

(Published in the Topeka Metro News September 16, 2019)

ORDINANCE NO. 20207

AN ORDINANCE introduced by City Manager Brent Trout, repealing the sign code in Chapters 18.10, 18.15, 18.20, and 18.25 in Division 2 of Title 18 of the Topeka Municipal Code (TMC) and establishing a new sign code in Chapter 18.10.

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

Section 1. That original chapters 18.10, 18.15, 18.20, and 18.25 of the Topeka Municipal Code (TMC) are repealed. Any reference in the TMC to Chapters 18.15, 18.20, and 18.25 and their sections shall be changed in the TMC to Chapter 18.10.

Section 2. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.010, which said section reads as follows:

Definitions.

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 banner: A banner placed flat and mounted on the exterior wall of a primary building.

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.

29 Awning sign: A sign that is painted, stenciled or attached to the surface of an
30 awning.

31 Awning: A roof-like cover that projects from the wall of a building to shield a
32 doorway, walkway, or window from inclement weather or the sun. Awnings are often
33 made of fabric or flexible material supported by a rigid frame and may be retracted into
34 the face of the building.

35 Balloon: An inflatable device, tethered in a fixed location and greater than 18
36 inches in any direction, that: (1) has a sign with a message on its surface or attached in
37 any manner to the balloon; or (2) is attached to a building or pole, or in a manner so that
38 it projects higher than the roof of the main building on the lot or parcel.

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

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

46 Building code: The International Building Code, as adopted and amended by the
47 City of Topeka.

48 Building frontage: The exterior wall on which the sign is located as viewed by a
49 person approaching the building. For the purpose of measurement the wall used as
50 building frontage need not be on the same wall plane.

51 Cladding: A non-structural covering designed to conceal the actual structural

52 supports of a sign.

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

57 Center sign: A freestanding sign used and designed to identify a retail, industrial,
58 office, or institutional development or complex or multiple establishments or tenants
59 therein.

60 Changeable copy: Characters, letters, numbers, or illustrations that can be
61 manually replaced or altered through the placement of letters or symbols on a panel
62 mounted or track system.

63 Changeable message sign: A sign on which copy may be changed manually,
64 mechanically or electronically. Billboards, poster panels, junior poster panels and
65 painted boards are not changeable message signs.

66 Channel letter: A fabricated or formed three-dimensional letter.

67 Clearance, vertical: The minimum vertical distance between a sign and the
68 surface of a street, sidewalk or alley.

69 Collector: A street or road classified as a “collector” on the Functional
70 Classification Map for the City of Topeka.

71 Commercial copy: See “Advertising.”

72 Copy: Any words, letters, numbers, figures, designs or other symbolic
73 representations incorporated into a sign.

74 Digital sign: See “Electronic message center.”

75 Electronic message center (EMC): A sign that utilizes computer-generated
76 messages or some other electronic means of changing sign copy. EMC signs include
77 displays using incandescent lamps, LEDs or LCDs, and may also enable changes to
78 sign copy, message, or content to be made remotely.

79 Façade: The exterior wall of a building exposed to public view or that wall
80 viewed by persons not within the building.

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

83 Flag: A piece of fabric or other flexible material, with distinctive colors and
84 patterns, customarily mounted on a pole or similar freestanding structure.

85 Flashing sign: Any sign that is internally or externally illuminated by flashing,
86 flowing, alternating, or blinking lights.

87 Freestanding banner: A freestanding banner is a banner that is mounted in the
88 ground typically on poles detached from a building or wall.

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

92 Freestanding sign: A sign supported by a column, pole, pylon, foundation,
93 pedestal or other structure mounted in the ground.

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

95 Halo lit sign: A sign illuminated by concealing the light source behind three-
96 dimensional opaque letters, numbers, or other characters of a sign, resulting in the night
97 time perception of a halo around the silhouette of each sign character. This is also

referred to as "reverse channel" or "reverse lit" illumination.

Height: For attached signs, "height" refers to the maximum vertical dimensions of the sign. For freestanding 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 freestanding 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.

Historic sign: A sign that is listed or determined to be eligible for listing in the National Register of Historic Places, Kansas Register of Historic Places, or as a Topeka Landmark, or a sign that contributes to the historic character of a listed property.

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.

LED: Acronym for "light emitting diode". A light-emitting diode is a semiconductor

121 light source that emits light when current flows through it.

122 Local street: A street or road classified as a “local street or road” on the
123 Functional Classification Map for the City of Topeka.

124 Main building: The primary building or structure on a lot or a building or structure
125 that houses a principal use.

126 Marquee sign: A sign on the face of a roof-like projection or shelter, typically
127 over the entrance to an entertainment venue, and typically containing an illuminated flat
128 area for static or changeable sign copy.

129 Menu board: A type of incidental sign oriented to a driveway or drive-through
130 lane, which may include a speaker box or order confirmation unit. A menu board is
131 customarily used to list the menu and prices for a restaurant.

132 Monument sign: A freestanding sign whose sign surface is attached to a base
133 where the width of the widest part of the base or cladding over structural supports is at
134 least 80% of the width of the widest part of the sign face.

135 Neon: A source of light supplied by a glass tube that is filled with neon gas,
136 argon, mercury or other inert gas that produces ultraviolet light, and bent to form letters,
137 symbols, or other shapes.

138 Original art display: A hand-painted, hand-carved or hand-cast work of visual art
139 expressing creative skill or imagination in a visual form which is intended to beautify or
140 provide an aesthetic influence to a public area. An original art display may be either
141 affixed to or painted directly on the exterior wall of a structure with the permission of the
142 property owner, or a three-dimensional statue that is placed in a park, courtyard, lawn,
143 or similar area for public display. An original art display does not include: mechanically

144 produced or computer generated prints or images, including but not limited to, digitally
145 printed vinyl; electrical or mechanical components; or changing image art display.

146 Non-commercial copy: Any copy other than advertising.

147 Nonresidential districts: Any commercial district or industrial district.

148 Off-premise sign: A sign advertising or directing attention to a name, a business,
149 product, development, or service which is offered, manufactured, or sold at a location
150 other than the lot or parcel upon which it is situated.

