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 role 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.

<table>
<thead>
<tr>
<th>Members of the Topeka Planning Commission</th>
<th>Topeka Planning Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Katrina Ringler, 2019 Chairperson</td>
<td>Bill Fiander, AICP, Planning &amp; Development Director</td>
</tr>
<tr>
<td>Brian Armstrong</td>
<td>Carlton O. Scroggins, AICP, Planner III</td>
</tr>
<tr>
<td>Ariane Messina</td>
<td>Dan Warner, AICP, Planner III</td>
</tr>
<tr>
<td>Corey Dehn</td>
<td>Mike Hall, AICP, Planner III</td>
</tr>
<tr>
<td>Marc Fried</td>
<td>Tim Paris, Planner II</td>
</tr>
<tr>
<td>Carole Jordan</td>
<td>Annie Driver, AICP, Planner II</td>
</tr>
<tr>
<td>Wiley Kannarr</td>
<td>John Neunuebel, Planner II</td>
</tr>
<tr>
<td>Corliss Lawson</td>
<td>Taylor Ricketts, Planner I</td>
</tr>
<tr>
<td>Matt Werner</td>
<td>Bryson Risley, Planner I</td>
</tr>
<tr>
<td></td>
<td>Kris Wagers, Administrative Officer</td>
</tr>
</tbody>
</table>
A. Roll call
B. Approval of minutes – March 18, 2019
C. Approval of minutes – April 22, 2019
D. Declaration of conflict of interest/ex parte communications by members of the commission or staff
E. Public Hearings
   1. Z19/03 by Charles T. & Margarita M. Lopez requesting to amend the District Zoning Classification from O&I-1 Office and Institutional District to M-1 Two Family Dwelling District on property located at 2715 SE Indiana Avenue. (Driver)
   2. ACZR 18/02 Visual Code Update III
      Consider amending the Topeka Municipal Code (TMC) Title 18 (Comprehensive Plan-Signs-Subdivisions-Zoning) as follows:
      Repeal and replace the entirety of Chapters 18.10, 18.15, 18.20, and 18.25 (Division 2.Signs) with Chapter 18.10 (Division 2.Signs) concerning the use of signs by businesses, institutions, and other entities for their identification.
F. Communications to the Commission
G. Adjournment
Monday, March 18, 2019

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

Members present:  Brian Armstrong, Corey Dehn, Marc Fried, Wiley Kannarr, Ariane Messina, Katrina Ringler, Matt Werner (7)

Members Absent:  Carole Jordan, Corliss Lawson  (2)

Staff Present:  Bill Fiander, Planning & Development Director; Mike Hall, Current Planning Manager; Kris Wagers, Administrative Officer; Mary Feighny, Legal

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

Approval of Minutes from February 18, 2019

Motion to approve by Mr. Armstrong, second by Mr. Kannarr. APPROVED (6-0-1 with Ms. Messina abstaining)

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

None

Public Hearings

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.)

Ms. Ringler called the case and announced that it had been withdrawn by the applicant.

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)

Ms. Ringler called the case and Mr. Hall presented the staff report and staff recommendation for approval.

Ms. Ringler declared the public hearing open and with nobody coming forward to speak, Ms. Ringler declared the public hearing closed.

Mr. Armstrong noted that this is a continuation of discussions the commission previously had. He noted that the Planning Commission had previously approved the plat and considered the proposed annexation of the property. Both were subsequently approved by the Governing Body. He noted that the proposed zoning is more restrictive than the current zoning and makes sense.

Ms. Ringler stated she agrees and Mr. Fried made a motion to recommend approval to the Governing Body of the reclassification of the property from RR-1 Residential Reserve District to R-1 Single Family Dwelling District. Second by Ms. Messina. APPROVAL (7-0-0)

DRAFT FOR APPROVAL
Discussion Item

ACZR18/02 Visual Code Update III (Draft Sign Standards)

Mr. Hall presented information about the draft sign standards and also about feedback received from the February 26, 2019 public meetings. He took questions as they arose and there was discussion throughout with and amongst the commission. Mr. Hall also noted two handouts, which included an email from Shawn Holthaus and one from Virginia Baumgartner and Cindy Proett.

Present were Virginia Baumgartner and Cindy Proett, both of Luminous Signs. Ms. Baumgartner and Ms. Proett both served on the sign code committee. They came forward at times to provide information.

Ms. Ringler noted that there were people in the audience and asked if anyone would like to speak. Pat Barnes came forward and expressed concern about the possibility of no longer allowing portable message center signs.

It was ultimately agreed that Visual Code Update III (sign standards) will come back to the commission at the May 20, 2019 meeting as an action item. There was discussion among the Commission and staff regarding non-conforming signs, abandoned signs, signs adjacent to highways, signs related to construction, and portable message center signs. At the next meeting staff will present additional information and options for how to address the sign issues discussed at this meeting.

Communications to the Commission

Mr. Fiander noted that the April Planning Commission meeting will be on the 4th Monday (April 22) at 5:30PM in the first floor conference room at City Hall. The meeting will be a work session with no action items.

With no further agenda items, meeting was adjourned at 8:18PM.
Monday, April 22, 2019

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

Members present:  Brian Armstrong, Corey Dehn, Wiley Kannarr, Corliss Lawson, Katrina Ringler, Matt Werner (6)

Members Absent:  Marc Fried, Carole Jordan, Ariane Messina (3)

Staff Present:  Bill Fiander, Planning & Development Director; Mike Hall, Current Planning Manager; Annie Driver, Planner; John Neunuebel, Planner

Roll Call – Chairperson Katrina Ringler called the meeting to order with six members present.

Study Session: Innovation in the Everyday : Avant-gard Staff Reports

Bonnie Johnson, PhD, AICP led a presentation and discussion on staff reports and their effectiveness.

With no further agenda items, meeting was adjourned.
APPLICATION INFORMATION

APPLICATION CASE NO: Z19/3 By: Charles & Margarita Lopez
REQUESTED ACTION / CURRENT ZONING: Zoning change from “O&I-1” Office and Institutional District TO “M-1” Two Family Dwelling District.
APPLICANT/PROPERTY OWNER: Charles and Margarita Lopez
APPLICANT’S REPRESENTATIVE: Vernon Jarboe, Attorney-at-law
PROPERTY LOCATION / PARCEL ID: 2715 SE Indiana Ave/PID: 1330803015020000
PARCEL SIZE: 0.17 acres (7,405 sf)
PHOTO:

Front of house (SE Indiana)

Back of accessory dwelling (alley)
STAFF PLANNER:

Annie Driver, AICP, Planner

RECOMMENDATION:

Based on the following findings and analysis, the Planning Department recommends APPROVAL of the zone change from “O&I-1” Office & Institutional District to “M-1” Two 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 “O&I-1” Office & Institutional District to “M-1” Two Family Dwelling District.

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

The applicant is requesting the zone change so the zoning district of the property allows, by-right, the single family dwelling along with an accessory dwelling unit. The applicant is trying to sell and that is the reason he applied for the zoning change.
DEVELOPMENT / CASE HISTORY:

- The existing single–family residence has remained on the property since constructed in 1926.
- The accessory building sitting on the rear of the lot (currently used as an accessory dwelling or “ADU”) was constructed sometime between 1942 and 1959 and is still in use as an accessory dwelling.
- The property was annexed in 1950 and zoned for single–family uses at the time.
- In 1957, the property was rezoned to “F” Neighborhood Shopping Center District (converted to “C-2” District with the 1992 zoning code update). This zoning change made the residential dwellings legal non-conforming since residential is not allowed by-right in the “C” Districts.
- In 2010 after completion of the Central Highland Park Neighborhood Plan, the property was downzoned to “O&I-1” Office and Institutional District. This rezoning provided for an appropriate zoning transition or stepping down of intensity from commercial at the intersection to the single-family residential in the interior of the neighborhood.

ZONING AND SURROUNDING PROPERTIES:

- North: “C-1” Commercial District; Single family residence and vacant storefront buildings
- South: “O&I-1” Office and Institutional District; Genealogical Society Library
- East: “R-1” Single Family Dwelling District; Highland Park Central Elementary School
- West: “R-2” Single Family Dwelling; Single family dwellings

DEVELOPMENT STANDARDS AND POLICIES

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

The “M-1” District is to provide for the use of two-family and attached single-family dwellings together with specified accessory uses (including accessory dwellings).

The “O&I-1” District is to provide for a limited range of nonresidential and noncommercial uses such as general purpose office, professional, or administrative operations.

Dimensional Standards:

<table>
<thead>
<tr>
<th>“O&amp;I-1” compared to “M-1” Dimensional Standards</th>
<th>O&amp;I-1</th>
<th>M-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot area</td>
<td>7500 sf</td>
<td>4500 sf</td>
</tr>
<tr>
<td>Minimum lot width</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>42 ft.</td>
<td>42 ft.</td>
</tr>
</tbody>
</table>
### Off–Street Parking
Two spaces for single family dwellings

### Comprehensive Plans
Central Highland Park Neighborhood Plan: *Mixed Uses*

### Transportation/MTPO Plans
SE Indiana is classified as a *collector* roadway on the MTPO Functional Classification Map.

## Other Factors

<table>
<thead>
<tr>
<th>Subdivision Plat</th>
<th>Lots 209 and 211, Highland Park Subdivision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flood Hazards, Stream Buffers</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Utilities</td>
<td>No changes are proposed.</td>
</tr>
<tr>
<td>Transportation/Traffic</td>
<td>No issues</td>
</tr>
<tr>
<td>Historic Properties</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Neighborhood Information Meeting</td>
<td>A neighborhood information meeting was conducted on Monday, April 29, 2019 located at St. Matthew’s Parish. Staff, the property owner, and the owner’s representative attended the meeting. Nobody else attended the meeting.</td>
</tr>
</tbody>
</table>

## Review Comments by City Departments and External Agencies

| Public Works/Engineering                | None                                       |
| Water Pollution Control                | None                                       |
| Fire                                    | None                                       |
| Development Services                   | None                                       |

## Key Dates

| Application Submittal                   | April 5, 2019                             |
| Neighborhood Information Meeting       | April 29, 2019                            |
| Legal Notice Publication               | April 24, 2019                            |
| Property Owner Notice Mailed           | April 26, 2019                            |
STAFF ANALYSIS: This is a zoning case and since a zoning case, Planning staff have considered the Golden Criteria as indicated in Topeka Municipal Code Section 18.245 (Donald Golden vs. City of Overland Park, 1978 Kansas Supreme Court). This staff analysis has taken all these factors into consideration.

CHARACTER OF NEIGHBORHOOD: The predominant character of the neighborhood in both land use and form is single family residential and neighborhoodScaled commercial land uses. The neighborhood also contains a variety of institutional land uses in buildings of various sizes.

Development to the west and south consists mainly of moderate and small homes. To the immediate south is the Genealogical Society Library. Highland Park Elementary School lies east on SE Indiana. A neighborhood commercial area lies near the intersection of SE Indiana (collector road) and SE 27th Street and is comprised of several vacant retail storefront buildings that sit near or at the edge of the street.

The property lies within Highland Park Subdivision platted on lots in 1887 with 25’ of frontage. The single family houses on this block were developed on larger parcels by combining two or three platted lots. The commercial buildings near SE 27th and Indiana were constructed around the 1950s. Much of the Highland Park neighborhood was developed in the 1950s for single family residential.

ZONING AND USES OF SURROUNDING PROPERTIES: The surrounding zoning and land uses is comprised of “R-1” and “R-2” Single Family Dwelling Districts to the south, west and east. These properties are being used as single family residential and a school. The properties to the north are zoned “C-1” Commercial (neighborhood commercial) land uses and consist mainly of vacant store fronts. The existing Genealogical Society Library directly to the south is zoned “O&I-1” Office and Institutional District.

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The subject property has been used for its current uses since constructed in 1926 and was made a legal non-conforming use with the 1957 zoning change to allow a commercial use. The accessory building was constructed sometime near 1959 and is considered a legal non-conforming use. The proposed “M-1” zoning will allow the continued use of the property for a single family dwelling or duplex along with one accessory dwelling unit (600 sf or less). Currently, under the O&I-1 District, if the buildings are destroyed or damaged beyond 50 percent of their fair market value neither structure is allowed to be rebuilt in the “O&I-1” zoning unless approved as an exception by the Board of Zoning Appeals.

SUITABILITY OF PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED: The subject property is currently zoned for office uses, which is not consistent with the house that has remained on the property since at least 1926. The “M-1” zoning allows both the residence and accessory dwelling unit as permitted use in that zoning district and a conforming situation. The proposed rezoning from “O&I-1” to “M-1” allows from an appropriate transition from commercial at the intersection into the residential neighborhood and accommodates the existing single family residence and accessory dwelling unit. The neighborhood plan supports rezoning requests to a less intensive district to reflect the current use of the property such as this case.

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 the property to allow the
existing single family residence since it has remained on the property since 1926 and is consistent with the pattern of 
land uses in the neighborhood.

