T-frame signs (aka “portable pedestrian signs”) are permitted on sidewalks in the street right-of-way provided they do not obstruct pedestrian access, leave a minimum of 4' passable width, and comply with ADA.

**Pedestrian Portable Signs**

**Incidental Attached Signs:** To be drafted.
Proposed Temporary Sign Standards

Yard signs, Free-standing Banners, Feather Flags, and Non Free-standing Signs

Yard Signs

Free-Standing Banners
<table>
<thead>
<tr>
<th>Yard Signs, Free-standing Banners</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zoning Districts</strong></td>
</tr>
<tr>
<td>R (all), M-1, M1a, OS-1</td>
</tr>
<tr>
<td><strong>Permitted</strong></td>
</tr>
<tr>
<td><strong>Length of Time Permitted</strong></td>
</tr>
<tr>
<td><strong>Number</strong></td>
</tr>
<tr>
<td><strong>Maximum Sign Area</strong></td>
</tr>
<tr>
<td><strong>Maximum Height</strong></td>
</tr>
<tr>
<td><strong>Spacing between temporary f/s signs</strong></td>
</tr>
<tr>
<td><strong>Setback</strong></td>
</tr>
<tr>
<td><strong>Illumination</strong></td>
</tr>
<tr>
<td><strong>Electronic Message Center</strong></td>
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<td><strong>Changeable Copy</strong></td>
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</table>
Feather Flag Signs
<table>
<thead>
<tr>
<th>Feather Flag Signs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zoning Districts</strong></td>
</tr>
<tr>
<td>R (all), M-1, M1a, OS-1</td>
</tr>
<tr>
<td><strong>Permitted</strong></td>
</tr>
<tr>
<td><strong>Length of Time Permitted</strong></td>
</tr>
<tr>
<td><strong>Number</strong></td>
</tr>
<tr>
<td><strong>Maximum Sign Area</strong></td>
</tr>
<tr>
<td><strong>Maximum Height</strong></td>
</tr>
<tr>
<td><strong>Spacing between temporary f/s signs</strong></td>
</tr>
<tr>
<td><strong>Setback</strong></td>
</tr>
<tr>
<td><strong>Illumination</strong></td>
</tr>
<tr>
<td><strong>Electronic Message Center</strong></td>
</tr>
<tr>
<td><strong>Changeable Copy</strong></td>
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</tbody>
</table>
Non-Freestanding Signs (Banners)
## Temporary Non Free-standing Signs (banners and other attached signs)

<table>
<thead>
<tr>
<th>Zoning Districts</th>
<th>R (all), M-1, M1a, OS-1</th>
<th>M-2, M-3 and nonresidential uses in R, M-1, M1a, OS-1</th>
<th>O&amp;I (all), M-S, C-1</th>
<th>C-2, C-3, C-4, I-1, I-2, X-1, X-2, U-1,</th>
<th>X-3, D-1, D-3, D-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td><strong>Length of Time Permitted</strong></td>
<td>Maximum 30 days per time period; minimum 14 days between time periods; maximum 2 time periods and total 60 days per calendar year</td>
<td>Maximum 30 days per time period; minimum 14 days between time periods; maximum 4 time periods and total 120 days per calendar year</td>
<td>Maximum 30 days per time period; minimum 14 days between time periods; maximum 4 time periods and total 120 days per calendar year</td>
<td>Maximum 30 days per time period; minimum 14 days between time periods; maximum 4 time periods and total 120 days per calendar year</td>
<td></td>
</tr>
<tr>
<td><strong>Number</strong></td>
<td>1 per building</td>
<td>No limit</td>
<td>No limit</td>
<td>No limit</td>
<td>No limit</td>
</tr>
<tr>
<td><strong>Sign Area</strong></td>
<td>6 sf except in OS-1; maximum 32 sf in OS-1</td>
<td>Cumulative total of all temporary non-freestanding signs shall not exceed ½ of maximum signage allowed for permanent wall signs.</td>
<td>Cumulative total of all temporary non-freestanding signs shall not exceed ½ of maximum signage allowed for permanent wall signs.</td>
<td>Cumulative total of all temporary non-freestanding signs shall not exceed ½ of maximum signage allowed for permanent wall signs.</td>
<td></td>
</tr>
<tr>
<td><strong>Placement</strong></td>
<td>Placed flat on exterior building wall only</td>
<td>Placed flat on exterior building wall only</td>
<td>Placed flat on exterior building wall only</td>
<td>Placed flat on exterior building wall only</td>
<td></td>
</tr>
<tr>
<td><strong>Spacing between temporary non-fs signs</strong></td>
<td>No requirement</td>
<td>No requirement</td>
<td>No requirement</td>
<td>No requirement</td>
<td></td>
</tr>
<tr>
<td><strong>Illumination</strong></td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td><strong>Electronic Message Center</strong></td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td><strong>Changeable Copy</strong></td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>
March 2019
Sign Code Update

Questions/Comments from February Sign Public Meetings

Q = Question
C = Comment
R = Response

Q: The proposed height of free standing signs are too close to the ground. Trucks, campers, etc will hit a sign that is only 15’ to 25’ tall.
R: With minor exceptions the proposed code requires free-standing signs to be monument signs in which the base is, at a minimum, nearly the full width of the sign. The current and proposed code do not allow a free-standing sign to extend into a street right-of-way. For these reasons it will not be possible to drive under a sign and collide with it due to its height.