151 On-premise sign: Any sign other than an off-premise sign.

152 Painted exterior wall sign: A painted exterior wall sign identifies a use or on-
153 premises establishment and consists entirely of copy that is painted directly on, or
154 digitally printed vinyl applied to, the exterior material of a building not including the
155 exterior surface of a window, awnings, or other appurtenances.

156 Parcel: A lot, or contiguous group of lots in single ownership or under single
157 control and usually considered a unit for purposes of development.

158 Pennant: An object or sign of lightweight fabric or similar material, suspended
159 from a rope, wire or string, usually in series, and designed to move in the wind, also
160 including streamers, pinwheels, balloons (less than 18 inches in any direction) and
161 similar small objects.

162 Pole: A vertical support such as an upright, brace, column, or other vertical
163 member, that supports a sign or cabinet containing a sign and that does not meet the
164 width prescribed for the supporting element of a monument sign.

165 Pole or pylon sign: A freestanding sign supported by a pole or one or more
166 columns providing structural support and where the bottom edge of the sign face is

167 located above the finished grade at the base of the sign.

168 Pole or pylon cover: A nonstructural covering designed to conceal the actual
169 structural supports of a sign.

170 Portable sign: Any sign designed to be moved easily and not permanently
171 affixed to the ground or to a structure or building.

172 Portable message center: A portable sign containing changeable copy.

173 Portable pedestrian sign: A portable sign that is ordinarily in the shape of an "A"
174 with back to back sign faces, an easel, or a similar configuration. A portable sign can
175 contain changeable copy.

176 Principal use: The main use of land or structures as distinguished from
177 secondary or accessory use.

178 Projecting sign: A sign supported by and extending at least 18 inches from a
179 building wall.

180 Reface: To replace, restore, repaint or repair a sign face that is attached,
181 annexed, or supported from the sign cabinet and/or main structure. It does not include
182 any other rebuilding, reconstructing or reconfiguration of the existing sign cabinet and/or
183 existing supporting structure.

184 Roof sign: A sign that is mounted upon or above a roof or parapet of a building
185 or structure that is wholly or partially supported by the building or structure, and which
186 projects above the cornice or parapet line of a building with a flat roof, the eave line of a
187 building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard
188 roof. A sign mounted on a sloped roof or mansard having a pitch 1:2 or more (1 foot
189 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.

Rotating sign: Any sign surface or sign structure or any portion thereof which rotates, moves, or is animated.

Sandwich board or A-Frame sign: See “Portable Pedestrian Sign.”

Setback (in relation to signs): The distance from a property line to any edge of a sign.

Sight distance triangle: An invisible triangle formed by the intersection of two streets or the intersection of a street and driveway as described by Section 12.20.020 of the Topeka Municipal Code.

Sign: Any outdoor announcement, device, design, figure, trademark or logo used for 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.

Sign face: The exterior area or surface on which is placed the copy.

Sign structure: The support, upright bracing, anchors, braces, and framework for any sign.

Sign surface: The entire area within a single continuous rectangular, triangular, or trapezoidal shape which encloses all elements that form the display, including any background which is different from or in contrast with any building wall surface upon which it is mounted.

213 Temporary sign: A sign typically made of lightweight or flimsy material that can
214 be easily or quickly mounted or removed (such as cloth, canvas, vinyl, cardboard,
215 wallboard, or other light temporary materials), with or without a structural frame,
216 intended for a temporary period of display.

217 Twirling sign: A sign that is designed to twirl, spin, or gyrate, either through
218 mechanical activation or wind.

219 Unified management: Property or multiple buildings in single ownership or under
220 the supervision of a single corporation, partnership, or other business entity.

221 Vertical Clearance: See “Clearance, Vertical.”

222 Wall sign: A sign (other than projecting sign, roof sign, or window sign) that uses
223 a building wall as its primary source of support, is placed directly on and contained
224 totally within the dimensions of the outside wall, and does not extend more than 18
225 inches from a building surface.

226 Window sign: A window sign is a sign posted, painted, placed, affixed to the
227 inside or outside of a window, and does not extend a measurable distance beyond a
228 building surface, but is clearly visible from outside the building.

229 Yard sign: A temporary sign supported by the ground independent of any other
230 structure.

231 Zoning lot: A parcel of land under single ownership that is of sufficient size to
232 meet minimum zoning requirements for area, coverage, and use, and that can provide
233 such yards and other open spaces.

234 Section 3. That the Code of the City of Topeka, Kansas, is hereby amended
235 by adding a section to be numbered 18.10.020, which said section reads as follows:

236 **Purpose.**

237 (a) This chapter regulates the design, dimensions, placement and other
238 characteristics of signs in the City used by businesses, institutions, and other entities for
239 their identification.

240 (b) The purpose of this chapter is to:

241 (1) provide for effective communications by businesses, institutions,
242 and others;

243 (2) enhance traffic safety;

244 (3) preserve and enhance the visual appearance of the community;

245 (4) preserve and enhance the safety and physical of the City's primary
246 transportation corridors;

247 (5) prevent visual distractions;

248 (6) protect property values;

249 (7) accommodate the rights of individuals to free speech; and

250 (8) preserve and promote the public health, safety, and general
251 welfare.

252 (c) This chapter regulates only the sign structure or copy design, and not the
253 sign's content. The type, size, dimensions, setbacks, and physical design of signs
254 permitted by this chapter protect the City's purpose as described in this chapter. The
255 City developed the standards in this chapter upon completion of a public process in
256 which the design and dimensional standards were tested in consideration of industry
257 criteria, past experience in administering sign standards, and community input as to the

appropriate characteristics of signs in the City's various neighborhoods and business areas.

(d) 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.

Section 4. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.030, which said section reads as follows:

Applicability.

(a) Generally.

(1) This chapter applies to any sign within the corporate limits of the City.

(2) It is unlawful for any person to erect, operate, or otherwise use any sign that is prohibited by this chapter.

(3) 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 chapter.

(4) The planning and development director is authorized to interpret and execute the regulations of this chapter. Any person aggrieved by a decision of the planning and development director regarding the administration of this chapter may appeal such decision to the Board of Zoning Appeals in accordance with TMC Chapter 2.45.

(5) This chapter does not prohibit signs, sign locations, or sign characteristics that are permitted by an express requirement of state or federal law.