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 hardship imposed upon the property owner is evident since their uses are currently not permitted 
under the existing zoning and may not be rebuilt if damage beyond 50 percent. The current zoning is an encumbrance 
on the title and sale of the property. The applicant is trying to sell and that is why he applied for the zoning change. 
There would be no impact on the public health, safety and welfare by rezoning the property to accommodate the 
existing residential use that has existed on the property.

AVAILABILITY OF PUBLIC SERVICES: All essential public utilities, services and facilities are presently available to 
this area.

STAFF RECOMMENDATION: Based upon the above findings and analysis Planning Department staff recommends 
APPROVAL of the proposed zoning change from “O&I-1” Office and Institutional District TO “M-1” Two 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 “O&I-1” Office and Institutional District TO “M- 
1” Two Family Dwelling District.

ATTACHMENTS: 
Aerial Map 
Zoning Map
Z19/03 Charles & Margarita Lopez
MEMORANDUM

To: Topeka Planning Commission  
From: Mike Hall, AICP; Manager, Current Planning  
Date: May 20, 2019  

RE: ACZR 18/02 Visual Code Update III / Sign Code Update

Staff is presenting for your consideration the attached Sign Code which is recommended to replace the current sign regulations in Chapters 18.10, 18.15, 18.20, and 18.25 in Title 11 of the Topeka Municipal Code. A notice of this public hearing has been published and staff is requesting the Planning Commission make a recommendation to the Governing Body upon hearing any testimony.

Also attached is the Sign Code Update Handbook which presents the proposed code in a more digestible and executive summary format. This Handbook serves as staff’s presentation.

Direction from Planning Commission; March 18, 2019 Work Session

After receiving occasional briefings over the past 18 months, the Planning Commission conducted a work session at the March 18th regular meeting. At the close of the work session the Commission directed staff to provide more information and options for the following:

- Freestanding Signs near Highways
- Signs for Construction Projects
- Non-conforming Signs
- Abandoned Signs
- Portable Message Center Signs

Options and clarification for these signs are attached.

Background

The Topeka sign code has not undergone a comprehensive update in many years. The standards for signs in the “C” and “I” districts have not changed since the 1960s. At the beginning of the current process staff identified several issues and flaws in the current 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; and
- does not adequately address the full range of signs currently in use, such as feather signs and portable message center signs.
The current sign code adequately addresses off-premise signs (billboards), electronic message centers, and signs in downtown districts D-1 and D-3. No substantive changes are recommended for these types of signs.

To gather community feedback about sign aesthetics, the City of Topeka conducted a community-wide Visual Appeal Survey in January and February of 2018. Working with the Sign Code Committee, staff utilized the results of the Visual Appeal Survey, our knowledge of best practices, and understanding of needs and conditions specific to Topeka to draft a new sign code.

Purpose of the Sign Code

The current sign code does not include an explicit statement of its purpose. The purpose of sign regulation by cities and local government is typically to promote traffic safety by preventing visual obstruction and distractions, and to prevent visually unattractive signs that tend to proliferate in the absence of sign regulations. It is also generally understood that sign regulations must not infringe on the constitutional rights of free speech guaranteed by the First Amendment to the United States Constitution. The U.S. Supreme Court ruling regarding Reed v. Gilbert is an imperative for all local governments to examine their sign regulations with regard to content-neutrality.

As included in the draft sign code the expressed purpose of the proposed sign code is to:

- provide for effective communications by businesses, institutions, and others;
- enhance traffic safety;
- preserve and enhance the visual appearance of the community;
- preserve and enhance the safety and appearance of Topeka’s primary transportation corridors;
- prevent visual distractions;
- protect property values;
- accommodate the rights of individuals to free speech; and
- preserve and promote the public health, safety, and general welfare.

Recommended Standards for Permanent On-Premise 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 districts 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 public 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 recommended 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.

**Stakeholder Engagement**

**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 the March 18, 2019 Planning Commission meeting.) Staff responded to questions and comments at the meeting and also collected comment cards. The questions and comments 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/](https://www.topeka.org/planning/visual-code-update/)
Sign Code Committee

The Sign Code Committee met nine times between December 2017 and April 2019 mainly to advise and respond to draft sign standards. The Committee consists of:

- Katrina Ringler, Topeka Planning Commission Chair
- Virginia Baumgartner, Luminous Neon (sign company)
- Cindy Proett, Luminous Neon
- Rod Hart, Custom Neon (sign company)
- Becky Esopi, Zoning Inspector, City of Topeka
- Steven Gee, Fast Signs (sign company)
- Johnny Ray Huffman, Guard Sales Co. (sign company)

The staff and Sign Code Committee have also been assisted by consultant Mark White, White & Smith, LLC Planning and Law Group, and Deputy City Attorney Mary Feighny.

The emphasis of the work of the Sign Code Committee and the Planning Commission so far has been on dimensional standards for on-premise signs, temporary signs, portable message center signs, abandoned and nonconforming signs. The full sign code includes other sections that are necessary for the effective administration of the sign code.

Visual Appeal Survey

The City conducted the Visual Appeal Survey of buildings and signs in January-February 2018. The survey asked respondents to rate 21 images of signs and to respond to two questions. Respondents were also provided the opportunity to write in comments. The level of response was high: 964 people took the sign survey and 386 written comments were received. A summary of the key takeaways is attached. The full results of the survey are available here: https://www.topeka.org/planning/visual-code-update/

Planning Commission

Beginning in November 2017, the Planning Commission held briefings and discussions of the Sign Code Update at seven of its regular public meetings.
Attachments

1. Sign Code Options
2. Stakeholder Questions, Comments, and Responses to Date
3. Visual Appeal Survey Key Takeaways for Signs
4. TAB - Sign Code Update Handbook
5. TAB - Draft Sign Code

---

1 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.
2 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.
SIGN CODE OPTIONS
May 20, 2019

The following options and clarifications are provided at the request of the Planning Commission.

Highway Sign Exceptions

<table>
<thead>
<tr>
<th>Option A</th>
<th>Option B (recommended)</th>
</tr>
</thead>
</table>
| Allow exceptions for location within 700 feet of intersection of centerlines of highway and arterial or collector street, and within 120 feet of where ramp intersects with arterial or collector. | **Option A** except  
  a) increase radius to 800 ft  
b) replace “within 120 feet of where ramp intersects with arterial or collector” with “within 120 feet of the right-of-way for an on-ramp or off-ramp”. |
| Exception for properties zoned C-2: F/S Signs allowed to a height of 35 feet and area of 150 sf meeting exception criteria for I-470, I-70, and US-75. Properties meeting the exception criteria relative to US-24 are allowed to an area not to exceed 150 sf without exception to the C-2 height standard. |  |
| Exception for properties zoned C-3, C-4, I-1, and I-2: F/S signs to a height of 55 feet and area of 250 sf meeting exception criteria for I-470, I-70, and US-75. Properties meeting the exception criteria for US-24 are allowed an area not to exceed 250 sf without exception to the height standard for C-3, C-4, I-1, and I-2. |  |

Signs for Construction Projects

<table>
<thead>
<tr>
<th>Option A (recommended)</th>
<th>Option B</th>
</tr>
</thead>
</table>
| Include a section under “Applicability, Exemptions” stating…  
  Signs associated with the temporary use of a building or site, including buildings or sites undergoing construction, during the time of said temporary use. | Apply “Incidental Sign” standards |
**Non-Conforming Signs**

<table>
<thead>
<tr>
<th>Option A (recommended)</th>
<th>Option B</th>
<th>Option C</th>
</tr>
</thead>
<tbody>
<tr>
<td>All non-conforming signs that were lawful prior to adoption of the new code and not defined as abandoned may legally continue without being brought into conformance with the new code IF no changes are proposed to the sign or property as outlined below.</td>
<td>Option A except:</td>
<td>Option A or B except:</td>
</tr>
<tr>
<td></td>
<td><strong>Full compliance</strong> required for any triggering events PLUS:</td>
<td><strong>Full compliance</strong> with any triggering events PLUS:</td>
</tr>
<tr>
<td></td>
<td>• Change of use (per building code specifications)</td>
<td>A ten (10) year amortization period from date of ordinance adoption when non-conforming free-standing signs must be removed, altered, or replaced in a manner that conforms entirely to the sign regulations.</td>
</tr>
<tr>
<td>Any alteration or dimensional change of 50% or more to existing sign area, cabinet size, height, or support structure shall achieve full compliance.</td>
<td></td>
<td>(See Note below)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Any alteration or dimensional change less than 50% of existing sign area, cabinet size, height, or support structure shall at a minimum achieve partial compliance by reducing its corresponding sign area or height by at least 34%.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>In addition, any re-face/change of copy of a sign shall at a minimum achieve partial compliance by reducing its corresponding sign area or height by at least 34% IF the change accompanies one of the following events after adoption of the new code:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Rezoning of the property</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 50% or more of the primary structure is damaged or rendered not useable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Any major building addition/expansion that requires Site Plan approval.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Any major façade renovation that requires approval of building elevation design.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Any property that applies or is approved for City of Topeka economic incentives (e.g., NRP, TIF, CID, etc.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Any sign height reduced 35 feet or less in height must conform to monument sign requirements.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Note: An amortization requirement may be applied in the same manner, using the same time period, for all nonconforming signs or on a case-by-case basis using a formula. Avoiding a taking and protecting the owner’s return on investment is the basis for the time period and/or formula to be used.

In the APA Planning Advisory Service report *Street Graphics and the Law* (2004) author Daniel Mandelker explains that how amortization requirements have been upheld by several state supreme courts. Legally defensible amortization requirements are those that set the amortization period based on return on investment, some using the Internal Revenue Service depreciation schedules to determine the amortization period. *None of the cases cited by Mandleker are from Kansas.*

### Abandoned Signs

<table>
<thead>
<tr>
<th><strong>Option A (recommended)</strong></th>
<th><strong>Option B</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Definition: An <em>abandoned sign</em> is defined as any sign on a property which no longer applies to a use of the property because the use has changed or the property has become vacant.</td>
<td>Option A except:</td>
</tr>
<tr>
<td>1. Any abandoned sign in existence for a period of more than <strong>6 consecutive months</strong> shall be removed or the face of the sign shall be covered.</td>
<td>2. Any abandoned sign that is non-conforming in existence for a period of more than <strong>24 consecutive months</strong> shall be removed.</td>
</tr>
<tr>
<td>2. Any abandoned sign in existence for a period of more than <strong>24 consecutive months</strong> shall be removed.</td>
<td>3. Abandoned signs that are non-conforming shall be removed immediately when the primary building on the property is demolished or removed.</td>
</tr>
<tr>
<td>3. Abandoned signs shall be removed immediately when the primary building on the property is demolished or removed.</td>
<td>5. <strong>Grace Period</strong>: None; effective immediately</td>
</tr>
<tr>
<td>4. When an abandoned sign is removed, all parts of the sign, including structural supports, shall be removed.</td>
<td></td>
</tr>
<tr>
<td>Portable Message Centers</td>
<td></td>
</tr>
<tr>
<td>--------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Option A (recommended)</strong></td>
<td><strong>Option B</strong></td>
</tr>
</tbody>
</table>
| Prohibit in all zoning districts. Owners and users of portable message center signs will have 12 months from the date of ordinance publication (effective date of the ordinance) to discontinue use of these signs. | • Allow as a temporary sign in C-2, C-3, C-4, I-1, and I-2 districts  
• Require a permit  
• Restrict use to two events per year, 30 days per event maximum, 30 days between events, maximum 60 days total per year | Same as Option B but also allow for nonresidential uses in residential districts. |

**Standards:**
- Maximum 32 sf per side of sign; any part of the sign containing copy and/or illumination is restricted to 32 sf.
- Maximum 6 feet high
- Flashing lights prohibited
- Sign must be set back a minimum of 5 feet from any property line
Signs Visual Appeal Survey Key Takeaways

- **964** people took the sign survey and submitted **386** written comments.
- Signs matter. 97% of survey respondents say that signs are either very “**important**” or “**somewhat important**” to the visual appeal of a community.

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.
- **Size of sign matters less if the sign is a monument-style sign.**
- Use of more than one temporary sign is very visually unappealing.
- **Portable reader board signs are visually unappealing.**

Written Comments
- There are too many signs. The large quantity of signs is unattractive.
- There is too much sign “clutter”. (“Clutter” could mean too many signs, poorly maintained signs, or both.)
- Landscaping is important to visual appearance. The numerous comments about landscaping are especially significant considering the survey did not pose questions about landscaping.
- Many signs are too tall. Shorter signs are more attractive.
- Outdated, aging, and poorly maintained signs are unattractive.
- **Pole signs are unattractive. Signs on solid bases (monument signs) are much more attractive than signs on poles.**
- **Portable readerboard signs are unattractive and the City needs to do more to control them.**
- Quality of the design of signs and materials used is important to visual quality.
- **Temporary signs are needed in some cases but they are visually unappealing.**
- **Signs should be easy to read in addition to being visually appealing.**
- Businesses need signs and they should not be overly restricted.
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.
Signs Visual Appeal Survey Key Takeaways

- 964 people took the sign survey and submitted 386 written comments.
- Signs matter. 97% of survey respondents say that signs are either very “important” or “somewhat important” to the visual appeal of a community.

![Image of survey results]

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.
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- Portable reader board signs are visually unappealing.