Q: How are smaller shopping centers (<7 acres) handled that have multi tenants that don’t meet size for a center sign?
R: There is less need for smaller centers to be allowed larger multi-tenant signs because in such cases the buildings will be closer to the street and wall signs for each business are likely to be visible. The proposed standards for wall signs allow substantial signage. We will look into lowering the threshold under 7 acres and report back.

Q: Does the max sq. ft. of 80 sf allow the letters to be large enough so they are visible from the street (taking into account wider rights of way)?
R: Yes, 80 square feet should be large enough to allow sign copy to be read by drivers at a lower height. Staff will also add exceptions allowing larger signs with a setback.

Q: Can real estate signs be in the R/W on a temporary basis?
R: Real estate signs are not currently allowed in the right-of-way. It is proposed that real estate signs and all other signs, except for those signs specifically allowed in the right-of-way by Kansas Statutes, continue to be prohibited from being located in the right-of-way.

Q: Can a limit be placed on the number of free standing banners?
R: The current sign code does not allow free-standing banners. It is proposed that free-standing banners, along with free-standing yard signs, be allowed as temporary signs and restricted to 1 sign per 200’ of street frontage.

Q: How are construction signs handled or how should they be handled?
R: Staff are still looking for the most effective way to regulate construction signs. The US Supreme Court case Reed v. Gilbert, Arizona (2015) concluded that sign regulations must be
content-neutral with regulations limited to time, place, and manner. Therefore, the proposed sign code may not distinguish construction signs from other forms of temporary signage. As proposed the sign code will not allow banners to be installed on fences. Furthermore, if regulated as a temporary sign, a sign used for a construction project would be limited to a maximum of 30 days per time period and to no more than 120 days in a calendar year, which would not accommodate the typical time needed to complete a construction project. A construction sign could be installed as a free-standing sign, constructed of durable materials and would be allowed as long as it meets other standards for incidental signs. They are not considered an issue now so staff will consider ways to legally accommodate signs for transitional land uses.

Q: Can portable signs (portable message center signs) be allowed on temporary basis with a permit if the time and placement is regulated?
R: Allowing portable message center signs on a temporary basis to be enforced by a permit is an option. However, it is not an effective option because of the difficulty of getting users to obtain permits and ensuring compliance with the time limits of a temporary sign. The current sign code requires annual permits for portable signs but no one using a portable sign now has a valid permit. The City has limited resources to enforce temporary signs in the field and adding portable message center signs to the list of enforcement duties is not cost-effective given the community’s very poor rating of such signs in the Visual Appeal Survey.

Q: Why should new businesses be put at a disadvantage vs existing businesses when it comes to meeting the new standards?
R: Not all sign owners will be put at a disadvantage so to speak. Some of the proposed sign regulations, including those for the office and institutional district and non-residential uses (churches, schools, etc.), are far less restrictive than current standards. There are also a number of exceptions for larger shopping centers, corner lots, and businesses near highway interchanges.

In the case of free standing signs in commercial districts, the proposed standards are more restrictive in Topeka but substantially less restrictive than standards for other comparable cities. The current standards for signs in Topeka’s most common commercial and industrial districts have not been revised since the late 1960s and are far out of line with current regulatory best practices. The negative aesthetic impact they create make Topeka less visually appealing than other cities and contribute to putting Topeka at a competitive disadvantage.

The proposed rules for non-conforming signs provide for compliance over time, not overnight. Existing signs that do not comply with the new rules will be able to continue. As substantial alterations are made to signs that are taller and larger than the new standards allow, the altered signs will be required to be reduced in size and height by one-third (34%) until the sign conforms to the new standards. This means that no more than two alterations would take place before the sign is compliant. Staff considers such an approach to be more practical and more effective than approaches typically taken by cities, which is to require complete conformance when there is any alteration made to the sign. Staff is concerned that too aggressive compliance may have the reverse effect of encouraging non-compliant signs to not change at all over time.

Q: Why does it not make sense to have a “one size fits all approach”?
A. A one-size fits all approach whereby the maximum size permitted is the same for every property within the same zoning district does not serve Topeka well. Topeka has developed over a long period of time and with a variety of uses and diverse range of building and parcel sizes.
and amidst a variety of neighborhoods. Mature development in and close to Central Topeka tends to be on smaller lots and in smaller buildings, and located within or adjacent to residential neighborhoods. Newer development is generally characterized by larger parcels and larger buildings and with greater separation from residential uses. It is appropriate that the maximum amount of signage allowed for individual development be in proportion to the size of parcels and buildings. Proportional standards are better for aesthetic reasons but will not compromise the effectiveness of signs, since the visibility of signs is partly a function of context.

Q: Does the code restrict window signs?
A. The current code contains regulations of window signs in the D-1 and D-3 Downtown districts. Reasonable regulation of window signs is anticipated for the proposed code, as well, to be fair and to meet the objectives of the sign code. At this time it is expected that window signs will not require a permit.

Q: Increase height allowed in C2 to 20’-25’ and in C3-4 to 35’. This will help trucks from blocking the view of signs.
A: The large majority of vehicles are at a height of 6 feet or below. Therefore, signs at a height of 15 and 25 feet will be visible under the majority of circumstances. In part to address this concern, staff is recommending allowing an increase in sign height and area in exchange for increased sign setbacks. Signs for large retail centers and office parks will be allowed increases in size and height. Signs for commercial uses in close proximity to highway interchanges will be allowed increase height and size.