(b) Exemptions. The regulations of this chapter do not apply to the following:

(1) 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.

(2) Signs intended to be read only from inside the property and containing copy of a size not readable from outside the property.

(3) Signs located entirely within the interior of a building or structure, except as otherwise provided for window signs.

(4) Signs associated with the temporary use of a building or site, including buildings or sites undergoing construction, during the time of the temporary use.

(5) 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.

(6) A sign that is integrated into or on a coin-operated machine, vending machine, or gasoline pump that is used for its intended purpose.

(7) Decorative flags.

(8) Government flags.

(9) Fuel pump and fuel pump topper signs.

(10) Pennant streamers.

(11) A sign carried by a person.

(12) A sign affixed to an operable vehicle.

(13) Address numbers and other non-illuminated incidental wall signs.

(c) Districts and Uses. This chapter 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.

Section 5. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.040, which said section reads as follows:

Prohibited Signs.

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

(a) Any sign that is not included under the sign types permitted in this chapter.

(b) Pole signs, except where specifically permitted in this chapter. The sign owner may reface or install a pole cover on a legally nonconforming pole sign.

(c) Any sign located in a right-of-way or public and private utility easement, except those signs required or expressly permitted by governmental

326 authority, and except projecting signs and portable pedestrian signs in
327 accordance with TMC 18.10.130.

328 (d) Any sign which, by reason of its size, location, movement, content,
329 coloring, or manner of illumination:

330 (1) may be confused with or construed as a traffic control sign,
331 signal or device, or the light of an emergency vehicle; or

332 (2) obscures the view of any traffic or street sign, signal or
333 device.

334 (e) Portable message center signs, except when incorporated in a
335 portable pedestrian sign allowed in accordance with the standards for incidental
336 signs in TMC 18.10.130 and except where permitted as a temporary sign in TMC
337 18.10.170.

338 (f) Any sign containing flashing, strobing, or chasing lights.

339 (g) Any sign that does not conform to the regulation of the sight
340 distance triangle in TMC 12.20.020 or any clear zone as defined by the American
341 Association of State Highway and Transportation Officials.

342 (h) Off-premise signs, except where specifically allowed in TMC
343 18.10.180.

344 (i) Signs deemed unsafe because of the sign's illegibility or
345 unreadability as a result of size of copy relative to viewing distance; relationship
346 of copy to background area; thickness and style of font; spacing between letters;
347 color contrast between the message and background; lighting; other unforeseen
348 factors.

349 Section 6. That the Code of the City of Topeka, Kansas, is hereby amended
350 by adding a section to be numbered 18.10.050, which said section reads as follows:

351 **Sign Permits and Inspections**

352 (a) Applicability.

353 (1) No sign (including the structure or sign surface) shall be erected,
354 installed, altered, relocated, rebuilt, or re-faced until a sign permit is issued by the
355 planning & development director.

356 (2) Only those signs permitted in this chapter shall be granted a sign
357 permit.

358 (3) Permits shall be issued only to sign hangers licensed by the City or
359 to the property owner, provided the property owner carries public liability
360 insurance with coverage of \$500,000 or more.

361 (b) Exemptions.

362 (1) No sign permit is required for maintenance.

363 (2) Maintenance includes all care and minor repair needed to maintain
364 a safe, attractive and finished structure, frame pole, brackets or surface and
365 which does not enlarge or materially alter any face or display portion of the sign.

366 (3) This section does not prevent the maintenance, repainting, or
367 posting of a legally established nonconforming billboard.

368 (4) Temporary signs. A sign permit is required for any temporary
369 balloon sign exceeding 12 cubic feet. A sign permit is not required for all other
370 temporary signs.

371 (5) Repainting/reposting. The sign surface of a billboard may be

372 repainted or reposted without obtaining a new sign permit.

373 (6) A permit is not required for Window signs.

374 (c) Applications.

375 (1) The planning and development director shall prescribe forms and
376 submittal requirements for sign permits as needed to administer this chapter. The
377 form shall be made available at the department's office during regular business
378 hours and on the department's public website.

379 (2) No sign shall be erected without the prior consent of the owner or
380 the owner's authorized agent.

381 (3) At the time the applicant receives the permit the applicant shall pay
382 an application fee in the amount established by the planning & development
383 director.

384 (d) Inspections.

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

387 (2) All signs containing electrical wiring are subject to all applicable
388 provisions of the electrical code adopted by the City.

389 Section 7. That the Code of the City of Topeka, Kansas, is hereby amended
390 by adding a section to be numbered 18.10.060, which said section reads as follows:

391 **Enforcement.**

392 (a) Generally. Sign regulated under this chapter shall be installed, erected,
393 and maintained in accordance with the provisions of this chapter.

394 (b) Notice of violation.

395 (1) If a sign fails to meet the requirements of this chapter, the planning
396 and development director shall cause a notice to be sent to the owner of record
397 of the tract or building upon which the sign is situated, and for billboards, to the
398 permit holder of the sign, by certified mail, return receipt requested, and regular
399 mail.

400 (2) The notice shall inform the owner or permit holder of the location of
401 the sign and the nature of the violation.

402 (3) The owner or permit holder shall have thirty (30) days from the date
403 on the notice to correct the violation. For good cause shown, the building official
404 may extend the time for compliance.

405 (4) Any owner or permit holder failing to timely correct the violation
406 may be subject to criminal prosecution with the penalty as set forth in TMC
407 1.10.070. The planning and development director shall not issue building permits
408 for new signs to any person who is in violation of the provisions of this chapter.

409 (c) Removal of signs on public property.

410 (1) Except where expressly permitted, signs posted or otherwise
411 affixed to or on any of the following, or as described below, are unlawful and in
412 violation of this chapter and are subject to immediate removal without notice:

413 (i) Any public building or any public bridge;

414 (ii) Any sidewalk, crosswalk, or curb;

415 (iii) Any public right-of-way;

416 (iv) Any paved portion of any street or highway;

417 (v) Any median strip of any divided street or highway;

(vi) Any street sign or on any traffic sign or signal or any railroad sign or signal;

(vii) Any telephone, electric light, power, or any other utility pole or any fire hydrant;

(viii) Any tree on public property, including those in the public right-of-way;

(ix) Any public park;

(x) In a manner that may cause a reduction in intersection sight distances or create any other hazard to life or safety;

(xi) In a manner which obstructs clear vision of any road or railroad intersection; or

(xii) In a manner which obstructs any authorized traffic control device.