Written Comments

- There are too many signs. The large quantity of signs is unattractive.
- There is too much sign “clutter”. (“Clutter” could mean too many signs, poorly maintained signs, or both.)
- Landscaping is important to visual appearance. The numerous comments about landscaping are especially significant considering the survey did not pose questions about landscaping.
- Many signs are too tall. Shorter signs are more attractive.
- Outdated, aging, and poorly maintained signs are unattractive.
- Pole signs are unattractive. Signs on solid bases (monument signs) are much more attractive than signs on poles.
- Portable readerboard signs are unattractive and the City needs to do more to control them.
- Quality of the design of signs and materials used is important to visual quality.
- Temporary signs are needed in some cases but they are visually unappealing.
- Signs should be easy to read in addition to being visually appealing.
- Businesses need signs and they should not be overly restricted.
Handbook
SIGN CODE UPDATE

2019

City of Topeka
Planning & Development
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<td>FREE-STANDING SIGNS: COMPARISON WITH OTHER CITY REGULATIONS</td>
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<td>LEGAL NON-CONFORMING SIGNS</td>
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<td>H44</td>
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<tr>
<td>TEMPORARY SIGNS - VISUAL APPEAL SURVEY RESULTS</td>
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<td>TEMPORARY SIGN STANDARDS</td>
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<tr>
<td>PORTABLE MESSAGE CENTER SIGNS - VISUAL APPEAL SURVEY RESULTS</td>
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<td>PORTABLE MESSAGE CENTER SIGNS RECOMMENDATION</td>
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<tr>
<td>PORTABLE MESSAGE CENTER SIGNS: COMPARISON WITH OTHER CITY REGULATIONS</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 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
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**

What factors are most important to the visual appeal of signs? (choose 2)

<table>
<thead>
<tr>
<th>Factor</th>
<th>Percentage</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Materials</td>
<td>56.22%</td>
<td>542</td>
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<tr>
<td>Height</td>
<td>34.96%</td>
<td>337</td>
</tr>
<tr>
<td>Size of Sign</td>
<td>38.17%</td>
<td>368</td>
</tr>
<tr>
<td>Quantity of Signs</td>
<td>52.49%</td>
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<tr>
<td>Illumination</td>
<td>22.10%</td>
<td>213</td>
</tr>
<tr>
<td>Other</td>
<td>11.62%</td>
<td>112</td>
</tr>
</tbody>
</table>

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*H6 SIGN CODE HANDBOOK*
VISUAL APPEAL SURVEY

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

<table>
<thead>
<tr>
<th>Rating</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Unappealing</td>
<td>754</td>
<td>78.22%</td>
</tr>
<tr>
<td>Somewhat Unappealing</td>
<td>158</td>
<td>16.39%</td>
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<tr>
<td>Neutral</td>
<td>41</td>
<td>4.25%</td>
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<tr>
<td>Somewhat Appealing</td>
<td>5</td>
<td>0.52%</td>
</tr>
<tr>
<td>Very Appealing</td>
<td>6</td>
<td>0.62%</td>
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Answered: 964
### WALL SIGNS

#### Visual Appeal Survey Results

<table>
<thead>
<tr>
<th>Category</th>
<th>Number of Responses</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Very Unappealing</td>
<td>12</td>
<td>1.24%</td>
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<tr>
<td>Somewhat Unappealing</td>
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<td>3.63%</td>
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<td>Neutral</td>
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<td>21.58%</td>
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<tr>
<td>Somewhat Appealing</td>
<td>476</td>
<td>49.38%</td>
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<tr>
<td>Very Appealing</td>
<td>233</td>
<td>24.17%</td>
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Answered: 964
WALL SIGNS

OFFICE & INSTITUTIONAL *

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

CURRENT

PROPOSED

- 1 per 50 linear feet of the façade on which sign is located.
- 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.

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

CURRENT

- 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

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

40 sf max size per sign
WALL SIGNS

INSTITUTIONAL USES IN RESIDENTIAL DISTRICTS

CURRENT

Max 40 sq ft per sign

PROPOSED

- 1 per 50 linear feet of the façade on which sign is located.
- 1.5 sq ft per linear foot of building frontage, max 100 sq ft per single sign
- Max 100 sf per single sign
- Max 200 sf per sign on facades 300’ or more from street ROW.
WALL SIGNS

COMMERCIAL DISTRICT *

CURRENT

PROPOSED

- 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

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

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

Current:

WALL SIGN

Proposed:

WALL SIGN

- Max 3.2 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.
## WALL SIGNS

### SIGN CODE COMPARISONS

#### Office Zoning

<table>
<thead>
<tr>
<th>Wyandotte County Unified Govt.</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>
</tr>
</tbody>
</table>
**WALL SIGNS**

**OTHER CITIES**

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

<table>
<thead>
<tr>
<th>Wyandotte County Unified Govt.</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>
</table>
**FREE-STANDING SIGNS**

**Visual Appeal Survey Results**

<table>
<thead>
<tr>
<th>Answered: 964</th>
<th>V I S U A L   A P P E A L   S U R V E Y</th>
</tr>
</thead>
<tbody>
<tr>
<td>VERY UNAPPEALING</td>
<td>SOMEWHAT UNAPPEALING</td>
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<tr>
<td>38.17%</td>
<td>34.02%</td>
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<td>368</td>
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H21 SIGN CODE HANDBOOK
FREE-STANDING SIGNS

Visual Appeal Survey Results

<table>
<thead>
<tr>
<th></th>
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<th>SOMETHAT APPEALING</th>
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<tr>
<td><strong>Answered:</strong> 964</td>
<td>21.58%</td>
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<td></td>
<td>208</td>
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FREE-STANDING SIGNS

Visual Appeal Survey Results

<table>
<thead>
<tr>
<th>Appearance Level</th>
<th>Percentage</th>
<th>Count</th>
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<tr>
<td>Very Unappealing</td>
<td>4.56%</td>
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<tr>
<td>Somewhat Unappealing</td>
<td>11.31%</td>
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<tr>
<td>Neutral</td>
<td>27.90%</td>
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<tr>
<td>Somewhat Appealing</td>
<td>43.98%</td>
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<tr>
<td>Very Appealing</td>
<td>12.24%</td>
<td>118</td>
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</table>

Answered: 964
# FREE-STANDING SIGNS

## 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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</thead>
<tbody>
<tr>
<td>Answered:</td>
<td>0.83%</td>
<td>1.35%</td>
<td>13.69%</td>
<td>48.96%</td>
<td>35.17%</td>
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<tr>
<td></td>
<td>8</td>
<td>13</td>
<td>132</td>
<td>472</td>
<td>339</td>
</tr>
</tbody>
</table>

![Visual Appeal Survey Chart](image_url)
FREE-STANDING SIGNS

OFFICE & INSTITUTIONAL

CURRENT

Local & Collector Streets

Max 40 sq ft
Max height 5 ft

PROPOSED

Local & Collector Streets

Max 50-60 sq ft
Max height 7 ft

PROPOSED

Arterial Streets

Max 70 sq ft
Max height 10 ft

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

CURRENT

Max 50 sq ft
Max height 10 ft

BUSINESS NAME

UNIVERSITY/MEDICAL *

PROPOSED

Max 80 sq ft
Max height 15 ft

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

BUSINESS NAME

*U-1, MS-1
FREE-STANDING SIGNS

MIXED USE DISTRICTS *

CURRENT

Max 40 sq ft

BUSINESS NAME

Max 7 ft

PROPOSED

- Maximum 1 per street frontage
- 0.5 sf per 1 linear foot of frontage not to exceed 50 sq. ft.

Max 10 ft

BUSINESS NAME

*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 40-50 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. + O&I-1
**FREE-STANDING SIGNS**

**CURRENT**

- **BUSINESS NAME**
- 35’ max. height
- 200 sf maximum area

**COMMERICAL— Neighborhood **

**PROPOSED**

- Maximum 1 per street frontage
- 0.5 sf per linear foot street frontage
- max 80 sf
- Monument style

Max height 15 ft

*C-2*
FREE-STANDING SIGNS

CURRENT

- 55' max. height
- 300 sf maximum area

BUSINESS NAME

PROPOSED

- Maximum 1 per street frontage
- 0.5 sf per linear foot street frontage; max 120 sf
- Monument style

BUSINESS NAME

Max height 25 ft

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

COMMERCIAL—General *
FREE-STANDING SIGNS

CORNER LOTS – COMBINING ALLOCATION FOR 2 STREET FRONTAGES ON A SINGLE SIGN:

- If combining 2 frontages on a single sign, allow 130% of maximum sign area allowed for the street with the most street frontage.
FREE-STANDING SIGNS

EXCEPTIONS

Signs in Proximity to I-70/I-470/US-75 Interchanges:

- Applies to sites that are either a) within a **800 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 the right-of-way of an on/off ramp.

- For sites zoned **D-1, D-3, or C-2**, a sign is allowed to a height of **35 feet** and sign area of **150 sq ft**. Signs over 25 feet may be mounted on two cladded columns each at least two (2) feet wide if their design is integrated with or matches overall sign design.

- For sites zoned **C-3, C-4, I-1, or I-2**, a sign is allowed to a height of **55 feet** and sign area of **250 sq ft**.

*Properties adjacent to I-70 and I-470 interchanges*
FREE-STANDING SIGNS

EXCEPTIONS

Large Retail Centers and Office/Institutional/Industrial Parks

- Applies to sites of **4 acres** or more **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” that is allowed to exceed the baseline height and size standards for that zoning district:
  - **O&I-1/2/3**: Height = 15 feet; Area = 100 sq ft
  - **MS-1**: Height = 20 feet; Area = 120 sq ft
  - **C-2, U-1**: Height = 20 feet; Area = 160 sq ft
  - **C-3, C-4, I-1, I-2**: Height = 30 feet; Area = 240 sq ft

- Signs over 25 foot in height may replace monument style with two cladded columns matching sign design each at least 2 ft wide

- An approved master sign plan is required

- Freestanding 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

### OTHER CITIES

<table>
<thead>
<tr>
<th>Wyandotte County Unified Govt. (KCK)</th>
<th>Lawrence, KS</th>
<th>Olathe, KS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>C-O (Nonretail Business District)</strong></td>
<td><strong>CO (Office Commercial District)</strong></td>
<td><strong>O (Office District)</strong> (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>- 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>- 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>
</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 the nearest principal building's roof on the premises or 24 feet, whichever is lower.)</td>
<td>- Height: 6' high maximum. For each 5' of setback from ROW, height may be increased by 1' to maximum of 8'.</td>
<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>
</tr>
<tr>
<td>- Maximum Size: 50 sf</td>
<td>- Maximum Size: 32 sf. For each 5' setback from ROW sign may be increased by 8sf for maximum of 48 sf.</td>
<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.</td>
</tr>
<tr>
<td>- 5' minimum setback</td>
<td></td>
<td>- 10' minimum setback.</td>
</tr>
</tbody>
</table>
### FREE-STANDING SIGNS

#### OTHER CITIES

<table>
<thead>
<tr>
<th>Wyandotte County Unified Govt. (KCK)</th>
<th>Lawrence, KS</th>
<th>Olathe, KS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>C-2 (General Business District)</strong></td>
<td>CS (Commercial Strip District)</td>
<td>Commercial Zoning (C-3, C-4)</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</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>- 5' minimum setback.</td>
<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.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 10’ minimum setback.</td>
</tr>
</tbody>
</table>
INCIDENTAL SIGNS
INCIDENTAL SIGNS

Currently:
- Not addressed. No restriction on quantity of signs.

Proposed:
- Accommodate freestanding signs in all zoning districts.
- Quantity: 1 per 300 feet of street frontage; no limit if setback 30’ or more from any property line.
- Sign Area: 6-64 sq ft based on zoning district/setbacks with a maximum of 6-150 for all incidental signs.
- Height: 4-8 feet based on zoning district/setbacks.
- Portable Pedestrian Signs: accommodated for buildings setback five (5) feet or less from the public street right-of-way where a sidewalk is present.
LEGAL NON-CONFORMING SIGNS

Definition: Any sign lawfully existing prior to the adoption of a new code that does not conform to the new code

Current
- Signs are not addressed specifically. The zoning regulations contain provisions for legal non-conforming uses in Chapter 18.220.
- In practice, Planning staff allows changes to existing legal non-conforming signs provided the height and area of the sign are reduced.

Proposed
- Legal non-conforming signs may continue as is
- Any alteration or dimensional change 50%+ sign area, cabinet size, height, or support structure shall achieve full compliance
- Any alteration or dimensional change <50% of sign area, cabinet size, height, or support structure shall at a minimum achieve partial compliance by reducing its corresponding sign area or height by at least 34%.
- Any re-face/change of copy of a sign shall at a minimum achieve partial compliance by reducing its corresponding sign area or height by at least 34% IF the change accompanies one of the following events after adoption of the new code:
  - Rezoning
  - Repair of >50% damaged/unusable primary building
  - Major building expansion or façade renovation
  - Receiving economic incentives from City of Topeka
LEGAL NON-CONFORMING SIGNS

Existing Non-conforming Sign

- BUSINESS NAME
- 55' height
- 300 sf area

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

- BUSINESS NAME
- 36.3' height
- 198 sf area
SIGN MAINTENANCE

Currently

- Signs 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

- No changes
**Definition (proposed):** An abandoned sign is defined as any sign on a property which no longer applies to a use of the property because the use has changed or the property has become vacant

### Currently
- Not addressed

### Proposed:
- Any abandoned sign in existence for a period of more than 6 **consecutive months** shall be removed or the face of the sign shall be covered.