Q: Should there be setbacks for signs?
A. We are not recommending that a setback be required for free-standing signs but it will be required that all parts of the sign be contained behind the property line and not be allowed to extend over streets and sidewalks. In response to the feedback received at the February 26th meeting staff is recommending that owners and operators be given the option to set the sign back from the property line in exchange for moderate increases in size and height.

Q: Will closing up “holes” in an unkempt sign trigger compliance?
A. No. Sign maintenance is expected and will not require changes to the sign to conform to current standards. The current and proposed sign code require that signs be kept in good condition.

C: If there are no buildings on the property, left-behind signs should not be allowed to remain at all.
A. It is proposed that signs no longer pertaining to use on the property be considered “abandoned signs” and be required to be removed when the building on the property is removed or the property is substantially redeveloped.

Q. How long will political signs be allowed before the election barring any legislation from the State saying otherwise?
A. The current limit is 45 days. The legislature is considering amending the current law. The State law does not treat political signs the same as Topeka’s current sign regulations for other temporary signs and that is not likely to change with a new sign code. However, the Kansas statute regulating political signs preempts Topeka’s sign regulations.
C: A setback for a monument sign would be a good idea.
R: A setback is a requirement that can improve the visual appeal of a street or major corridor. The City also recognizes that a setback can reduce visibility of the sign in part because a sign that is set back from the property line is more likely to conflict with parked vehicles and landscaping. Because the City is proposing more restrictive standards on size and height in the commercial and industrial districts there is reluctance to also require a setback for signs. In response to the feedback received at the February 26th meetings staff is recommending that owners and operators be given the option to set the sign back from the property line in exchange for moderate increases in size and height.

C. There is no need to accommodate feather signs.
R. Feather flags are so commonly used as a form of temporary signs, and because they are another type of free-standing sign, staff are proposing standards to accommodate and control them rather than to prohibit them.

C: Portable signs are an eyesore for the City. Prohibit portable signs.
R: The City’s Visual Appeal Survey included an image of a portable message center sign. 95 percent of the responses to the image were “unappealing”. This was the lowest rated score of any image in the survey. It is proposed that portable message center signs be prohibited partly because of their ranking on the Visual Appeal Survey but also because they are often poorly maintained, misused as permanent signs, and efforts to control them by permits and time limits are not likely to be effective.
SIGN CODE UPDATE
2019
City of Topeka
Planning & Development
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<th>Page</th>
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<td>H39</td>
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<td>OBSOLETE AND ABANDONED SIGNS</td>
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<td>TEMPORARY SIGN STANDARDS</td>
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<tr>
<td>PORTABLE MESSAGE CENTER SIGNS</td>
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<tr>
<td>PORTABLE MESSAGE CENTER SIGNS - VISUAL APPEAL SURVEY RESULTS</td>
<td>H53</td>
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<tr>
<td>PORTABLE MESSAGE CENTER SIGNS RECOMMENDATION</td>
<td>H54</td>
</tr>
<tr>
<td>PORTABLE MESSAGE CENTER SIGNS: COMPARISON WITH OTHER CITY REGULATIONS</td>
<td>H55</td>
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INTRODUCTION & BACKGROUND

Topeka’s sign code, a part of Title 18 of the Topeka Municipal Code, regulates the design, dimensions, and placement of signs used by businesses, institutions, and other entities for their identification. The purpose of the sign code is to:

- provide for effective communications by businesses, institutions, and others
- enhance traffic safety
- To enhance physical appearance of the community
- prevent visual distractions
- protect property values
- accommodate the rights of individuals to free speech
- preserve & promote the public health, safety, & general welfare
The Topeka sign code has not undergone a comprehensive update in many years. The Planning & Development Department is responsible for administering the sign code and has identified several issues within the sign code. The current sign code:

- lacks clarity and is not user-friendly for sign companies, city staff, and the lay public.
- does not follow best practices to effectively address traffic safety and aesthetic quality.
- is not consistent with the U.S. Supreme Court rulings, in particular the Reed v. Town of Gilbert, AZ (2015) case and its mandate for content-neutrality.
- does not adequately address the use of portable message center signs.

To address these concerns and gather feedback about sign aesthetics, the City of Topeka conducted a community-wide visual appeal survey.

Staff utilized the results of the survey by working with the sign code committee—made up of sign industry professionals—to draft new standards for the city.
### Visual Appeal Survey

How important is the appearance of signs to the visual quality of a community?