(2) Any signs removed under this subsection will be held for ten (10) days and, if not claimed within that time, will be disposed of in accordance with section (d).

(3) 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.

(d) Fines and cost of sign removal.

(1) In addition to any criminal penalties, each violation of TMC Chapter 18.10 shall be subject to an administrative monetary penalty in the amount of

\$50.00 levied by the planning and development director. 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 may 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) Any sign removed by the planning and development director may be disposed of in any reasonable manner. The planning and development director, with the approval of the city manager, may establish a fee schedule for removal and storage of unauthorized signs.

(4) 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 may 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.

(f) Revocation of permits. The planning and development director may revoke any sign permit under the provisions of this chapter or order the removal of any sign for any of the following reasons:

(1) Whenever a permit holder is convicted of a violation of any of the provisions of this chapter or any other ordinance relating to signs;

(2) Whenever any false statement or misrepresentation has been made on the application on which the issuance of the permit was based; or

(3) Whenever the sign owner has failed to maintain a sign in conformance with this chapter or any other ordinance relating to signs.

Section 8. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.070, which said section reads as follows:

Design and Construction.

(a) Generally.

(1) All signs structures supporting signs shall be placed in or upon private property except as expressly permitted and shall be securely built, constructed and erected in conformance with the requirements of this chapter.

(2) No portion of a sign surface or sign structure shall be located on or over a public right-of-way except as provided in this chapter.

(3) 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.

(4) No sign shall obstruct any opening to such an extent that light or ventilation is reduced to a point below that required by the building code.

(b) Illumination. Illumination for types of signs is regulated in TMC 18.10.130, 18.10.160, and 18.10.180. 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.

(c) Sight distance at intersections. No sign that obstructs the view is allowed within the sight distance triangle of a street intersection.

(d) Other applicable regulations.

485 (1) All signs shall be installed, erected, constructed, hung, or altered in
486 accordance with the building and fire codes adopted by the City.

487 (2) Any structure that is built or constructed and supports or is capable
488 of supporting a sign shall be constructed in compliance with the building and fire
489 codes adopted by the City.

490 (3) A sign structure shall include the foundation and base, the poles or
491 pylons that support the sign, any structural extensions that support a sign or sign
492 cabinet, and any structural framework that supports a sign, sign face, or sign
493 cabinet.

494 (4) Design documents for the structure that have been prepared,
495 sealed, signed and dated by a structural engineer and designed in accordance
496 with the building code must be submitted for review and approval with the sign
497 permit application.

498 (5) All signs projecting over the public-right-of-way (PROW) vertical
499 clearance must be maintained as required by the currently adopted codes and
500 ordinances for use of the PROW in accordance with the building code.

501 (6) All signs projecting over walkways, sidewalks, or other areas in
502 front of a building, or other active area where pedestrians have access, shall
503 maintain a minimum of 8 feet of vertical clearance and as required by the
504 currently adopted codes and ordinances for use of the PROW in accordance with
505 the building code.

506 (7) Projecting wall signs shall project only as allowed in compliance
507 with the building code.

508 (8) Awnings, canopies, awning signs, and canopy signs shall be
509 securely attached to and supported by the building to which it is attached and
510 shall properly be maintained in such manner.

511 Section 9. That the Code of the City of Topeka, Kansas, is hereby amended
512 by adding a section to be numbered 18.10.080, which said section reads as follows:

513 **Sign Area and Height Measurements.**

514 (a) Sign area; freestanding signs.

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

521 (2) Computation of area of multi-faced signs. The sign area for a sign
522 with more than one face is computed by adding together the area - measured as
523 provided in subsection (a) - of all sign faces visible from any one point. When two
524 sign faces are placed back to back, so that both faces cannot be viewed from
525 any point at the same time, and when the sign faces are part of the same sign
526 structure and are not more than 42 inches apart, the sign area is computed by
527 measuring one of the faces as provided in subsection (a).

528 (b) Sign area; attached signs.

(1) 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.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(6) 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.

552 (c) Sign height. The height of a freestanding sign means the vertical distance
553 from the top of the highest part of a sign, whether the highest part be the sign copy or
554 support structure on which sign is placed, to the adjoining sidewalk, improved surface,
555 or ground surface within a three-foot horizontal distance of the base of the sign. In the
556 event the surface is sloped the average of the height of the adjoining surface shall be
557 used. For signs with artistic elements exceeding the allowed height, the planning and
558 development director may determine if artistic elements shall be excluded when
559 measuring sign height.

560 (d) Vertical Clearance. Vertical clearance for detached and projecting signs is
561 measured as the smallest vertical distance between finished grade and the lowest point
562 of the sign, including any framework or other embellishments.

563 Section 10. That the Code of the City of Topeka, Kansas, is hereby amended
564 by adding a section to be numbered 18.10.090, which said section reads as follows:

565 **Maintenance.**

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

571 (b) Unsafe signs. The planning and development director shall notify the
572 property owner or person maintaining any sign which has become insecure or in danger
573 of falling, or is otherwise unsafe. Upon receipt of such notice, the property owner or
574 person maintaining the sign shall proceed immediately to place the sign in a safe and

secure manner and condition as approved by the planning and development director or the property owner shall remove the sign.

Section 11. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.100, which said section reads as follows:

Abandoned Signs.

(a) An abandoned sign is any sign for which the use to which it had applied has changed or the property containing the use has become vacant.

(b) A property owner shall either: (i) remove an abandoned sign that has been located on the property for more than six months; or (ii) shall cover the sign. For the purpose of this section, "covered" shall mean all sign copy including graphics is rendered invisible by being painted over, removed, replaced, or shielded by a rigid and opaque material.

(c) For a nonconforming abandoned sign that has been located on the property for more than twenty-four months, the property owner shall remove it.

(d) Notwithstanding subsection (b), a property owner shall remove a nonconforming abandoned sign immediately when the primary building on the property is demolished or removed.

(e) Any abandoned sign shall comply with this section on or after October 1, 2020.

(f) Upon removal, all parts of the sign, including structural supports, shall be removed.