- Any abandoned sign in existence for a period of more than 24 **consecutive months** shall be removed.

- Abandoned signs shall be removed **immediately** when the primary building on the property is demolished or removed.

- When an abandoned sign is removed, all parts of the sign, including structural supports, shall be removed.

- **Grace Period:** Any sign made “abandoned” by this code must comply within one (1) year from the date of adoption of the new code.
Recommendation 1: Paint
- Enforceable under current and proposed code

Recommendation 2: Remove immediately
- Enforceable under proposed code

Recommendation 1: Add blank sign cover
- Enforceable under current and proposed code

Recommendation 2: Remove if abandoned for 2+ years
- Enforceable under proposed code
EXAMPLES

Recommendation 1: Add blank sign covers
- Enforceable under current and proposed code

Recommendation 2: Remove if abandoned for 2+ yrs
- Enforceable under proposed code

Recommendation 1: No action
- Allowed to remain as is under current code

Recommendation 2: Removal (2+ yrs abandoned)
- Enforceable under proposed code
TEMPORARY SIGNS
TEMPORARY SIGNS

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>
<td>Answered: 964</td>
<td>41.80%</td>
<td>29.56%</td>
<td>22.93%</td>
<td>4.36%</td>
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<td>403</td>
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<td>221</td>
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![Survey Results Graph](image)

H45 SIGN CODE HANDBOOK
# TEMPORARY SIGNS

## Visual Appeal Survey Results

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<tr>
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<th>VERY UNAPPEALING</th>
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<td>NUMBER</td>
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<td>9</td>
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<tr>
<td>PERCENTAGE</td>
<td>74.07%</td>
<td>17.84%</td>
<td>6.43%</td>
<td>0.73%</td>
<td>0.93%</td>
</tr>
</tbody>
</table>

Answered: 964
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

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:
- Not accommodated; they do not meet height standards of other free-standing signs

Proposed:
- Max 30 sf area and 16 feet in height
- 1 per 200’ street frontage in commercial districts; 1 per street frontage in R, M, and OS districts
- Duration limited to 15 days per time period; max 4 time periods and total 60 calendar days per year in commercial districts OR 2 time periods and 30 calendar days per year in R, M, and OS districts
TEMPORARY SIGNS

Non-freestanding (attached) Banners

Currently:

- No limit on quantity
- 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
- Unlimited duration

Proposed:

- No limit except 1 per building in R, M-1, and OS-1 districts
- Sign area determined by allocation based on linear frontage of building or tenant space and subject to cumulative allocation allowed for all wall signs.
- 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 primary building only
- Frayed, faded, and torn banners shall be removed
PORTABLE MESSAGE CENTER SIGNS

Visual Appeal Survey Results

<table>
<thead>
<tr>
<th></th>
<th>Answered: 487</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>VERY UNAPPEALING</strong></td>
<td>79.06% 385</td>
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<tr>
<td><strong>SOMewhat UNAPPEALING</strong></td>
<td>16.02% 78</td>
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<tr>
<td><strong>NEUTRAL</strong></td>
<td>4.11% 20</td>
</tr>
<tr>
<td><strong>SOMewhat APPEALING</strong></td>
<td>0.41% 2</td>
</tr>
<tr>
<td><strong>VERY APPEALING</strong></td>
<td>0.41% 2</td>
</tr>
</tbody>
</table>
PORTABLE MESSAGE CENTER SIGNS

Currently:

- A 12-month permit is required for each portable sign which allows them to be used continuously without time limits.
- 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.
- Allow a 12-month grace period to conform.
## PORTABLE MESSAGE CENTER SIGNS

### Sign Code Comparisons by City

<table>
<thead>
<tr>
<th>City</th>
<th>Details</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>
DIVISION 2. - SIGNS

18.10.010 Purpose.

- This Division regulates the design, dimensions, placement and other characteristics of signs in the City of Topeka used by businesses, institutions, and other entities for their identification.
- The purpose of this Division is to –
  - provide for effective communications by businesses, institutions, and others
  - enhance traffic safety
  - preserve and enhance the visual appearance of the community
  - preserve and enhance the safety and appearance of Topeka's primary transportation corridors
  - prevent visual distractions
  - protect property values
  - accommodate the rights of individuals to free speech
  - preserve and promote the public health, safety, and general welfare
- This section regulates only the sign structure or copy design, and not the sign’s content. The city finds that the type, size, dimensions, setbacks, and physical design of signs permitted by this Division protect the city’s purpose as described in this division. The City of Topeka developed the standards in this division upon completion of a public process in which the design and dimensional standards were tested in consideration of industry criteria, past experience in administering sign standards, and community input as to the appropriate characteristics of signs in Topeka’s various neighborhoods and business areas.
- Any reference in this chapter to Planning and Development Director shall also mean staff designated by the Planning and Development Director to administer the regulations in this chapter.

18.10.020 Applicability

- Generally.
  - This Division applies to any Sign within the corporate limits of the City of Topeka, Kansas.
  - It is unlawful for any person to erect, operate, or otherwise use any sign that is prohibited by this Division.
  - It is unlawful for any person to erect, operate, or otherwise use any sign at a time, place, or manner that is prohibited by this Division.
  - The City of Topeka is subordinate to the laws of the federal government and state of Kansas. This Division does not prohibit signs, sign locations, or sign characteristics that are permitted by an express requirement of state or federal law.
- Exemptions. The regulations of this division do not apply to the following, although the standards of Title 14 of the Topeka Municipal Code may apply.
Signs that are not visible from a public street, highway, road, sidewalk, bicycle, pedestrian path, or similar public way unless the sign is visible from the property line of an adjoining lot or parcel. A sign is considered not visible where it is fully obstructed by natural changes in grade, buildings, or landscaping that provides a complete year-round visual barrier. “Fully obstructed” means that the signs are not visible at ground level from the edge of the public right-of-way or residential property line, or from the upper level of a residential building on an adjoining property.

- Signs intended to be read only from inside the property and containing copy of a size not readable from outside the property.
- Signs located entirely within the interior of a building or structure, except as otherwise provided for window signs.
- Signs associated with the temporary use of a building or site, including buildings or sites undergoing construction, during the time of said temporary use.

In order to promote traffic and public safety, any public notice or warning posted or required by valid and applicable federal, state, or local law, regulation, or ordinance, including street addresses. Street addresses exceeding 8 square feet in area are counted toward the sign allocation for attached signs (see ___ incidental signs).

- A sign that is integrated into or on a coin-operated machine, vending machine, or gasoline pump that is used for its intended purpose.
- Decorative flags
- Government flags
- Fuel pump and fuel pump topper signs
- Pennant streamers
- A sign carried by a person.
- A sign affixed to an operable vehicle without flat tires.

- **Districts and Uses.** This division calibrates sign size, types, and design to the City’s government’s zoning districts in order to protect community character, and to accommodate desired communications and economic activity appropriate to those districts.
- **Message Neutrality.** Despite any other provision of this Division, no sign is subject to any limitation based on the content of its message. Any sign authorized in this Division may contain any non-commercial copy in lieu of any other copy.

- **Obscenity.** This Division does not authorize any sign that unlawfully displays obscenity under state or federal law.

- **False or Misleading Statements.** This division does not excuse any person or entity from civil or criminal liability for false or misleading statements placed on a sign.

### 18.10.030 Prohibited Signs.

The following types of signs are prohibited, except where specifically permitted by this Division:

- Any sign that is not included under the sign types permitted in this Division.

- Pole Signs, except where specifically permitted in section 18.10.110. The sign owner may reface or install a pole cover on a legally nonconforming pole sign.

- Any sign located in a public or private right-of-way, railroad right-of-way, or public and private utility easement, except those signs required by governmental authority, and except projecting signs and portable pedestrian signs in accordance with sections __________ and ____________.

- Any sign which, by reason of its size, location, movement, content, coloring, or manner of illumination –
  - may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency vehicle, or
  - hides from view any traffic or street sign, signal or device.

- Portable Message Center Signs except when incorporated in a portable pedestrian sign allowed in accordance with section__________.

- Any sign containing flashing or strobing lights.

- Any sign that does not conform to the regulation of the sight distance triangle pursuant to Chapter __________ of the Topeka Municipal Code, or any clear zone as defined by the American Association of State Highway and Transportation Officials.

- Off-premise signs, except where specifically allowed in ________________.

- Signs deemed unsafe because of the sign’s illegibility or unreadability as a result of size of copy relative to viewing distance; relationship of copy to background area; thickness and style of font; spacing between letters; color contrast between the message and background; lighting; other unforeseen factors.

### 18.10.040 Sign Permits and Inspections

- **Applicability.**
  
  Generally.
  
  No sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or re-faced until the City of Topeka issues a sign permit.
  
  Only those signs permitted in this Division shall be granted a sign permit.
  
  Permits shall be issued only to sign hangers licensed by the City of Topeka.

- **Exemptions.**
  
  No sign permit is required for maintenance.
• Maintenance includes all care and minor repair needed to maintain a safe, attractive and finished structure, frame pole, brackets or surface and which does not enlarge or materially alter any face or display portion of the sign.

• This Section does not prevent the maintenance, repainting, or posting of a legally established nonconforming billboard.

• With respect to on-premise signs, changing the copy on a sign without changing the sign dimensions is considered maintenance if the copy remains the same, if the graphic design is not substantially altered, and if the sign serves the same business establishment after the change as before.

• Temporary Signs. A sign permit is required for any temporary balloon sign exceeding 12 cubic feet. A sign permit is not required for all other temporary signs.

• Repainting / Reposting. The sign surface of a billboard may be repainted or reposted without obtaining a new sign permit.

• A permit is not required for Window Signs.

• Applications.

The Planning and Development Department (“Department”) shall prescribe forms and submittal requirements for sign permits as needed to administer this Division. The form shall be made available at the department’s office during regular business hours and on the department’s public website.

No sign shall be erected without the prior consent of the owner or the owner’s authorized agent.

At the time the applicant receives the permit the applicant shall pay an application fee in the amount established by the City of Topeka.

• Inspections.

All signs (including any footings) for which a permit is required are subject to inspection by the building official.

All signs containing electrical wiring are subject to all applicable provisions of Chapter 14.30 of the Topeka Municipal Code.
18.10.050 Enforcement.

- Generally.
  No sign regulated under this Division shall be installed, erected, or maintained in violation of the provisions of this Division.
  Signs in violation of this Division are enforceable as provided in Secs. 27-343, 27-344, and this Section.

- Notice of Violation.
  If a sign fails to meet the requirements of this Division, the Planning Director shall cause a notice to be sent to –
  a. the owner of record of the tract or building upon which the sign is situated, and
  b. for billboards, to the permit holder of the sign, by certified mail, return receipt requested.
  The notice shall inform the owner or permit holder of the location of the sign and the nature of the violation.
  The owner or permit holder has 10 days from receipt of the notice in which to correct the violation.
  For good cause shown, the building official may extend the time for compliance.
  Any owner or permit holder failing to timely correct the violation is subject to penalty as set forth in section______ of the Topeka Municipal Code. The building official shall not issue building permits for new signs to any person who is in violation of the provisions of this Division.

- Removal of Signs on Public Property.
  Signs posted or otherwise affixed to or on any of the following, or as described below, are unlawful and in violation of this Division and are subject to immediate removal without notice. Any signs removed under this subsection will be held for 10 days and, if not claimed within that time, will be disposed of:
  a. Any public building or any public bridge;
  b. Any sidewalk, crosswalk, or curb;
  c. Any public right-of-way;
  d. Any paved portion of any street or highway;
  e. Any median strip of any divided street or highway;
  f. Any street sign or on any traffic sign or signal or any railroad sign or signal;
  g. Any telegraph, telephone, electric light, power, or any other utility pole or any fire hydrant;
  h. Any tree on public property, including those in the public right-of-way;
  i. Any public park;
  j. In a manner that may cause a reduction in intersection sight distances or create any other hazard to life or safety;
  k. In a manner which obstructs clear vision of any road or railroad intersection; or
  l. In a manner which obstructs any authorized traffic control device.
  This subsection does not apply to signs erected by, on behalf of, or pursuant to the authorization of a governmental body, including identification, informational, traffic, directional, or regulatory signs.

- Failure to Maintain. The City may declare a sign that is not properly maintained as provided in _____ a nuisance, and seek abatement as provided in section ____________.

- Fines and cost of sign removal.
  (a)(1) It shall be unlawful to violate TMC 18.10.110(a). Further, each violation of TMC 18.10.110(a) shall be subject to an administrative monetary penalty in the amount of $50.00 levied by the public works director, planning director or their designee. Every day of violation shall be a separate and distinct offense.
  (2) The fine may be collected from the property owner, sign owner, or permittee. If the property owner or permittee fails to pay the fine, such fine shall be certified to the city clerk, who shall assess the costs as a special assessment against the lot or parcel of land upon which the sign was located in the manner provided by law.
(3) Notwithstanding the foregoing, the public works director, planning director or their designees may, in addition to imposing an administrative monetary penalty, cause an individual violation of TMC 18.10.110(a) to be prosecuted in municipal court.