<table>
<thead>
<tr>
<th>Importance</th>
<th>Percentage</th>
<th>Count</th>
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</thead>
<tbody>
<tr>
<td>Very Important</td>
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<td>601</td>
</tr>
<tr>
<td>Somewhat Important</td>
<td>34.23%</td>
<td>330</td>
</tr>
<tr>
<td>Not Important</td>
<td>2.90%</td>
<td>28</td>
</tr>
<tr>
<td>Don’t Know</td>
<td>0.52%</td>
<td>5</td>
</tr>
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</table>

Answered: 964
Responses to Sign Images:

- A preference for short, monument-style signs over tall signs on poles.
- Poles without covers are more unappealing than poles with covers.
- The use of multiple wall signs on buildings, especially those constructed of low-quality materials, is very visually unappealing.
- The sites of businesses that use few signs, such as one monument sign and one to two wall signs, are more visually appealing than those sites that contain a larger number of ground and wall signs.
- Use of more than one temporary sign is very visually unappealing.
- Portable message center signs are visually unappealing.
REED V. GILBERT, AZ (2015)

- US Supreme Court held that the Gilbert, AZ sign ordinance was unconstitutional because of its content-based distinctions (violates first amendment)

- Content-based sign regulation is unconstitutional with minor exceptions

- Regulations must be based on “time, place, and manner” restrictions but still need to serve a “substantial government interest”
TYPES OF SIGNS

A. WALL SIGNS
B. OTHER ATTACHED SIGNS
C. FREE-STANDING SIGNS
D. ABANDONED SIGNS
E. NONCONFORMING SIGNS

WALL SIGN
FREE-STANDING SIGN
(CONT) TYPES OF SIGNS

FREE STANDING SIGN

CANOPY SIGN

PROJECTING SIGN
PROPOSED STANDARDS
COMPARED TO CURRENT STANDARDS
WALL SIGNS

Visual Appeal Survey Results

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<tr>
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<th>Answered</th>
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<tr>
<td>Very Unappealing</td>
<td>78.22%</td>
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<tr>
<td>Somewhat Unappealing</td>
<td>16.39%</td>
</tr>
<tr>
<td>Neutral</td>
<td>4.25%</td>
</tr>
<tr>
<td>Somewhat Appealing</td>
<td>0.52%</td>
</tr>
<tr>
<td>Very Appealing</td>
<td>0.62%</td>
</tr>
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</table>

Answered: 964

![Visual Appeal Survey Results](image_url)
WALL SIGNS

Visual Appeal Survey Results

<table>
<thead>
<tr>
<th></th>
<th>Answered: 964</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Unappealing</td>
<td>1.24% (12)</td>
</tr>
<tr>
<td>Somewhat Unappealing</td>
<td>3.63% (35)</td>
</tr>
<tr>
<td>Neutral</td>
<td>21.58% (208)</td>
</tr>
<tr>
<td>Somewhat Appealing</td>
<td>49.38% (476)</td>
</tr>
<tr>
<td>Very Appealing</td>
<td>24.17% (233)</td>
</tr>
</tbody>
</table>
WALL SIGNS

OFFICE & INSTITUTIONAL *

- No limit on number
- 40 sq ft maximum per sign

CURRENT

- 1 per tenant/establishment on each façade
- 1.5 sq ft per linear foot of building frontage
- Max 100 sf per single sign
- Max 200 sf per sign on facades 300’ or more from street right-of-way.

PROPOSED

*O&I-2, O&I-3
WALL SIGNS

OFFICE & INSTITUTIONAL *

Max size per sign
40 sq ft

CURRENT

Kelly Law Office
Topeka Bank
Eye Health
glassesexams

• 1 per tenant/establishment on each façade; 1.5 sq ft per linear foot of building frontage (occupied by tenant); max 100 sf per single sign; max 200 sf per sign on facades 300' or more from street right-of-way.

PROPOSED

Kelly Law Office
Topeka Bank
EYE HEALTH

*O&I-2, O&I-3

H15 SIGN CODE HANDBOOK
WALL SIGNS

INSTITUTIONAL USES IN RESIDENTIAL DISTRICTS

CURRENT

Max 40 sq ft per sign

1 sign per tenant/establishment on each façade
1.5 sq ft per linear foot of building frontage, max 100 sq ft per single sign

PROPOSED
WALL SIGNS

COMMERCIAL DISTRICT *

- Max size per sign is 200 sq ft
- No limit on quantity of signs

*C--2

- Max is 3 sf per linear foot of building frontage
- Single sign max of 200 sf; max 300 sf for signs on facades 300' or more from street right-of-way.
- No limit on quantity
WALL SIGNS

COMMERCIAL DISTRICTS

CURRENT

- Max size per sign is 300 sq ft
- No limit on quantity of signs

PROPOSED

- Max 3.5 sf per linear foot of building frontage, maximum 200 sf per single sign; max 300 sf for signs on facades 300’ or more from street right-of-way. No limit on quantity.

*C-3, C-4, I-1, I-2

H18 SIGN CODE HANDBOOK
## WALL SIGNS

### SIGN CODE COMPARISONS

#### Office Zoning

<table>
<thead>
<tr>
<th>Wyandotte County Unified Govt. (KCK)</th>
<th>Lawrence, KS</th>
<th>Olathe, KS</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-O (Nonretail Business District):</td>
<td>CO (Office Commercial District):</td>
<td>O (Office)</td>
</tr>
<tr>
<td>Maximum of 3 wall signs on single tenant building; maximum 1 sign per tenant on multi-tenant building.</td>
<td>Maximum 1 sign per tenant on wall with entrance or facing public street.</td>
<td>Maximum 2 signs per building and 1 per wall. Multi-tenant buildings are allowed no more than 1 sign per tenant.</td>
</tr>
<tr>
<td>Size: Maximum of 80 sf per sign. All attached signs may not exceed 5% of exterior wall area.</td>
<td>Size: Maximum 5% of building wall area to which the Sign is attached, maximum. Max 32 sq. ft. per Sign.</td>
<td>Size: Maximum 10% of total building wall area to which the Sign is attached.</td>
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</table>
## WALL SIGNS