Section 12. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.110, which said section reads as follows:

Nonconforming Signs.

(a) All nonconforming signs that were lawful prior to October 1, 2019 and not abandoned may continue without being brought into conformance with this chapter if no alterations are proposed to the sign or property. Except as provided in this section, a nonconforming sign may not be altered in such a manner as to augment the nonconforming condition, nor may illumination be added.

(b) Except as provided in subsection (c), the sign shall conform to the standards of this chapter if the sign is altered, other than a re-face or sign maintenance. As an alternative to compliance with the dimensional standards in section 18.10.130, any freestanding 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.

(c) In addition, any re-face or alteration of copy 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 October 1, 2019:

(1) Rezoning of the property at the request of the owner.

(2) 50% or more of the primary structure is damaged or rendered not useable.

(3) Any major building addition/expansion that requires site plan approval.

(4) Any major façade renovation that requires approval of building elevation design.

(5) Any property that is included in a neighborhood revitalization plan, a tax-increment financing district or a community improvement district.

621 (d) Any sign height reduced to 25 feet or less in height must conform to
622 monument sign requirements.

623 (e) The planning and development director may allow alterations to a sign
624 determined to be a historic sign in accordance with section 18.10.150 without requiring
625 conformance with this chapter, provided the sign is safe and properly maintained in
626 accordance with Section 18.10.090.

627 (f) Effective October 1, 2039, any freestanding sign that was nonconforming
628 on October 1, 2019 shall be removed, replaced, or altered in a manner that conforms to
629 the standards applicable to freestanding signs in this chapter.

630 Section 13. That the Code of the City of Topeka, Kansas, is hereby amended
631 by adding a section to be numbered 18.10.120, which said section reads as follows:

632 **Variances.**

633 Any person seeking a sign permit not meeting the dimensional and design
634 standards for of this chapter may request a variance pursuant to Chapter 2.220 TMC.

635 Section 14. That the Code of the City of Topeka, Kansas, is hereby amended
636 by adding a section to be numbered 18.10.130, which said section reads as follows:

637 **On-Premise Sign Standards by Type and District.**

638 (a) All sign copy shall pertain only to the business, industry or other pursuit
639 conducted on or within the premises on which such sign is erected or maintained except
640 as provided in Section 18.10.180 (off-premises signs).

641 (b) This section establishes standards for individual attached sign types,
642 including standards for:

643 (1) Illumination.

644 (2) Whether the particular sign type is permitted in a particular zoning
645 district.

646 (3) The maximum number of signs per building or parcel.

647 (4) Maximum sign area allocation for wall signs, awning and canopy
648 signs, roof signs, and projecting signs.

649 (5) For freestanding signs, the maximum number per street frontage,
650 maximum height, maximum area, and notes and exceptions specific to
651 freestanding signs.

652 (6) Incidental signs.

653 (c) Illumination. Internal, external, and halo lit illumination are allowed except
654 where expressly prohibited. Direct illumination is allowed in C-2, C-3, C-4, I-1, I-2, X-1,
655 X-3, D-1, and D-3 zoning districts, and is prohibited in all other zoning districts.

656 (d) Wall Signs.

657 (1) Definitions.

658 (i) Wall sign: A sign, other than a Projecting Sign, Roof Sign or
659 Window Sign, that uses a building wall as its primary source of support
660 and that (1) is placed directly on and contained totally within the
661 dimensions of the outside wall; and (2) does not extend more than
662 eighteen (18) inches from a building surface

663 (2) Standards.

Wall Signs	<u>R, M-1, M-1a, RR-1</u>	<u>M-2, M-3, + Non-residential uses in R, M-1, M-1a, OS-1</u>	<u>O&I-1, O&I-2, O&I-3</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3, C-4</u>	<u>I-1, I-2</u>	<u>U-1, MS-1</u>	<u>X-1, X-3</u>	<u>X-2</u>	<u>D-1, D-3</u>	<u>D-2</u>
Permitted?	<u>no</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
Number per 50 linear feet of building frontage <i>Note #1</i>	<u>n/a</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>no limit</u>	<u>no limit</u>	<u>no limit</u>	<u>1</u>	<u>no limit</u>	<u>no limit</u>	<u>no limit on first floor</u> <i>Note #4</i>	<u>no limit</u>
Sign Area Allocation square feet per linear foot of building frontage	<u>n/a</u>	<u>1.5</u>	<u>1.5</u>	<u>2</u>	<u>3</u>	<u>3.2</u>	<u>3.2</u>	<u>1.5</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>2</u>
Sign Area Allocation – All Attached Signs square feet per linear foot of building front	<u>n/a</u>	<u>2</u>	<u>2</u>	<u>2.5</u>	<u>3</u>	<u>3.2</u>	<u>3.2</u>	<u>2</u>	<u>3</u>	<u>3</u>	<u>3.2</u>	<u>2.5</u>
Sign Area Maximum square feet per sign <i>Note #2</i>	<u>n/a</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>200</u>	<u>250</u>	<u>250</u>	<u>100</u>	<u>200</u>	<u>200</u>	<u>200</u>	<u>100</u>
Electronic Message Centers % of allowed sign	<u>n/a</u>	<u>50%</u>	<u>50%</u>	<u>50%</u>	<u>50%</u>	<u>50%</u>	<u>50%</u>	<u>50%</u>	<u>50%</u>	<u>50%</u>	<u>50%</u>	<u>50%</u>
Notes/Exceptions: 1. Regardless of the width of the building façade, each single tenant building is allowed a minimum of (one) 1 wall sign per façade, and each multitenant or multiuse building is allowed 1 sign per tenant or use per façade. 2. Wall signs on facades located 300 ft. or more from the street right-of-way to which they face are permitted up to 200 sf in O&I, C-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. 4. Wall signage above the first floor is limited to no more than one sign not exceeding 150 square feet, for every 50 lineal feet of street frontage, on the exterior wall of the floor on which the signage is located. For buildings in excess of three floors or exceeding 40 feet in height, one wall sign per building face is permitted no larger than 300 square feet and located above the third floor or above 40 feet, whichever is the least. For signage above the third floor, the planning and development director, or the historic landmarks commission if the sign is located on a historic landmark or in a historic district, may approve signage of greater than 300 square feet to the extent the applicant demonstrates signage exceeding 300 square feet is necessary for visibility and legibility of the sign.												