(b) Any sign removed by the public works director, planning director or their designees may be disposed of in any reasonable manner deemed appropriate by the city. The following fee schedule for removal and storage of unauthorized or hazardous signs is hereby established:

1. Routine removal, each: $30.00.
2. Removal requiring special equipment or extra labor: Actual cost of removal.

The fee may be collected from the property owner, sign owner, or sign permittee. If the property owner, sign owner, or permittee fails to pay the authorized fee, such fee shall be certified to the city clerk, who shall assess the costs as a special assessment against the lot or parcel of land upon which the sign was located in the manner provided by law.

- Revocation of permits

The public works director, planning director or their designees may revoke any sign permit under the provisions of this division or order the removal of any sign for any of the following reasons:

(a) Whenever a permit holder is convicted of a violation of any of the provisions of this division or any other ordinance relating to signs;
(b) Whenever a permit holder is convicted of any violation of any condition on which the permit was based;
(c) Whenever any false statement or misrepresentation has been made on the application on which the issuance of the permit was based;
(d) Whenever the sign owner has failed to maintain a sign in conformance with this division or any other ordinance relating to signs;
(e) Whenever the owner obtains a change in the zoning of the lot and the existing sign becomes nonconforming.
18.10.060 Design and Construction.

- Generally.
  All signs structures supporting signs shall be placed in or upon private property (except as provided in ___________________) and shall be securely built, constructed and erected in conformance with the requirements of this Division.
  No portion of a sign surface or sign structure shall be located on or over a public right-of-way except as provided in ___________________________.
  No sign shall be erected which is connected to or obstructs any portion of a fire escape or windows or doors leading to a fire escape.
  No sign shall obstruct any opening to such an extent that light or ventilation is reduced to a point below that required by the International Building Code, as adopted and amended by the unified government.

- Illumination
  Illumination for types of signs is regulated per section __________. In no case shall the light from an illuminated sign create a negative effect on residential uses in direct line-of-sight of the sign.

- Sight distance at intersections.
  No sign that obstructs the view is allowed within the sight distance triangle of a street intersection, as provided in _______________.

- Other Applicable Regulations
  All signs shall be installed, erected, constructed, hung, or altered in accordance with building and fire codes in Title 14 of the Topeka Municipal Code, and all other applicable codes and laws in effect and enforced by the City of Topeka and other regulatory agencies.

  Any structure that is built or constructed and supports or is capable of supporting a sign shall be constructed in compliance with the City’s currently adopted Building Code and Fire Codes with local amendments in accordance with Title 14, Topeka Municipal Code.

  A sign structure shall include the foundation and base, the poles or pylons that support the sign, any structural extensions that support a sign or sign cabinet, and any structural framework that supports a sign, sign face, or sign cabinet.

  Design documents for the structure that have been prepared, sealed, signed and dated by a structural engineer, designed in accordance with City of Topeka’s currently adopted building codes must be submitted for review and approval with city sign permit application.

  All signs projecting over the public-right-of-way (PROW) vertical clearance must be maintained as required by the currently adopted codes and ordinances for use of the PROW in accordance with the Topeka Municipal Codebook Title 14, Chapter 14.20.

  All signs projecting over walkways, sidewalks, or other areas in front of a building, or other active area where pedestrians have access, shall maintain a minimum of 8 feet of vertical clearance and as required by the currently adopted codes and ordinances for use of the PROW in accordance with the Topeka Municipal Codebook, Title 14, Chapter 14.20

  Projecting wall signs shall project only as allowed in compliance with the City’s currently adopted Building and Fire Codes with local amendments as adopted, Topeka Municipal Code Title 14, Chapter 14.20 as defined for encroachments into the PROW.
Signs on a marquee, canopy or awning shall not extend over any public driveway, alley, road, street, or thoroughfare accessible to motor vehicles.

Awnings, canopies, awning signs, and canopy signs shall comply with the following:

Every Awning shall be securely attached to and supported by the building to which it is attached and shall properly be maintained in such manner.

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**18.10.070 Sign Area and Height Measurements**

### Sign Area

1. **Free-standing Signs.**
   
   a. **Generally.** For a sign with one sign face, sign area is computed by means of the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any panel or material forming an integral part of the background of the display against which it is placed, other than structural supports, but including structural supports for temporary or incidental signs.

   b. **Computation of Area of Multi-faced Signs.** The sign area for a sign with more than one face is computed by adding together the area (measured as provided in subsection a. above) of all sign faces visible from any one point. When two sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when the sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area is computed by measuring one of the faces (as provided in subsection a. above).

2. **Attached Signs.**

   a. Where sign size is prescribed as a percent of wall area, the “wall area” is a continuous portion of a building facade below the roofline or major architectural feature as viewed by a person approaching the building.

   b. Where sign size is prescribed as a factor of building frontage, the “building frontage” is the width of the exterior wall on which the sign is located as viewed by a person approaching the building. For the purpose of measurement the wall used as building frontage need not be on the same wall plane.

   c. For an attached sign which is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area and dimensions include the entire portion within the background or frame.

   d. For an attached sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure with no distinct mounting surface (such as a board or plastic face) other than the wall, the area is calculated by applying the smallest regular geometric shape possible (rectangle, circle, trapezoid, triangle, etc.) around all letters, figures or elements, or

   e. When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric
form, or combination of forms, which comprises all of the display areas, including the space between different elements.

f. The sign area does not include any supporting framework, bracing, artistic elements not part of the sign copy, or decorative fence or wall when the fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

- **Sign Height**
  
  The height of a free-standing sign means the vertical distance from the top of the highest part of a sign, whether the highest part be the sign copy or support structure on which sign is placed, to the adjoining sidewalk, improved surface, or ground surface within a three-foot horizontal distance of the base of the sign. In the event the surface is sloped the average of the height of the adjoining surface shall be used. For signs with artistic elements exceeding the allowed height, the Planning and Development Director may determine if artistic elements shall be excluded when measuring sign height.

- **Vertical Clearance**
  
  Vertical clearance for detached and projecting signs is measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

### 18.10.080 Maintenance.

- **Generally.**
  
  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 and Development Director. (Ord. 20062 § 1, 4-18-17.)

- **Unsafe Signs.**
  
  The planning director or their designees shall notify the owner or person maintaining any sign which has become insecure or in danger of falling, or is otherwise unsafe, that such sign is unsafe. Upon receipt of such notice, the owner or person maintaining the sign shall proceed immediately to place the sign in a safe and secure manner and condition as approved by the planning director or the owner shall have the sign removed.

### 18.10.090 Abandoned Signs.

An abandoned sign is defined as any sign, on a property which no longer applies to a use of the property because the use has changed or the property has become vacant.

- Any abandoned sign in existence for a period of more than 6 consecutive months shall be removed or the face of the sign shall be covered.

- Any abandoned sign in existence for a period of more than 24 consecutive months shall be removed.
• Abandoned signs shall be removed immediately when the primary building on the property is demolished or removed.

• When an abandoned sign is removed, all parts of the sign, including structural supports, shall be removed.

18.10.100 Nonconforming Signs

• All non-conforming signs that were lawful prior to adoption of the new code and not defined as abandoned may continue without being brought into conformance with this chapter if no changes are proposed to the sign or property as outlined below. No nonconforming sign may be altered in such a manner as to aggravate the nonconforming condition, nor may illumination be added to any nonconforming sign.

• In the event of any alteration of the sign other than a re-face of the sign or sign maintenance, the sign shall conform to the standards of this chapter. Alternatively, any free-standing sign at a nonconforming height or area may be altered provided its height and area are reduced by 34 percent or more of its current height and area.

• In addition, any re-face/change of copy of a sign shall at a minimum achieve partial compliance by reducing its corresponding sign area or height by at least 34% IF the change accompanies one of the following events on or after the effective date of this section.
  o Rezoning of the property at the request of the owner
  o 50% or more of the primary structure is damaged or rendered not useable
  o Any major building addition/expansion that requires Site Plan approval.
  o Any major façade renovation that requires approval of building elevation design.
  o Any property that applies or is approved for City of Topeka economic incentives (e.g., NRP, TIF, CID, etc.)

• Any sign height reduced 25 feet or less in height must conform to monument sign requirements.

• The Planning Director may allow alterations to signs deemed historically or culturally significant without requiring conformance with the standards in Section _____ provided historically or culturally significant signs are safe and properly maintained in accordance with Section _____.

18.10.110 Variances.

• Generally. Any person seeking a sign permit not meeting the dimensional and design standards for of this Division may request a variance pursuant to Topeka Municipal Code, chapter 2.45.
18.10.120 On-Premise Sign Standards by Type and District

- **Generally**

  All sign copy shall pertain only to the business, industry or other pursuit conducted on or within the premises on which such sign is erected or maintained except as provided in Section____ (Billboard Signs).

This section establishes standards for individual attached sign types, including standards for:

a. Illumination.

b. Whether the particular sign type is permitted in a particular zoning district.

c. The maximum number of signs per building or parcel.

d. Maximum sign area allocation for wall signs, awning and canopy signs, roof signs, and projecting signs.

e. For free-standing signs, the maximum number per street frontage, maximum height, maximum area, and notes and exceptions specific to free-standing signs.

f. Incidental Signs.

- **Illumination**

  Internal, external, and halo lit illumination are allowed except where expressly prohibited. Direct illumination is allowed in C-2, C-3, C-4, I-1, I-2, X-1, X-3, D-1, and D-3 zoning districts, and is prohibited in all other zoning districts.
### Wall Signs

#### Definitions

**Wall Sign**
A sign (other than Projecting Sign, Roof Sign, or Window Sign) that uses a building wall as its primary source of support, and that:

1. Is placed directly on and contained totally within the dimensions of the outside wall;
2. Does not extend more than 18 inches from a building surface

#### Standards

<table>
<thead>
<tr>
<th>Wall Signs</th>
<th>R, M-1, M-1a, RR-1</th>
<th>M-2, M-3, + Non-residential uses in R, M-1, M-1a, OS-1</th>
<th>O&amp;I-1, O&amp;I-2, O&amp;I-3</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3, C-4</th>
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<th>U-1, MS-1</th>
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</table>

#### Notes/Exceptions:
1. 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.
2. 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 districts, and up to 300 sf in all other zoning districts.
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.
Awning, Canopy, and Marquee Signs

Definitions

Awning Sign
A sign that is painted, stenciled or attached to the surface of an awning. An "awning" means a roof-like cover that projects from the wall of a building to shield a doorway, walkway, or window from inclement weather or the sun. Awnings are often made of fabric or flexible plastic supported by a rigid frame and may be retracted into the face of the building.

Canopy Sign
A sign attached to the surface of a canopy. A “canopy” means an overhead structure made of solid material, other than an awning, that is either attached to a building wall and extends at least twelve (12) inches from the face of the building or a freestanding overhead structure supported by posts.

Marquee Sign
A marquee is a roof-like projection or shelter, typically over the entrance to an entertainment venue, and typically containing an illuminated flat area for static or changeable sign copy.

Standards

<table>
<thead>
<tr>
<th></th>
<th>R-1, M-1, RR-1</th>
<th>R-1, M-1, RR-1</th>
<th>M-2, M-3, + Non-residential uses in R, M-1, M-1a, O-1, O-1a, O-3</th>
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</table>

*No set limit; number is limited by sign area allocation

Notes/Exceptions:

1. Signs attached at an angle between zero and less than 45 degrees to the building facade shall be regulated as wall signs. Signs attached at a 45-degree or greater angle to the building facade shall be regulated as projecting signs.

2. For marquees, electronic message centers (EMCs) may comprise 100% of the marquee face size allowed.
Roof Signs

Definitions

Roof Sign
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 roof.

A sign mounted on a sloped roof or mansard having a pitch 1:2 or more (1 foot horizontal and 2 feet vertical) is a wall sign. A sign mounted on a sloped roof or mansard having a lesser vertical slope is a roof sign and shall comply with the standards in the table below.

Standards

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<th>Zoning Districts</th>
<th>R, M-1, M-1a, RR-1</th>
<th>M-2, M-3, + More in R., M-1, M-1a, OS-1</th>
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</table>

Notes/Exceptions:

1. In districts where roof signs are allowed, signs may be installed on the parapet or edge of a flat roof or on the sloped part of a pitched roof. Roof signs installed on a flat roof shall be no higher than 3 feet above that part of the roof on which the sign is installed. Roof signs on a pitched roof shall not extend above the top of the peak or ridgeline of the roof.