### SIGN CODE COMPARISONS

#### Commercial Zoning (C-3, C-4)

<table>
<thead>
<tr>
<th>Wyandotte County Unified Govt. (KCK)</th>
<th>Lawrence, KS</th>
<th>Olathe, KS</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-2 (General Business District):</td>
<td>CO (Commercial Strip District):</td>
<td>C4 (Corridor Commercial)</td>
</tr>
<tr>
<td>Maximum of 3 wall signs on single-tenant building; maximum 1 sign per tenant on multi-tenant building.</td>
<td>No restriction on # of signs for single tenant building; maximum 1 per tenant for multi-tenant buildings.</td>
<td>Maximum 3 signs per building and 1 sign per wall. Multi-tenant buildings allowed 1 sign per tenant.</td>
</tr>
<tr>
<td>Size: All attached signs may not exceed 7% of exterior wall area on which signs are placed; and all signs cumulatively shall not exceed 300 sf.</td>
<td>Size: Maximum 10% of building wall area or 150 sf, whichever is less. Size increases allowed for incremental increased setbacks from public right-of-way.</td>
<td>Size: Maximum 10% of total building wall area to which the Sign is attached. Multi-tenant buildings allowed 10% of the wall on which the sign is placed.</td>
</tr>
</tbody>
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### Visual Appeal Survey Results

<table>
<thead>
<tr>
<th></th>
<th>Very Unappealing</th>
<th>Somewhat Unappealing</th>
<th>Neutral</th>
<th>Somewhat Appealing</th>
<th>Very Appealing</th>
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<tr>
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<td><strong>Value:</strong></td>
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<td>34.02%</td>
<td>18.88%</td>
<td>7.47%</td>
<td>1.45%</td>
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<td><strong>Count:</strong></td>
<td>368</td>
<td>328</td>
<td>182</td>
<td>72</td>
<td>14</td>
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H21 SIGN CODE HANDBOOK
**FREE-STANDING SIGNS**

**Visual Appeal Survey Results**

Answered: 964

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<th>Count</th>
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<td>10.17%</td>
</tr>
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<td>31</td>
<td>3.22%</td>
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</table>

**Image:** Visual representation of survey results showing a free-standing sign in a parking lot.
FREE-STANDING SIGNS

Visual Appeal Survey Results

Answered: 964

<table>
<thead>
<tr>
<th></th>
<th>VERY UNAPPEALING</th>
<th>SOMEWHAT UNAPPEALING</th>
<th>NEUTRAL</th>
<th>SOMEWHAT APPEALING</th>
<th>VERY APPEALING</th>
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<td>SOMEWHAT UNAPPEALING</td>
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<td>109</td>
<td>269</td>
<td>424</td>
<td>118</td>
</tr>
<tr>
<td>NEUTRAL</td>
<td></td>
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<tr>
<td>SOMEWHAT APPEALING</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>VERY APPEALING</td>
<td></td>
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FREE-STANDING SIGNS

Visual Appeal Survey Results

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<td>0.83%</td>
<td>1.35%</td>
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<td>48.96%</td>
<td>35.17%</td>
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<td>8</td>
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<td>132</td>
<td>472</td>
<td>339</td>
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</table>
FREE-STANDING SIGNS

OFFICE & INSTITUTIONAL

CURRENT

Max 40 sq ft
Max height 5 ft

BUSINESS NAME

PROPOSED

Local & Collector Streets

Max 40 sq ft
Max height 7 ft

BUSINESS NAME

PROPOSED

Arterial Streets

Max 60 sq ft
Max height 10 ft

BUSINESS NAME

*O&I-2, O&I-3
FREE-STANDING SIGNS

University District/Medical Services *

CURRENT
Max 50 sq ft
Max height 10 ft

PROPOSED
Max height 15 ft
BUSINESS NAME

.5 sf per 1 lf of frontage
and not to exceed 80 sf.

*U-1, MS-1

H26 SIGN CODE HANDBOOK
FREE-STANDING SIGNS

Mixed Use Districts *

CURRENT

Max 40 sq ft

BUSINESS NAME

Max height 7 ft

PROPOSED

Max height 15 ft

*Current, Proposed

• Maximum 1 per street frontage
• .5 sf per 1 lf of frontage and not to exceed 80 sf.

*X-1, X-2, X-3
FREE-STANDING SIGNS

INSTITUTIONAL USES IN RESIDENTIAL DISTRICTS*

CURRENT

Max 40 sq ft
Max height 5 ft

BUSINESS NAME

PROPOSED Local & Collector Streets

Max 40 sq ft
Max height 7 ft

BUSINESS NAME

PROPOSED Arterial Streets

Max 60 sq ft
Max height 10 ft

BUSINESS NAME

* Includes schools, churches, etc.
FREE-STANDING SIGNS

COMMERCIAL *

CURRENT

BUSINESS NAME

- 35’ max. height
- 200 sf maximum area

PROPOSED

- Maximum 1 per street frontage
- .5 sf per linear foot street frontage; max 80 sf

Max height 15 ft
FREE-STANDING SIGNS

CURRENT

55' max. height
300 sf maximum area

BUSINESS NAME

PROPOSED

• Maximum 1 per street frontage
• .5 sf per linear foot street frontage;

Max height 25 ft

BUSINESS NAME

*C-3, C-4, I-1, I-2
EXCEPTIONS

Corner Lots – Combining Allocation for 2 Street Frontages on a Single Sign:

- If combining 2 frontages on a single sign, limit 1 sign per 2 street frontages, but permit 130% of area allowed for the street with the most street frontage.