664 (e) Awning, Canopy and Marquee Signs.

665 (1) Definitions.

666 (i) Awning Sign: A sign that is painted, stenciled or attached to
 667 the surface of an awning. An “awning” means a roof-like cover that
 668 projects from the wall of a building to shield a doorway, walkway, or

669 window from inclement weather or the sun. Awnings are often made of
 670 fabric or flexible material supported by a rigid frame and may be retracted
 671 into the face of the building.

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

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

680 (2) Standards.

<u>Awning, Canopy, and Marquee Signs</u> Note 1	Zoning Districts											
	R, M-1, M-1a, RR-1	M-2, M-3, + Non-residential uses in R, M-1, M-1a, OS-1	O&I-1, O&I-2, O&I-3	C-1	C-2	C-3, C-4	I-1, I-2	U-1, MS-1	X-1, X-3	X-2	D-1, D-3	D-2
<u>Permitted?</u>	no	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
<u>Number</u> per tenant or establishment per side	n/a	1	1	1	1	*	1	1	1	1	*	*
<u>Sign Area Allocation</u> square feet per linear foot of building frontage	n/a	1.5	1.5	2	3	3.2	3.2	1.5	3	3	3	2
<u>Sign Area Allocation – All Attached Signs</u> square feet per linear foot of building front	n/a	2	2	2.5	2.5	3.2	3.2	2	3	3	3.2	2.5
<u>Sign Area Maximum</u> square feet per sign Note 2	n/a	50	50	50	50	100	100	100	100	100	50	50
<u>Electronic Message Centers</u> % of allowed sign Note 2	n/a	50%	50%	50%	50%	50%	50%	50%	50%	50%	50% Note #2	50%
*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 and subject to the dimensional standards in this table. 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.

(f) Roof Signs.**(1) Definitions.**

(i) 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.

(2) Standards.

Roof Signs	Zoning Districts											
	R, M-1, M-1a, RR-1	M-2, M-3, + Non-residential uses in R, M-1, M-1a, OS-1	O&I-1, O&I-2, O&I-3	C-1	C-2	C-3, C-4	I-1, I-2	U-1, MS-1	X-1, X-3	X-2	D-1, D-3	D-2
	Permitted?	no	no	no	yes	yes	yes	yes	yes	yes	yes	yes
	Number per tenant or establishment per side	n/a	n/a	n/a	1	1	1	1	1	1	1 Note #2	1
	Sign Area Allocation square feet per linear foot of building frontage	n/a	n/a	n/a	1.5	2	2	2	2	2	2 Note #2	2
Sign Area Allocation – All Attached Signs square feet per linear foot of building frontage	n/a	n/a	n/a	2.5	3	3.2	3.2	2	3	3	3.2	2.5

<u>Sign Area Maximum</u> square feet per sign	n/a	n/a	n/a	50	50	100	100	50	50	50	50 Note #2	50
<u>Height/Placement</u>	n/s	n/a	n/a	Note #1	Note #1	Note #1	Note #1	Note #1	Note #1	Note #1	Note #1	Note #1
<u>Electronic Message Centers</u> % of allowed sign	n/a	n/a	n/a	50%	50%	50%	50%	50%	50%	50%	50%	50%
<u>Notes/Exceptions:</u> 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 ridge line 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 & development 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.												

- 693 (f) Projecting Signs.
- 694 (1) Definitions.
- 695 (i) Projecting Sign: A sign supported by and extending at least
- 696 eighteen (18) inches from a building wall.
- 697 (2) Standards.

<u>Projecting Signs</u>	Zoning Districts											
	R, M-1, M-1a, RR-1	M-2, M-3, + Non-residential uses in R, M-1, M-1a, OS-1	O&I-1, O&I-2, O&I-3	C-1	C-2	C-3, C-4	I-1, I-2	U-1, MS-1	X-1, X-3	X-2	D-1, D-3	D-2
<u>Permitted?</u>	no	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
<u>Number</u> per tenant or establishment per side	n/a	1	1	1	1	1	1	1	1	1	1	1
<u>Sign Area Allocation</u> square feet per linear foot of building frontage	n/a	0.5	0.5	0.5	1	1	1	1	1	1	1	1
<u>Sign Area Allocation – All Attached Signs</u> square feet per linear foot of building frontage	n/a	n/a	n/a	2.5	3	3.2	3.2	2	3	3	3.2	2.5
<u>Sign Area Maximum</u> square feet per sign	n/a	15 Note #1	15 Note #1	15 Note #1	30 Note #1	30 Note #1	30 Note #1	15 Note #1	45 Note #1	45 Note #1	75 Note #1	45 Note #1
<u>Height/Placement</u>	n/s	n/a	n/a	Note #2	Note #2	Note #2	Note #2	Note #2	Note #2	Note #2	Note #2	Note #2
<u>Electronic Message Centers</u>	n/a	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%

% of allowed sign													
Notes/Exceptions: 1. An exception to the sign area standard may be made by the planning and development 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 a 45-degree or greater angle to the supporting structure and anchored no more than six inches from the structure. Signs attached at an angle between zero and less than 45 degrees to the building façade shall be regulated as wall signs.													

- 698 (g) Freestanding monument signs.
- 699 (1) Definitions.
- 700 (i) Freestanding Sign: A sign supported by a column, pole,
- 701 pylon, foundation, pedestal or other structure mounted in the ground.
- 702 (ii) Monument Sign: A freestanding sign whose sign surface is
- 703 attached to a base where the width of the widest part of the base or
- 704 cladding over structural supports is at least 80% of the width of the widest
- 705 part of the sign face for signs up to twenty-five (25) feet in height.
- 706 (2) Standards.