2. Each building that exceeds three floors or 40 feet is permitted one roof sign no larger than 300 square feet. The height of a roof sign, measured from the top of the highest parapet to the top of the sign, shall not exceed 25 percent of the height of the building or 30 feet, whichever is most restrictive. Roof signs shall comply with all applicable engineering and construction code requirements. The planning director, or the historic landmarks commission if the sign is located on a historic landmark or in a historic district, may approve signage exceeding the above dimensional standards to the extent the applicant demonstrates signage exceeding the dimensional standards is necessary for visibility and legibility of the sign.
### Projecting Signs

#### Definitions

**Projecting Sign**
A sign supported by and extending at least 18 inches from a building wall.

---

#### Standards

<table>
<thead>
<tr>
<th>Zoning Districts</th>
<th>R, M-1, M-1a, RR-1</th>
<th>M-2, M-3, + Non-retail in R, M-1, M-1a, CS-1</th>
<th>O&amp;I-1, O&amp;I-2, O&amp;I-3</th>
<th>C-1</th>
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<th>U-1, U-1, MS-1</th>
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</table>

#### Notes/Exceptions:

1. 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.

2. Projecting signs:
   a. Shall mount to the exterior of the first or second floors
   b. Shall not extend more than six (6) feet or beyond the outer edge of the sidewalk, whichever is greater
   c. Shall not extend into any portion of the street right-of-way other than a sidewalk
   d. Shall have lower edge of sign be at least ten (10) feet above sidewalk and fourteen (14) feet above any alley surface where vehicles may pass below
   e. Shall not have the upper edge of the sign extend vertically above the eave line of a structure
   f. Shall be attached at right angles to the supporting structure and anchored no more than six inches from the structure.
## Free-standing Monument Signs

### Definitions

**Freestanding Sign**
A sign supported by the ground independent of any other structure.

**Monument Sign**
A freestanding sign whose sign surface is attached to a base where the width of the widest part of the base or cladding over structural supports is:

1. At least 80% of the width of the widest part of the sign face for signs up to twenty-five (25) feet in height.

### Standards

<table>
<thead>
<tr>
<th>Freestanding Monument Signs</th>
<th>R, M-1, M-1a, RR-1</th>
<th>M-2, M-3, + Non-residential uses in R, M-1, M-1a, O&amp;S-1</th>
<th>O&amp;I-1</th>
<th>O&amp;I-2, O&amp;I-3</th>
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</table>
1. **Number of Signs**: Where the zoning lot has street frontage on an arterial or collector of more than 500 feet, one additional sign oriented to the arterial or collector is permitted for each additional 500 feet of street frontage. Freestanding signs located along a single street frontage shall be spaced a minimum of 250 feet apart.

2. **Highway Signs (C-2)**: Sign permitted to a height of 35 feet and sign area of 150 square feet within an 800 foot radius of the intersecting centerlines of I-70, I-470, or US-75 (north of I-70 and south of I-470) and an arterial/collector with access OR within 120 feet of the right-of-way for an on/off ramp. Sign permitted to a sign area of 150 square feet within an 800 foot radius of the intersecting centerlines of US-24 and an arterial/collector with access. Signs exceeding a height of 25 feet may be mounted on two cladded columns each at least two (2) feet wide if their design is integrated with or matches overall sign design.

3. **Highway Signs (C-3, C-4, I-1, I-2)**: Sign permitted to a height of 55 feet and sign area of 250 square feet within an 800 foot radius of the intersecting centerlines of I-70, I-470, or US-75 (north of I-70 and south of I-470) and an arterial/collector with access OR within 120 feet of the right-of-way for an on/off ramp. Sign permitted to a sign area of 250 square feet within an 800 foot radius of the intersecting centerlines of US-24 and an arterial/collector with access. Signs permitted by exception exceeding a height of 35 feet may be mounted on a pole or pylon without covers.

4. **Minimum Size**: Regardless of frontage linear feet, minimum size permitted shall be 50 square feet in C-3, C-4, I-1, and I-2 districts and 40 square feet in all other districts.

5. **Corner Lots**: If the property has two or more frontages on an arterial or collector, the owner may elect to combine allowed freestanding signs into a single freestanding sign up to 130% of the maximum sign area allowed.

6. **Setback Allowances (C-2)**: Free-standing signs set back 10 feet or more from street rights-of-way and all other property lines are allowed an increase in height of 2 feet and an increase in area of 25% over the height and area allowed at the minimum required setback. For each additional 5 foot setback the allowed sign area may increase by 5% and allowed height may increase by 2 feet. In no case shall the sign exceed a height of 20’ and area 40% greater than the area allowed at the minimum setback.

7. **Setback Allowances (C-3, C-4, I-1, I-2)**: Free-standing signs set back 10 feet or more from street rights-of-way and all other property lines are allowed an increase in height of 2 feet and an increase in area of 25% over the height and area allowed at the minimum required setback. For each additional 5 foot setback the allowed sign area may increase by 5% and allowed height may increase by 2 feet. In no case shall the sign exceed a height of 30’ and area 40% greater than the area allowed at the minimum setback.

8. **Height by Street Classification**: Maximum height shall be seven (7) feet on local/collector streets and ten (10) feet on arterial streets.

9. **Historic Districts (D-1)**: Maximum height of ten (10) feet within historic districts

10. **Master Sign Plans**: For retail centers and office, institutional, and industrial parks, one center sign shall be permitted that allows exceptions to maximum height and area pursuant to criteria in this chapter for Master Sign Plans.

11. **Design of Sign Base or Support**: A sign with a base less than the minimum width described herein may be approved by the Planning and Development Director when conditions of the site are such that sight distance requirements and minimum parking requirements cannot be met without reducing the required base width. Any freestanding sign permitted greater than 25 feet in height may be a non-monument sign pursuant in this chapter for Master Sign Plans and Highway Signs.

12. **Location, Setback, and Orientation of Sign**: Signs shall be oriented to the street providing frontage to the business or establishment and be located toward the front of the parcel. A sign with a setback less than the minimum setback described herein may be approved by the Planning and Development Director when conditions of the site are such that sight distance requirements and minimum parking requirements cannot be met without reducing the required base width.
Incidental Signs

Definitions

Incidental Sign
A freestanding sign with copy located on a durable panel that is normally incidental or secondary to the allowed use of the property, but can contain any message or content.

Standards

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<tr>
<th>Freestanding Incidental Signs</th>
<th>R, M-1, M-1a, RR-1, OS-1</th>
<th>M-2, M-3, M-3 + Non-residential uses in R, M-1, M-1a, OS-1</th>
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</tbody>
</table>
Notes/Exceptions

1. **Number of Signs**: No restrictions on the number of incidental signs set back 30 feet or more from all property lines.

2. **Property Size**: Any property over one (1) acre is permitted the highest maximum sign area and height allowed incidental signs under any district provided it is at least thirty (30) feet setback from the front property line.

3. **EMC Setbacks**: Electronic Message Centers (EMCs) on incidental signs shall be prohibited within thirty (30) feet of the front property line.

4. **Portable Pedestrian Signs**: Buildings set back five (5) feet or less from the public street right-of-way where a sidewalk is present, may place portable signs (e.g. A-frame) on sidewalks in the street right-of-way provided a minimum of four (4) foot width is maintained for safe pedestrian passage, they comply with ADA, and are removed during non-business hours.

5. **Variance**: For incidental signs that qualify under a Master Sign Plan or that otherwise meet the intent and goals of the sign regulations as determined by the Planning and Development Director, changes up to 20 percent of dimensional standards may be approved.

6. **Permit Required**: Incidental signs shall require a sign permit if permanently affixed to the ground.

18.10.130 **Master Sign Plans.**

(a) **Purpose.** This Section establishes a process and standards to ensure adequate signage, harmony and visual quality in developments with multiple buildings, uses, or tenants.

(b) **Applicability.** This section applies to on-premise signs in retail centers, industrial parks, and office or institutional complexes of 4 acres or more and having five (5) or more establishments or three (3) or more buildings in O&I-2, O&I-3, C-2, U-1, MS-1, C-3, C-4, I-1, I-2 and Planned Unit Development districts. All establishments and buildings in the development defined by the master sign plan shall be subject to the master sign plan.

(c) **Master Sign Plan Required.**

An owner or applicant shall submit and obtain approval of a master sign plan containing standards for all exterior signs.

1. The master sign plan may be approved concurrent with the approval of a planned unit development, conditional use permit, or site plan.

2. All new planned unit development applications for development meeting the applicability criteria per _____ and submitted for consideration after the adoption of this ordinance shall include a master sign plan.

3. Master sign plans submitted as part of a new planned unit development, major amendment to a planned unit development, or new conditional use permit are subject to approval by the Planning Commission and Governing Body. All other master sign plans meeting the purpose and standards of this section shall be approved by the Planning Director.

(d) **Master Sign Plan Application**

1. The Department shall prescribe forms and submittal requirements for a master sign plan application as needed to administer this division. At a minimum the application shall include a site plan identifying the location, number, dimensional standards, and other design standards for all free-standing signs.

2. The master sign plan shall include standards for wall signs and other types of attached signs or shall reference as applicable the standards for attached signs in Section _____.

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The master sign plan is effective only if all owners of real property subject to the master sign plan authorize it by signature on the application or master sign plan.

(e) Standards for Free-standing Signs

(1) Number of Signs Allowed. Each property or parcel is allowed one free-standing center sign which may be used and designed to identify multiple uses or tenants in the development.

In addition to a center sign, any development having more than a single street frontage is entitled to a second free-standing sign subject to the standards in Table______ , Section____ (Free-standing Signs). Developments having street frontage on an arterial or collector street of more than 500 feet are allowed one additional free-standing sign oriented to the arterial or collector for each additional 500 feet of frontage. Such free-standing signs located within 25 feet of a street frontage shall be spaced a minimum of 250 feet apart.

For zoning districts and use groups other than O&I-2 and O&I-3 buildings separate from the primary buildings are each allowed one free-standing sign, hereinafter referred to as “secondary signs”, subject to the standards below. For the purpose of this section the “primary building” is the largest building in the development.

(2) Dimensional Standards for Free-standing Center Signs. The center sign shall comply with the following standards for the applicable zoning district or use group within a planned unit development:

- O&I-1/2/3: Height of sign not to exceed 15 feet; area of sign not to exceed 100 sf.
- MS-1: Height of sign not to exceed 20 feet; area of sign not to exceed 120 sf.
- C-2, U-1: Height of sign not to exceed 20 feet; area of sign not to exceed 160 sf.
- C-3, C-4, I-1, I-2: Height of sign not to exceed 30 feet; area of sign not to exceed 240 sf.

(3) Signs at a height of more than 25 feet may be supported by 2 or more columns each surrounded by cladding matching the overall design of the sign and having a minimum width of 2 feet per column.

(4) The number of signs located on a center sign may be limited and minimum text size established to ensure sign legibility and readability.

(5) Standards for Free-standing Secondary Signs. Signs for separate buildings shall comply with the following standards:

- Height and Area: Maximum height of 7 feet and area of 30 sf.

Placement: 10 feet from street rights-of-way and located in proximity to a principal use on the site, and located within 25 feet of a building for the principal use it identifies. For purposes of this subsection, “principal use” is defined in section 18.55.160.

(6) Free-standing Incidental Signs. Proposed free-standing incidental signs shall be included in the master sign plan. Free-standing incidental signs are allowed subject to the standards in Table______, Section____, however, the Planning Director may restrict the number of area of signs allowed on the master sign plan to a quantity less than what
is permitted by Table____, Section_____. For individual incidental signs the Planning
Director may approve increases in height and area up to 10 percent over the height and
area allowed per Table____, Section_____.

(7) Spacing between Free-standing Signs. There shall be 50 feet or more distance between
all free-standing signs other than incidental signs.

(f) Standards for Attached Signs. The Planning and Development Director may restrict the
number of attached signs per establishment to fewer than what is allowed by
tables___________, Section__________ as a condition of the master sign plan.

(g) Existing Non-conforming Signs. Existing non-conforming attached signs may continue
unless altered or replaced per Section____. Free-standing signs shall be brought into
conformance with current standards or meet alternative compliance pursuant to
section_________.

(h) Other requirements to improve visual quality of signage may be required as a condition of the
Master Sign Plan, including but not limited to the incorporation of materials and other design
elements compatible with the buildings in the development.

18.10.140 Other On-premise Signs

- Window Signs
  Definition. Window signs are signs posted, painted, placed, affixed to a window and inside a
building, but clearly visible from outside the building.

  Standards. Window signs are permitted in all districts subject to the following standards.

  In C-2, C-3, C-4, I-1, I-2, X-1, X-2, X-3, D-1, and D-3 districts window signs in the aggregate shall
constitute no more than 50 percent of the area of all windows for each tenant and for each side of
the building on which the window signs are located.

  For residential uses in the R, M-1, M-1a, and RR-1 districts the aggregate of all window signs
shall not exceed 8 square feet on each side of the building.

  For residential uses in M-2, and M-3 districts the aggregate of all window signs shall not exceed 5
percent of the area of all windows, whichever is more restrictive. No single window sign shall
exceed 25 square feet.

  In all other districts and for non-residential uses in R, M-1, M-1a, and OS-1 districts window signs
in the aggregate shall constitute no more than 20 percent of the area of all windows for each
tenant and for each side of the building on which the window signs are located.

  Signs placed on the exterior of a window are not permitted.