- If the two streets have different functional classifications (i.e. collector and arterial) the combined sign shall be either 1) at the corner and designed to be viewed from each street, or 2) along the street with the highest classification.
FREE-STANDING SIGNS

EXCEPTIONS

*Properties adjacent to I-70 and I-470 interchanges

Signs in Proximity to I-70 and I-470 Interchanges:

- Applies to sites that are either a) within a 700 foot radius of the intersection of the centerline of I-70, I-470, or US-75 (north of I-70 and south of I-470) with an arterial or collector street, or b) within 120 feet of where on off-ramp intersects with an arterial or collector street.

- For sites zoned D-1, D-3, or C-2 sign is allowed to a height of 35 feet and sign area of 150 sf. Monument sign required.

- For sites zoned C-3, C-4, I-1, and I-2 sign is allowed to a height of 55 feet and sign area of 250 sf. Monument sign required for signs at a height of 3 feet or less.
FREE-STANDING SIGNS

EXCEPTIONS

Signs for Large Retail Centers, Office, Institutional, and Industrial Parks:

- Applies to sites of 7 acres or more for retail centers, and 5 acres or more for office and institutional uses, and having 5 or more tenants or 3 or more buildings in O&I2, O&I3, C-2, C-3, C-4, U, MS, or I districts, and any PUD with any of these corresponding use groups.

- Each site is allowed 1 “center sign”, monument or pylons with covers only, in place of a single tenant/use sign. The center sign is allowed to exceed the baseline height and size standards for that zoning district.

- Maximum Height / Maximum Size: 15’ / 100 sf in O&I districts; 20’ / 150 sf in U, MS, and C-2 districts; 30’ / 250 sf in C-3, C-4, I-1, and I-2 districts.

- An approved master sign plan is required. Other than the center sign, free-standing signs for individual buildings and lots shall not exceed a height of 15 feet in C-3, C-4, I-1, and I-2 districts, and 10 feet in all other districts.

*Properties adjacent to I-70 and I-470 interchanges
### Free-Standing Signs

#### Sign Code Comparisons

| Wyandotte County Unified Govt.  
(KCK) | Lawrence, KS | Olathe, KS |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>C-O (Nonretail Business District)</td>
<td>CO (Office Commercial District)</td>
<td>O (Office District) (allows for more intense office uses than O&amp;I-1 district)</td>
</tr>
<tr>
<td>Monument sign only. Maximum 1 per street frontage not to exceed 3.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height: 15’ max at minimum setback. For each 1 foot of additional setback, 1 foot of additional height is allowed up to max height (highest point of nearest principal building’s roof on the premises or 24 feet, whichever is lower.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Size: 50 sf 5’ minimum setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CO (Office Commercial District)</td>
<td>Monument sign only. Maximum 1 per lot. For lots of 3 or more acres, 1 additional may be allowed at a secondary entrance facing a different street than first sign.</td>
<td></td>
</tr>
<tr>
<td>Height: 6’ high maximum. For each 5’ of setback from ROW, height may be increased by 1’ to maximum of 8’.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Size: 32 sf. For each 5’ setback from ROW sign may be increased by 8sf for maximum of 48 sf.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>O (Office District) (allows for more intense office uses than O&amp;I-1 district)</td>
<td>Monument sign only. Maximum 1 sign for each freestanding building. For complexes or single business sites on more than 5 acres and with more than 1 street frontage, a second monument sign is permitted on the additional street frontage.</td>
<td></td>
</tr>
<tr>
<td>Height: 6’ max. Height may be increased 2’ for each additional 5’ setback to a max of 15’. Increases allowed for sites exceeding 5 acres.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Size: 25 sf, may increase 10 sf for each additional 5’ setback to a max of 65 sf. Increases allowed for sites exceeding 5 acres. 10’ minimum setback.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## FREE-STANDING SIGNS

### SIGN CODE COMPARISONS

<table>
<thead>
<tr>
<th>Wyandotte County Unified Govt. (KCK)</th>
<th>Lawrence, KS</th>
<th>Olathe, KS</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-2 (General Business District)</td>
<td>CS (Commercial Strip District)</td>
<td>C (Corridor Commercial District)</td>
</tr>
<tr>
<td>Monument only. Maximum 1 per street frontage not to exceed 3.</td>
<td>Monument only. Maximum 1 per lot. For lots of 3 or more acres, 1 additional may be allowed at a secondary entrance facing a different street than first sign.</td>
<td>Monument only. Maximum 1 sign per building. For sites more than 5 acres and with more than 1 street frontage, a second monument sign is permitted on the additional street.</td>
</tr>
<tr>
<td>Height: 15’ max at minimum setback. For each 1 foot of additional setback, 1 foot of additional height is allowed up to max height. Shall not exceed the highest point of the nearest principal building’s roof on the premises or 24 feet, whichever is lower.</td>
<td>Height: 12’ high maximum. For each 5’ of setback from ROW height may be increased by 2’ to a maximum of 16’.</td>
<td>Height: 6’ max plus increase of 2’ for each additional 5’ setback to a max of 15’. For sites more than 5 acres in size, max height is 15’ plus increase of 2’ for each additional 5’ setback up to max height of 21’.</td>
</tr>
<tr>
<td>Maximum Size: 75 sf 5’ minimum setback.</td>
<td>Maximum Size: 60 sf. For each 5’ of setback from the ROW sign area may be increased by 6 sf to a maximum of 72 sf. For lots of 3 or more acres, additional sf of 20 sf is allowed or 1 additional signs is allowed with maximum 40 sf.</td>
<td>Maximum Size: 25 sf, may increase 10 sf for each additional 5’ setback to a max of 65 sf. For sites more than 5 acres in size, no more than 1 monument sign may be increased to 65 sf plus increase of 10 sf for each additional 5’ setback to a max size of 95 sf.</td>
</tr>
<tr>
<td></td>
<td>On sites larger than 20 acres, signage may be increased to a max height of 25’ and max size of 100 sf. 10’ minimum setback.</td>
<td></td>
</tr>
</tbody>
</table>
INCIDENTAL SIGNS
INCIDENTAL SIGNS