<u>Freestanding Monument Signs</u>	<u>Zoning Districts</u>												
	<u>R, M-1, M-1a, RR-1</u>	<u>M-2, M-3, + Non-residential uses in R, M-1, M-1a, OS-1</u>	<u>O&I-1</u>	<u>O&I-2, O&I-3</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3, C-4</u>	<u>I-1, I-2</u>	<u>U-1, MS-1</u>	<u>X-1, X-3</u>	<u>X-2</u>	<u>D-1, D-3</u>	<u>D-2</u>
<u>Sign Type Permitted?</u> <i>Note #11</i> M=monument	n/a	M	M	M	M	M Note #2	M Note #3	M Note #3	M	M	M	M	M
<u>Number</u> <u>per street frontage</u> <i>Notes #1,5, 12</i>	n/a	1	1	1	1	1	1	1	1	1	1	1	1

Sign Area Allocation square feet per linear foot of lot frontage <i>Note #4</i>	n/a	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Sign Area Maximum square feet per sign on local street / collector <i>Note #5</i>	n/a	40/50	40/50	50/60	40/50	80 Note #6	120 Note #7	120 Note #7	80	50	50	50	50
Sign Area Maximum (Arterial) square feet per sign on arterials <i>Notes #4.5</i>	n/a	60	60	70	60	80 Notes #2.6	120 Notes #3.7	120 Notes #3.7	80	50	50	50	50
Height maximum feet	n/a	7-10 Note #8	7-10 Note #8	7-10 Note #8	7-10 Note #8	15 Notes #2.6	25 Notes #3.7	25 Notes #3.7	15	10	10	10-20 Note #9	10
Setbacks minimum feet from property line <i>Note #12</i>	n/a	5	5	5	5	5	5	1	5	1	1	1	1
Electronic Message Centers % of allowed sign	n/a	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%

Notes/Exceptions

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 except where allowed by a Master Sign Plan.
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 clad 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 except where restricted by a Master Sign Plan.
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): Freestanding 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): Freestanding 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, D-3): 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 setback or location.

707 (h) Freestanding incidental signs.

708 (1) Definitions.

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

712 (2) Standards.

<u>Freestanding Incidental Signs</u>	<u>Zoning Districts</u>											
	<u>R, M-1, M-1a, RR-1, OS-1</u>	<u>M-2, M-3, + Non-residential uses in R, M-1, M-1a, OS-1</u>	<u>O&I-1, O&I-2, O&I-3</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3, C-4</u>	<u>I-1, I-2</u>	<u>U-1, MS-1</u>	<u>X-1, X-3</u>	<u>X-2</u>	<u>D-1, D-3</u>	<u>D-2</u>
<u>Permitted?</u> <i>Note #6</i>	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
<u>Number</u> per 300 feet of street frontage/per each additional 300 feet of street frontage	1	1 <i>Note #1</i>	1 <i>Note #1</i>	1 <i>Note #1</i>	2/1 <i>Note #1</i>	2/1 <i>Note #1</i>	2/1 <i>Note #1</i>	2/1 <i>Note #1</i>	1 <i>Note #1</i>	2/1 <i>Note #1</i>	2/1 <i>Note #1</i>	1 <i>Note #1</i>
<u>Sign Area Maximum</u> square feet per sign within 30 feet/beyond 30 feet of front property line <i>Note #2, #5</i>	6/6	6/32	6/32	6/32	6/32	6/32	6/32	6/32	6/32	6/32	6/32	6/32
<u>Sign Area - All Incidental Signs</u> square feet of all signs in aggregate	6	80	80	80	150	150	150	150	80	150	150	80
<u>Height</u> maximum feet within 30 feet/beyond 30 feet of front property line	4/4	4/8	4/8	4/8	6/8	6/8	6/8	6/8	4/8	6/8	6/8	4/8
<u>Spacing</u> feet from any sign within 30 feet of front property line	n/a	25	25	25	25	25	25	25	25	25	25	25
<u>Setbacks</u> minimum feet from front property line	0	0	0	0	0	0	0	0	0	0	0	0
<u>Illumination?</u>	no	no	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
<u>Changeable Copy?</u>	no	no	no	no	yes	yes	yes	yes	yes	yes	yes	yes

Electronic Message Centers?	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>Note #3</u>	<u>Note #3</u>	<u>Note #3</u>	<u>Note #3</u>	<u>Note #3</u>	<u>Note #3</u>	<u>Note #3</u>	<u>Note #3</u>
Notes/Exceptions <u>1. Number of Signs: No restrictions on the number of incidental signs set back 30 feet or more from all property lines.</u> <u>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.</u> <u>3. EMC Setbacks: Electronic Message Centers (EMCs) on incidental signs shall be prohibited within thirty (30) feet of the front property line.</u> <u>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 width of five (5) feet is maintained for safe pedestrian passage, they comply with ADA, and are removed during non-business hours.</u> <u>5. Non-illuminated Signs: Other than residential uses in R, M-1, M-1a, RR-1, and OS-1 districts non-illuminated signs are allowed within 30 feet of property lines without restriction to height and area.</u> <u>6. 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.</u> <u>7. Permit Required: Non-illuminated incidental signs do not require sign permits. All other freestanding incidental signs shall require a sign permit if permanently affixed to the ground.</u>												

713 Section 15. That the Code of the City of Topeka, Kansas, is hereby amended
714 by adding a section to be numbered 18.10.140, which said section reads as follows:

715 **Master Sign Plans.**

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

719 (b) Applicability. This section applies to on-premise signs in retail centers,
720 industrial parks, and office or institutional complexes of four acres or more and having
721 five or more establishments or three or more buildings in O&I-2, O&I-3, C-2, U-1, MS-1,
722 C-3, C-4, I-1, I-2 and planned unit development districts. All establishments and
723 buildings in the development defined by the master sign plan shall also be subject to
724 this section.

725 (c) Master sign plan required. An owner or applicant shall submit and obtain
726 approval of a master sign plan containing standards for all exterior signs.

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

729 (2) All new planned unit development applications for development
730 meeting the applicability criteria in this section and submitted for consideration on
731 or after October 1, 2019 shall include a master sign plan.

732 (3) Upon review of a master sign plan submitted as part of a new
733 planned unit development, major amendment to a planned unit development, or
734 new conditional use permit, the planning commission may approve variances to
735 the standards in this chapter. All other master sign plans meeting the purpose
736 and standards of this section may be approved by the planning and development
737 director.

738 (d) Master sign plan application.

739 (1) The planning and development director shall prescribe forms and
740 submittal requirements for a master sign plan application. At a minimum the
741 application shall include a site plan identifying the location, number, dimensional
742 standards, and other design standards for all freestanding signs.