- Painted Exterior Wall Signs
  Definition. A painted exterior wall sign identifies a use or on-premises establishment and
consists entirely of copy that is painted directly on the exterior material of a building not including
the exterior surface of a window, awnings, or other appurtenances.

  Painted exterior wall signs are permitted in C-2, C-3, I-1, I-2, X-1, X-2, X-3, D-1, and D-3
districts. Any painted exterior wall sign applied to the front or side of a building directly facing a
street shall be regulated in the same manner as a wall sign. Any painted exterior wall sign applied to the side or rear of a building that does not directly abut a street is permitted provided the area of all such signs does not exceed 300 square feet on the wall on which the signage is applied. In determining the number of square feet, only text or logos pertaining to the business, industry, or activity conducted on or within the premises shall be included. Art and graphic representations associated with the painted exterior wall sign that are not text or logos shall not be subject to the area restriction.

- **Sign Standards for Nonconforming Commercial Uses and Uses permitted by Special Use Permit in Residential and OS&I Districts**

  Signs for non-residential, non-conforming uses and uses permitted by special use permit in residential and open space districts (R, RR, M, and OS districts) are regulated in the same manner as signs for other non-residential uses in residential districts with the following exceptions:

  - EMCs are prohibited for non-conforming uses in R, RR, M, and OS district. EMCs are permitted for special uses only if allowed by the special use permit or by an amended special use permit approved as a conditional use permit.
  - The Planning and Development Director may restrict sign illumination, by intensity, area of illumination, or other measure, on sites or buildings adjacent to property zoned or used for residential use.

- **Historically Significant Signs**

  A historically significant sign is a sign that because of its age, iconography, materials, illumination, and overall design represents a time period of at least 50 years in the past. A sign deemed by the Planning Director to be historically significant is exempt from provisions of the Zoning Code that would otherwise prohibit its display. A historically significant sign may be relocated on the premises to facilitate its preservation. If the copy or imagery of a historic sign is altered, the alteration shall preserve the historic integrity of the sign, and any new portion added to a historic sign may be considered a new sign for the purpose of determining the number and size of signs permitted.

  The Planning Director may allow alterations to signs deemed historically or culturally significant without requiring conformance with the standards in Section ______ provided historically or culturally significant signs are safe and properly maintained in accordance with Section ______.

- **Pole Banners – Decorative banners are exempt from the maximum number, dimensions, and location requirements of Table ____ if they 1) are mounted on a pole that provides a separate functional purpose such as street lighting in the right-of-way 2) contains no commercial message, advertising or other elements of a “sign” as defined in this chapter, and 3) are covered under a signed agreement with the City of Topeka for use of the right-of-way.**

**18.10.150 Electronic message center signs (EMCs).**

(a) Electronic message center signs may be erected in the following zoning districts: RR, R, M, O&I, C, I, U-1, MS-1 and X, only if the sign is allowed in the respective district pursuant to TMC ______ and the sign meets all of the following standards:

  (1) **Brightness.** An EMC shall utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light so that at no time shall an EMC exceed a brightness level of 0.3 foot-candle above ambient light, as measured using a foot-candle (lux) meter calibrated within the past 36 months and in conformance with the following process:

      (i) Light measurements shall be taken with the meter aimed perpendicular to the sign message face or at the area of the sign emitting the brightest light if that area is not the sign message face, at a preset distance depending on sign size. Distance shall be
(ii) An ambient light measurement shall be taken using a foot-candle meter at some point between the period of time between 30 minutes past sunset and 30 minutes before sunrise with the sign turned off to a black screen.

(iii) Immediately following the ambient light measurement taken in the manner required by this subsection, an operating sign light measurement shall be taken with the sign turned on to full white copy.

(iv) The brightness of an EMC shall comply with the brightness requirements of this subsection if the difference between the ambient light measurement and the operating sign light measurement is 0.3 foot-candle or less.

(2) Movement. The following display features are prohibited: flashing, strobing, blinking, fluttering, spinning, rotating, bouncing, animation, scrolling and chasing.

(i) Exception: An EMC located within the I, C-2, C-3, C-4, or C-5 district which is not within 125 feet of a residential or open space district may have animation, scrolling text, and frame effects.

(3) Right-of-Way – No Portable. An EMC shall not overhang into a public right-of-way and shall not be included in a portable sign.

(4) Audio Messages. An EMC shall not include any audio message, tones or music.

(5) Dwell Times – C-2, C-3, C-4 and I. EMCs located within a C-2, C-3, C-4, or I district and within 125 feet of a residential or open space district may only display static images having a dwell time of at least four seconds and a transition time of two seconds or less and this transition may use frame effects without illusionary or simulating movement.

(6) Dwell Times – Signs for Non-residential Uses in Residential Districts. EMCs incorporated into signs for non-residential uses in residential districts shall have a dwell time of at least eight seconds.

(7) Dwell Times – O&I, C-1, U-1, MS-1, X-1, X-2. EMCs located within an O&I, C-1, U-1, MS-1, X-1, or X-2 district may only display static images having a dwell time of at least four seconds and a transition time of two seconds or less and this transition may use frame effects without illusionary or simulating movement.

(8) Compliance Assurance. No permit shall be granted unless the applicant provides sufficient proof from the manufacturer that the sign has the technical capacity to comply with all applicable regulations governing EMCS and that the sign owner and/or operator has reviewed and understands the applicable regulations pertaining to the EMC and agrees not to violate the regulations.

(b) Nonconforming EMCS. An EMC in existence on the effective date of this section that does not meet the standards regarding audio messages, movement, and brightness shall comply with the requirements of this section by September 1, 2013.

(c) Any EMC in existence on the effective date of this section that does not meet the standards regarding size, number, placement, and type is a nonconforming use and regulated pursuant to ______.

18.10.160 Temporary Signs and Banners

Applicability. This section applies to temporary signs and banners as described below for yard signs, freestanding banners, feather signs, and wall banners that are visible and intended to be read from the public right-of-way. Temporary signs and banners internal to a site not intended to be visible or readable from passing vehicles in the public right-of-way are not subject to the following regulations.

Definition. Temporary Sign. A “temporary sign” is a sign typically made of lightweight or flimsy material that can be easily or quickly mounted or removed (such as cloth, canvas, vinyl, cardboard, wallboard, or other light temporary materials), with or without a structural frame, intended for a temporary period of display.
**Definition. Banner.** A “banner” means any strip of cloth, bunting, plastic, paper, or similar material, attached to any structure or framing intended for a temporary period of display. This definition does not include flags, pennants, or streamers.

**Generally.** Temporary signs and banners shall comply with standards in the tables below and this section and shall not require a sign permit.

**Prohibited.** Temporary signs and banners are not allowed in the public right-of-way or on accessory structures including poles outside the public right-of-way unless otherwise allowed by this chapter.

**Exempted Signs.** Temporary signs and banners on property that has not established a principle building/land use such as during a construction event are exempt from the standards of this chapter until such time a principle building/land use is established. Vacant land that is not transitioning or under construction to a primary use/building is subject to the standards of this chapter.
### Definitions

**Yard Sign**
A “yard sign” is a temporary sign supported by the ground independent of any other structure.

**Freestanding Banner**
A “freestanding banner” is a banner that is mounted in the ground typically on poles detached from a building or wall.

### Standards

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<th>Yard Signs and Freestanding Banners</th>
<th>R, M-1, M-1a, RR-1, OS-1</th>
<th>M-2, M-3, + Non-residential Uses in R, M-1, M-1a, OS-1</th>
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<th>C-2</th>
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<th>I-1, I-2</th>
<th>U-1, M-S</th>
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</tbody>
</table>

**Notes/Exceptions**

1. **Number**: Properties may have one (1) sign for every 200 feet of street frontage with a maximum of two (2).

2. **Property Size**: A property over one (1) acre is permitted 32 square feet up to six (6) feet in height provided it is setback at least ten (10) feet from the property line.
**Feather Signs**

### Definitions

**Banner.** A “banner” means any strip of cloth, bunting, plastic, paper, or similar material, attached to any structure or framing intended for a temporary period of display. This definition does not include flags, pennants, or streamers.

**Feather Sign**

A “feather sign” is a banner in the shape of a feather, quill, sail, blade, teardrop, or similar shape that is mounted on a solid or flexible pole or cord in the ground.

### Standards

<table>
<thead>
<tr>
<th>Feather Signs</th>
<th>Zoning Districts</th>
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</table>

### Notes/Exceptions

1. **Number:** Properties may have one (1) sign for every 200 feet of street frontage with a maximum of two (2).
2. **Removal:** Feather signs shall be replaced or removed if they deteriorate by becoming frayed, faded, torn, or shredded in any manner.
### Wall Banners

#### Definitions

**Banner.** A “banner” means any strip of cloth, bunting, plastic, paper, or similar material, attached to any structure or framing intended for a temporary period of display. This definition does not include flags, pennants, or streamers.

**Attached Banner**
A “banner” placed flat and mounted on the exterior wall of a primary building.

#### Standards

<table>
<thead>
<tr>
<th>Wall Banners</th>
<th>Zoning Districts</th>
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<td><strong>Illumination/Changeable Copy/Electronic Message Centers?</strong></td>
<td>no no no no no no no no no no no no</td>
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</tbody>
</table>

#### Notes/Exceptions

1. **Attachment:** Sign must be securely attached flat against the built with metal brackets, expansion bolts, through bolts, or lag bolts and screws.

2. **Removal:** Banners shall be replaced or removed if they deteriorate by becoming frayed, faded, torn, or shredded in any manner.
18.10.170 Off-Premise Signs

Off-Premise Signs

Off-premise signs shall meet the standards for billboards in _____ except for free-standing signs meeting the following criteria.

1. The business, industry, or other activity the sign is intended to serve does not have arterial or collector street frontage but has an access road or drive directly taken from the arterial or collector street where the sign will be located;

2. The property owner of the property where the sign will be located provides written consent to the planning director;

3. The sign does not exceed 10 square feet and four feet in height;

4. The sign is located no closer than 25 feet from any other free-standing sign;

5. The zoning district where the sign is located has the same zoning or a less restrictive zoning designation than the business the sign will serve.

Billboards.

Purpose.
The purpose of the billboard regulations set forth in this article shall be to eliminate potential hazards to motorists and pedestrians; to encourage signs which by their size and location are harmonious to the locations which they occupy and which eliminate excessive and confusing sign displays; to achieve a reasonable balance between the need of sign and outdoor advertising industries and the visual qualities of the community; and to promote the public health, safety and general welfare of the city. (Ord. 16971 § 2, 6-25-96. Code 1995 § 118-200.)

Defined.
The term “billboard” or “panel poster” as used in this article means any board or panel erected, constructed or maintained for the purpose of displaying outdoor advertising by means of painted letters, posters, pictures and pictorial or reading matter, either illuminated or non-illuminated, when such the sign is supported by uprights or braces placed upon the ground. The term “advertising” shall not be deemed to include statements pertaining to a business conducted within or on the premises on which the sign is maintained. Any billboard erected above or over the roof or parapet of a building shall be is classified as a roof sign for the purpose of this article. (Code 1981 § 39-128. Code 1995 § 118-201.)

Standards for Materials, construction, location.

(a) Relocated billboard signs meeting the standards of this section are allowed in C-3, C-4, I-1, and I-2 zoning districts; are permitted by conditional use permit in D-1, D-3, and RR-1 districts; and are prohibited in all other zoning districts. The relocation, remodeling, or rebuilding of legal non-conforming billboard not meeting the standards of this section may be permitted by conditional use permit on property zoned C-4.

(b) The structural members of all billboards and panel posters relocated, rebuilt or remodeled pursuant to the provisions of this article shall be constructed entirely of noncombustible materials excepting only the sign face, ornamental molding and platform. All such relocated, rebuilt or remodeled billboards and panel posters shall be installed only on single pole structures, shall not exceed 750 square feet including any extensions and may be erected to a height not exceeding 55 feet above the ground level in any location where the erection of the billboard or panel poster is not in conflict with the zoning ordinance.

(c) No billboard or panel poster relocated pursuant to the provisions of this article shall be erected within the radius of 1,320 feet of another billboard or panel poster; provided, that this provision shall not apply to rebuilt or remodeled billboards or panel posters remaining on the same parcel of land. (Ord. 16971 § 3, 6-25-96; Code 1981 § 39-129. Code 1995 § 118-202.)
Open space and latticework.
Every billboard or panel poster less than 15 feet from a public sidewalk shall have an open space of not less than three feet between the lower edge of such signboard and the ground level, which space may be filled in with decorative latticework of light wooden construction. (Code 1981 § 39-130. Code 1995 § 118-203.)

Electronic message center signs.
Each EMC sign located on a billboard or panel poster shall meet all of the following requirements:
(a) The sign does not contain or display flashing, intermittent or moving lights, including animated or scrolling advertising.
(b) Messages shall have a minimum dwell time of eight seconds and a transition time between messages of two seconds or less.
(c) The sign shall not be placed within 1,320 feet of another billboard or panel poster EMC sign on the same side of the highway, with the distance being measured along the nearest edge of the pavement and between points directly opposite the signs along each side of the highway.
(d) If a billboard or panel poster is a legal conforming structure it may be changed to an EMC sign. However, a billboard or panel poster that is a nonconforming structure cannot be changed to an EMC sign.
(e) The sign shall comply with the EMC standards in TMC ______ but the 50 percent sign area limitation in TMC ______ shall not apply. (Ord. 19830 § 8, 7-16-13.)