Free-standing Signs

Currently:
- Not specifically addressed. In most districts there is no restriction on the quantity of signs on a site or building.

Proposed:
- Allowed in all zoning districts.
- Quantity: 1 per street frontage in SF and two-family residential districts; 1 per 300’ street frontage in M-2, M-3, O&I, M-S, C-1 districts; 2 per 300’ in all other zoning districts. No restriction on quantity for signs set back a minimum of 30’ from any property line.
- Sign Area: 6 sf, but larger signs allowed if set back 10’ or more; signs in most commercial districts allowed up to 50 sf if set back more than 30’.
- Height: 4 feet at property line; up to 8’ height allowed for signs with greater setbacks.
INCIDENTAL SIGNS

Portable Pedestrian Sign
A portable sign that is ordinarily in the shape of an "A" with back to back sign faces, an easel, or a similar configuration.

Currently:
Not specifically addressed but signs located in street right-of-way, including sidewalks, are prohibited.

Proposed:
- Allowed on public sidewalks in X-3, D-1, D-2, and D-3 districts to a maximum height of 4 feet and size of 6 sf.
- Shall not obstruct pedestrian access, providing a minimum of 4’ passable width, and must comply with ADA.
NON-CONFORMING SIGNS

Current:
- The Sign Code does not specifically address legal non-conforming signs but the zoning regulations contain provisions for legal non-conforming uses in Chapter 18.220.
- In practice the Planning Department allows changes to existing legal non-conforming signs provided the height and area of the sign are reduced.

Proposed:
- Nonconforming signs that were lawful prior to adoption of the new regulations (which render the signs nonconforming) may be continued.

- A nonconforming sign may be altered only to bring the sign into complete conformity with this division. Alternatively, any free-standing sign at a nonconforming height may be altered provided its height is reduced by 30 percent or more of its current height. Any free-standing sign that is nonconforming with respect to its sign area (size) may be altered provided the sign area is reduced by 30 percent of its current area (size).
NON-CONFORMING SIGNS

Existing Non-conforming Sign

55' height
300 sf area

BUSINESS NAME

Altered Non-conforming Sign Reduced by 1/3 (34%)

36.3' height
198 sf area

BUSINESS NAME
Any sign which is located on a building, structure, or property which becomes vacant and unoccupied, and to which said sign pertains to an event, land use, or purpose which no longer applies shall be deemed an obsolete (or abandoned) sign.
OBSOLETE & ABANDONED SIGNS

[Images of two signs, one of an abandoned building and another of a sign with the text "RED CARPET INN & SUITES"]
OBSOLETE & ABANDONED SIGNS

Currently:

- Obsolete signs are allowed to remain in place but must be properly maintained per **TMC 18.10.100:**

  All signs shall be maintained in good condition. A sign with missing or visibly damaged face panels, exposed internal lights and related internal hardware, visible deteriorating paint and rust, or structural damage that may be hazardous to the public is not in good condition and shall be repaired or be removed within a reasonable time as determined by the planning director or designee.

Proposed:

- Any sign on a building or property which becomes vacant and unoccupied, and to which the sign no longer applies shall be deemed obsolete.

- Any obsolete (abandoned) sign in existence for a period of more than three (3) consecutive months after the event, land use, or purpose no longer exists shall be removed or replaced. Only the sign face need be removed or covered.

- Obsolete free-standing signs shall be removed or be approved by permit in conformance with current standards when the building is primary building is demolished, or when the building is substantially expanded, or when the site is substantially redeveloped.
TEMPORARY SIGNS
TEMPORARY SIGNS

Visual Appeal Survey Results

Answered: 964

<table>
<thead>
<tr>
<th>Very Unappealing</th>
<th>Somewhat Unappealing</th>
<th>Neutral</th>
<th>Somewhat Appealing</th>
<th>Very Appealing</th>
</tr>
</thead>
<tbody>
<tr>
<td>41.80%</td>
<td>29.56%</td>
<td>22.93%</td>
<td>4.36%</td>
<td>1.35%</td>
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<tr>
<td>403</td>
<td>285</td>
<td>221</td>
<td>42</td>
<td>13</td>
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TEMPORARY SIGNS