Responsibility of owner to maintain premises.
Any person occupying any vacant lot or premises with a billboard or panel poster thereon shall be subject to the same duties and responsibilities as the owner of the lot or premises with respect to keeping such lot or premises clean, sanitary, inoffensive and clear of all noxious substances in the vicinity of such billboard or panel poster, and with respect to the removal of snow from the sidewalk in front thereof. (Code 1981 § 39-131. Code 1995 § 118-204.)
18.10.180 Definitions.

- **Generally.** This Division is subject to all definitions, rules of interpretation and enforcement provisions of the International Building Code, as adopted and amended by the city.

- The following words, terms, and phrases have the meanings assigned below, except where the context clearly indicates a different meaning:

  **Advertising** Any sign text, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

  **Arterial** A street or road classified as an “arterial” on the Functional Classification Map for the City of Topeka.

  **Attached sign** A sign attached to a building or building component, such as a column or canopy, and that uses the building as its primary support.

  **Awning sign** A sign that is painted, stenciled or attached to the surface of an awning. An “awning” means a roof-like cover that projects from the wall of a building to shield a doorway, walkway, or window from inclement weather or the sun. Awnings are often made of fabric or flexible plastic supported by a rigid frame and may be retracted into the face of the building.

  **Balloon** An inflatable device, tethered in a fixed location and greater than 18 inches in any direction, that -
  - has a sign with a message on its surface or attached in any manner to the balloon, or
  - is attached to a building or pole, or in a manner so that it projects higher than the roof of the main building on the lot or parcel.

  **Banner** Any strip of cloth, bunting, plastic, paper, or similar material, attached to any structure or framing intended for a temporary period of display. This definition does not include flags, pennants, or streamers.

  **Billboard** Any board or panel erected, constructed or maintained for the purpose of displaying outdoor advertising by means of painted letters, posters, pictures and pictorial or reading matter, either illuminated or non-illuminated, when such the sign is supported by uprights or braces placed upon the ground.

  **Building area** See “floor area, habitable” as defined in Sec. 27-340.

  **Building code** The International Building Code, as adopted and amended by the unified government (see Chapter 8, Article II of the Unified Government Code).

  **Cladding** A non-structural covering designed to conceal the actual structural supports of a sign.

  **Canopy sign** (Awning / Canopy / Marquee Signs).

  **Center Sign**

  **Changeable copy** Characters, letters, numbers, or illustrations that can be manually replaced or altered through the placement of letters or symbols on a panel mounted or track system.
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Changeable message sign</td>
<td>A manually, mechanically or electronically activated sign on which copy is changed two times per day or less. This includes reader boards, gas price signs, and theater marquees, but is not limited to them. Billboards, poster panels, junior poster panels and painted boards are not changeable message signs.</td>
</tr>
<tr>
<td>Channel Letter</td>
<td>A fabricated or formed three-dimensional letter.</td>
</tr>
<tr>
<td>Clearance, Vertical</td>
<td>The minimum vertical distance between a sign and the surface of a street, sidewalk or alley.</td>
</tr>
<tr>
<td>Collector</td>
<td>A street or road classified as a “collector” on the Functional Classification Map for the City of Topeka.</td>
</tr>
<tr>
<td>Commercial copy</td>
<td>See “advertising.”</td>
</tr>
<tr>
<td>Conversion</td>
<td>A change in the face type of a billboard from a traditional static billboard face to a digital billboard face, or vice versa, which either maintains or reduces the length and width dimensions of the sign face. A conversion shall include any alterations to the sign structure which are necessary to support the weight of the digital technology as detailed in the requirements set forth in subsection 27-724(b)(4).</td>
</tr>
<tr>
<td>Copy</td>
<td>Any words, letters, numbers, figures, designs or other symbolic representations incorporated into a sign.</td>
</tr>
<tr>
<td>Digital sign</td>
<td>See Electronic Message Center.</td>
</tr>
<tr>
<td>Director</td>
<td>The Unified Government Director of Planning or their designee.</td>
</tr>
<tr>
<td>Drip flap</td>
<td>The lower portion of an awning that hangs perpendicular above the ground.</td>
</tr>
<tr>
<td>Electronic Message Center (EMC)</td>
<td>A sign that utilizes computer-generated messages or some other electronic means of changing sign copy. EMC signs include displays using incandescent lamps, LEDs or LCDs, and may also enable changes to sign copy, message, or content to be made remotely.</td>
</tr>
<tr>
<td>Façade</td>
<td>The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.</td>
</tr>
<tr>
<td>Façade frontage</td>
<td>The portion of a building façade that includes an entryway for customers or employees at the ground level.</td>
</tr>
<tr>
<td>Feather sign</td>
<td>A banner in the shape of a feather, quill, sail, blade, teardrop, or similar shape that is mounted on a solid or flexible pole or cord in the ground.</td>
</tr>
<tr>
<td>Flag</td>
<td>A piece of fabric or other flexible material, with distinctive colors and patterns, customarily mounted on a pole or similar free-standing structure.</td>
</tr>
</tbody>
</table>
**Flashing sign**  Any sign that is internally or externally illuminated by flashing, flowing, alternating, or blinking lights.

**Free-standing Sign**  A sign supported by a column, pole, pylon, foundation, pedestal or other structure mounted in the ground.

**Frontage**  The property line that abuts a public street and/or right-of-way line.

**Halo lit sign**  A sign illuminated by concealing the light source behind three-dimensional opaque letters, numbers, or other characters of a sign, resulting in the night time perception of a halo around the silhouette of each sign character. This is also referred to as "reverse channel" or "reverse lit" illumination. A Halo Lit sign is not considered an internally illuminated sign.

**Height**  For attached signs, for attached signs, “height” refers to the maximum vertical dimensions of the sign. For free-standing signs, “height” refers to the sign’s vertical distance from the top of the highest part of a sign, whether the highest part be the sign copy or support structure on which sign is placed, to the adjoining sidewalk, improved surface, or ground surface within a three-foot horizontal distance of the base of the sign. In the event the surface is sloped the average of the height of the adjoining surface shall be used.

**Highway Sign**  A free-standing sign located on a parcel abutting highways I-70, I-470, US-75, or US-24 and located such that it is oriented toward these highways.

**Illumination**  A sign that has an artificial light source incorporated internally or externally to emanate light from, or direct light to, a sign’s surface. Light sources may include exposed tubing, electrical bulbs, fluorescent lights, neon tubes, light emitting diodes (LED), liquid crystal displays, or other artificial sources of light.

**Illumination, external**  A sign that is Illuminated by an external light source.

**Illumination, internal**  Illumination created by a light source internal to the sign, transparent or translucent material from a light source within the sign structure or panel.

**Incidental sign**  A sign with copy located on a durable panel and mounted on a wall, pole, frame, or similar structure, with or without a structural frame, that is normally incidental to the allowed use of the property, but can contain any message or content.

**Industrial district**  Any of the following zoning districts: M-1, B-P, M-2, or M-3.

**Local Street**  A street or road classified as a "local street or road" on the Functional Classification Map for the City of Topeka.

**Main Building**  The primary building or structure on a lot or a building or structure that houses a principal use. A main building does not include an accessory building as defined in Sec. 27-340.

**Marquee Sign**  A sign on the face of a roof-like projection or shelter, typically over the entrance to an entertainment venue, and typically containing an illuminated flat area for static or changeable sign copy.
<p>| <strong>Menu Board</strong> | An incidental sign oriented to a driveway or drive-through lane, which may include a speaker box. A menu board is customarily used to list the menu and prices for a restaurant. |
| <strong>Monument sign</strong> | A freestanding sign whose sign surface is attached to a base where the width of the widest part of the base or cladding over structural supports is at least 80% of the width of the widest part of the sign face. |
| <strong>Neon</strong> | A source of light supplied by a glass tube that is filled with neon gas, argon, mercury or other inert gas that produces ultraviolet light, and bent to form letters, symbols, or other shapes. |
| <strong>Original Art Display</strong> | A hand-painted, hand-carved or hand-cast work of visual art expressing creative skill or imagination in a visual form which is intended to beautify or provide an aesthetic influence to a public area or area. An original art display may be either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner, or a three-dimensional statue that is placed in a park, courtyard, lawn, or similar area for public display. An original art display does not include: mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display. |
| <strong>Non-commercial copy</strong> | Any copy other than advertising. |
| <strong>Nonresidential districts</strong> | Any commercial district or industrial district. |
| <strong>Off-premise sign</strong> | A sign advertising or directing attention to a name, a business, product, development, or service which is offered, manufactured, or sold at a location other than the lot or parcel upon which it is situated. |
| <strong>On-premise sign</strong> | Any sign other than an off-premise sign. |
| <strong>Over Canopy Sign</strong> | (Awning / Canopy / Marquee Signs). |
| <strong>Parcel</strong> | A lot, or contiguous group of lots in single ownership or under single control and usually considered a unit for purposes of development. |
| <strong>Pennant</strong> | An object or sign of lightweight fabric or similar material, suspended from a rope, wire or string, usually in series, and designed to move in the wind, also including streamers, pinwheels, balloons (less than 18 inches in any direction) and similar small objects. |
| <strong>Pole</strong> | A vertical support such as an upright, brace, column, or other vertical member, that supports a sign face and that does not meet the width prescribed for the supporting element of a monument sign. |
| <strong>Pole or pylon sign</strong> | A free-standing sign supported by a pole or one or more columns providing structural support and where the bottom edge of the sign face is located above the finished grade at the base of the sign. |
| <strong>Pole or Pylon Cover</strong> | A non-structural covering designed to conceal the actual structural supports of a sign. |</p>
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<td>Portable sign</td>
<td>Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.</td>
</tr>
<tr>
<td>Portable Message Center</td>
<td>A portable sign containing changeable copy.</td>
</tr>
<tr>
<td>Portable Pedestrian Sign</td>
<td>A portable sign that is ordinarily in the shape of an &quot;A&quot; with back to back sign faces, an easel, or a similar configuration. A portable sign can contain changeable copy.</td>
</tr>
<tr>
<td>Poster panel</td>
<td></td>
</tr>
<tr>
<td>Projecting sign</td>
<td>A sign supported by and extending at least 18 inches from a building wall..</td>
</tr>
<tr>
<td>Roof sign</td>
<td>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 roof. A sign mounted on a sloped roof or mansard having a pitch 1:2 or more (1 foot horizontal and 2 feet vertical) is a wall sign. A sign mounted on a sloped roof or mansard having a lesser vertical slope is a roof sign</td>
</tr>
<tr>
<td>Reface</td>
<td>To replace, restore, repaint or repair a sign face that is attached, annexed, or supported from the sign cabinet and/or main structure. It does not include any other rebuilding, reconstructing or reconfiguration of the existing sign cabinet and/or existing supporting structure.</td>
</tr>
<tr>
<td>Residential district</td>
<td>Any of the following zoning districts: A-G, R, R-1, R-1(B), R-2, R-2(B), R-3, R-4, R-5, R-6, and R-M.</td>
</tr>
<tr>
<td>Rotating sign</td>
<td>Any sign surface or sign structure or any portion thereof which rotates, moves, or is animated.</td>
</tr>
<tr>
<td>Sandwich or A-Frame Sign</td>
<td>See “portable pedestrian sign.”</td>
</tr>
<tr>
<td>Search Light</td>
<td>An apparatus containing an electric light and reflector on a swivel for projecting a far-reaching beam in any desired direction.</td>
</tr>
<tr>
<td>Setback</td>
<td>The distance from a property line to any edge of a sign.</td>
</tr>
<tr>
<td>Sign</td>
<td>Any outdoor announcement, device, design, figure, trademark or logo used for decoration, conveying information, identification, or to advertise or promote any business, product, activity, service or interest placed so as to be seen from outside a building or premises. For clarification, examples of items which typically do not satisfy the necessary elements of this definition include, but are not limited to, original art displays, architectural elements incorporated into the style or function of a building, or inscriptions on decorative rocks.</td>
</tr>
<tr>
<td>Sign face</td>
<td>The exterior area or surface on which is placed the copy.</td>
</tr>
<tr>
<td>Sign structure</td>
<td>The support, upright bracing, anchors, braces, and framework for any sign.</td>
</tr>
<tr>
<td>Sign surface</td>
<td>The entire area within a single continuous rectangular, triangular, or trapezoidal shape which encloses all elements that form the display, including any background</td>
</tr>
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which is different from or in contrast with any building wall surface upon which it is mounted.

<table>
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<tr>
<td><strong>Twirling sign</strong></td>
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<tr>
<td><strong>Under canopy sign</strong></td>
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<tr>
<td><strong>Unified management</strong></td>
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<tr>
<td><strong>Vertical Clearance</strong></td>
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<tr>
<td><strong>Wall sign</strong></td>
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<tr>
<td><strong>Wind sign</strong></td>
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<tr>
<td><strong>Window sign</strong></td>
</tr>
<tr>
<td><strong>Zoning Lot</strong></td>
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