Visual Appeal Survey Results

Answered: 964

<table>
<thead>
<tr>
<th>Visual Appeal Survey</th>
<th>VERY UNAPPEALING</th>
<th>SOMEWHAT UNAPPEALING</th>
<th>NEUTRAL</th>
<th>SOMEWHAT APPEALING</th>
<th>VERY APPEALING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>74.07%</td>
<td>17.84%</td>
<td>6.43%</td>
<td>0.73%</td>
<td>0.93%</td>
</tr>
<tr>
<td></td>
<td>714</td>
<td>172</td>
<td>62</td>
<td>7</td>
<td>9</td>
</tr>
</tbody>
</table>

![Image of temporary signs]
TEMPORARY SIGNS - Yard Signs

Currently:

- No more than 1 on the property at a time
- Limited to duration of an “event” and for only 2 events per calendar year
- In residential zoning districts — max 6 sf area and 4 feet in height, except for parcels greater than one acre allowed 32 sf area and 6 feet in height. In other zoning districts, max 32 sf area and 6 feet in height
- Permit not required

Proposed:

- No change to height and size standards.
- For other than sf or two-family residential, allow 1 per 200’ street frontage.
- Duration limited to 30 calendar days per single time period, 4 time periods per year and no more than 120 calendar days per year (limited to 2 time periods and 60 calendar days per year in SF residential districts.
TEMPORARY SIGNS
Free-standing Banners

Currently:
- Prohibited

Proposed:
- Allowed and subject to the same standards as free-standing yard signs.
TEMPORARY SIGNS

Feather Flags

Currently:

- Prohibited (Feather flags do not meet the dimensional standards of other free-standing signs.)

Proposed:

- 1 per street frontage in R, M-1, and OS-1 districts; 1 per 200’ street frontage in all other districts.
- Duration limited to 15 days per time period; max 4 time periods and total 60 calendar days per year (restricted to 2 time periods and 30 calendar days per year in R, M-1, and OS-1 districts)
- Max 30 sf area and 16 feet in height
- Permit not required
TEMPORARY SIGNS
Non-freestanding (attached) Banners

Currently:

- No limit on quantity per parcel
- Must be placed flat on any face of the building; placement on fences and other accessory structures not allowed.
- Area of all signs shall not exceed 25% of the surface of the building face on which signs are placed
- Limited to duration of an “event” and for only 2 events per calendar year
- Permit not required
TEMPORARY SIGNS
Non-freestanding (attached) Banners

Proposed:

- 1 per building in R, M-1, and OS-1 districts; no limit on number in all other districts.
- Maximum 6 sf except in R and M1 districts; max 32 sf in OS-1 district.
- In all other districts the cumulative total of all temporary non-freestanding signs shall not exceed ½ of maximum signage allowed for permanent wall signs.
- Placement: flat on building only; placement on fences and other accessory structures not allowed.
- Permit not required.
PORTABLE MESSAGE CENTER SIGNS
PORTABLE MESSAGE CENTER SIGNS

Visual Appeal Survey Results

<table>
<thead>
<tr>
<th>Category</th>
<th>Percentage</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Unappealing</td>
<td>79.06%</td>
<td>385</td>
</tr>
<tr>
<td>Somewhat Unappealing</td>
<td>16.02%</td>
<td>78</td>
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<tr>
<td>Neutral</td>
<td>4.11%</td>
<td>20</td>
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<tr>
<td>Somewhat Appealing</td>
<td>0.41%</td>
<td>2</td>
</tr>
<tr>
<td>Very Appealing</td>
<td>0.41%</td>
<td>2</td>
</tr>
</tbody>
</table>

 Answered: 487
PORTABLE MESSAGE CENTER SIGNS

Currently:

- An annual permit is required for each portable sign, although no permits for signs have been issued for the past 5 years or more.
- The sign code does not clearly allow portable message center sign of the size (32 sf or more) commonly used in Topeka.

Proposed:

- Prohibit portable message center signs because they are often poorly maintained, misused as permanent signs, and their low ranking on the Visual Appeal Survey.
## PORTABLE MESSAGE CENTER SIGNS

### Sign Code Comparisons by City

<table>
<thead>
<tr>
<th>City</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Topeka</td>
<td>Does not clearly allow portable message center signs of the size (32—40 sf) commonly used in Topeka.</td>
</tr>
<tr>
<td>Wyandotte County Unified Govt.</td>
<td>Not permitted</td>
</tr>
<tr>
<td>Lawrence</td>
<td>Not permitted</td>
</tr>
<tr>
<td>Kansas City, MO</td>
<td>Not permitted</td>
</tr>
<tr>
<td>Olathe</td>
<td>Not permitted</td>
</tr>
<tr>
<td>Manhattan</td>
<td>Permitted as a temporary sign only. As such, no restriction on size but are limited to one per zoning lot, and limited to “C” districts and “LM-SC” district. Allowed for no more than 30 consecutive days and no more than 60 calendar days per year. Flashing and strobing lights not permitted.</td>
</tr>
<tr>
<td>Ottawa</td>
<td>Not permitted</td>
</tr>
<tr>
<td>Hutchinson</td>
<td>Permitted as a temporary sign.</td>
</tr>
<tr>
<td>Wichita</td>
<td>Portable message centers permitted in a limited range of zoning districts and for institutional uses, and for commercial uses in other some other zoning districts. Flashing or strobing lights are not permitted.</td>
</tr>
</tbody>
</table>