743 (2) The master sign plan shall include standards for wall signs and
744 other types of attached signs or shall reference as applicable the standards for
745 attached signs in Sections 18.10.130, 18.10.150 and 18.10.160.

746 (3) The master sign plan shall be effective only if all owners of real
747 property subject to the master sign plan authorize it by signature on the
748 application or master sign plan.

749 (e) Standards for freestanding signs.

(1) Number of signs allowed. Each property or parcel is allowed one freestanding 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 freestanding sign subject to the standards in Section 18.10.130. Developments having street frontage on an arterial or collector street of more than 500 feet are allowed one additional freestanding sign oriented to the arterial or collector for each additional 500 feet of frontage. Such freestanding 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 building, are each allowed one freestanding sign, hereinafter referred to as "secondary signs," subject to subsection (e)(5). For the purpose of this section the "primary building" is the largest building in the development.

(2) Dimensional standards for freestanding center signs. The center sign shall comply with the following standards for the applicable zoning district or use group within a planned unit development:

(i) O&I-1/2/3: height of sign not to exceed 15 feet; area of sign not to exceed 100 sf.

(ii) MS-1: height of sign not to exceed 20 feet; area of sign not to exceed 120 sf.

(iii) C-2, U-1: height of sign not to exceed 20 feet; area of sign not to exceed 160 sf.

(iv) 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 two or more columns each surrounded by cladding matching the overall design of the sign and having a minimum width of two 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 freestanding secondary signs. Signs for separate buildings shall comply with the following standards:

(i) Height and area: Maximum height of 7 feet and area of 30 sf.

(ii) 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.

(6) Freestanding incidental signs. Proposed freestanding incidental signs shall be included in the master sign plan. Freestanding incidental signs are allowed subject to the standards in Section 18.10.130; however, the planning and development director may restrict the number and area of signs allowed on the master sign plan to a quantity and area less than what is permitted by Section 18.10.130. For individual incidental signs, the planning and development director may approve increases in height and area up to 10 percent over the height and area allowed per Section 18.10.130.

(7) Spacing between freestanding signs. There shall be 50 feet or more distance between all freestanding 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 Section 18.10.130, as a condition of the master plan

(g) Existing nonconforming signs. Existing nonconforming signs may continue unless altered or replaced pursuant to TMC 18.10.110.

(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 subject to the master sign plan.

Section 16. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.150, which said section reads as follows:

Other On-premise Signs.

(a) Window signs.

(1) Definitions.

(i) Window Sign: A window sign is a sign posted, painted, placed, affixed to the inside or outside of a window, and does not extend a measurable distance beyond a building surface, but is clearly visible from outside the building.

(2) Standards. Window signs are permitted in all districts subject to the following standards:

(i) 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.

(ii) 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.

(iii) 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.

(iv) 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.

(b) Painted exterior wall signs.

(1) Definitions.

(i) Painted Exterior Wall Signs: A painted exterior wall sign identifies a use or on-premise establishment and consists entirely of copy that is painted directly on, or digitally printed vinyl applied to, the exterior material of a building not including the exterior surface of a window, awnings, or other appurtenances.

(2) Painted exterior wall signs are permitted in C-2, C-3, C-4, 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.

(c) Sign standards for nonconforming commercial uses and uses permitted by special use permit in residential and OS&I districts. Signs for nonresidential, nonconforming 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 nonresidential uses in residential districts with the following exceptions:

(1) EMCs are prohibited for nonconforming 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.

(2) 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.

(d) Residential subdivision signs.

(1) Each residential subdivision containing six or more residential lots is allowed two monument signs per public or private street entrance into the

subdivision. Each sign shall not exceed a height of seven feet and area of forty square feet when sign is oriented to a local street or collector; height of ten feet and area of fifty square feet when sign is oriented to an arterial.

(2) A residential subdivision sign may be incorporated into a wall, fence, or other structure.

(3) A residential subdivision sign may be located in the public right-of-way only if expressly approved by the planning and development director.

(e) Historic signs. For the purposes of this chapter, a historic sign is a sign that is listed or determined to be eligible for listing in the National Register of Historic Places, Kansas Register of Historic Places, or as a Topeka Landmark, or a sign that contributes to the historic character of a listed property. The alteration or relocation of a historic sign, upon approval by the Topeka Landmarks Commission, is exempt from this chapter, except for Section 18.10.090.

(f) Pole banners – Decorative banners are exempt from the maximum number, dimensions, and location requirements of Section 18.10.130 if they are: (1) mounted on a pole that provides a separate functional purpose such as street lighting in the right-of-way; (2) contain no commercial message or advertising or other elements of a “sign” as defined in this chapter; and (3) are allowed by the City in the right-of-way.

Section 17. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.160, which said section reads as follows:

Electronic Message Centers (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 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 determined by taking the square root of the product of the sign area and 100. For example, using a 12-square-foot sign: $\sqrt{(12 \times 100)} = 34.6$ feet measuring distance.

(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, portable EMCs. 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, C-5 and I. EMCs located within a C-2, C-3, C-4, C-5 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 nonresidential 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

930 and this transition may use frame effects without illusionary or simulating
931 movement.

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

937 (b) Nonconforming EMCs. An EMC in existence on July 16, 2013 that did not
938 meet the standards regarding audio messages, movement, and brightness in Ordinance
939 No. 19830 shall have complied with the requirements of Ordinance No. 19830 by
940 September 1, 2013.

941 Section 18. That the Code of the City of Topeka, Kansas, is hereby amended
942 by adding a section to be numbered 18.10.170, which said section reads as follows:

943 **Temporary Signs and Banners.**

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

949 (b) Definitions.

950 (1) Temporary Sign: A “temporary sign” is a sign typically made of
951 lightweight or flimsy material that can be easily or quickly mounted or removed
952 (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.

(2) 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.

(b) Generally. Temporary signs and banners shall comply with standards in the tables below and in this section. No sign permit is required.

(c) 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.

(d) Exempted signs. Temporary signs and banners on property that have not established a principal building/land use, such as during a construction event, are exempt from the standards of this chapter until such time as a principal 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.

(f) Yard Signs and Freestanding Banners.

(1) Definitions.

(i) Yard Sign: A yard sign is a temporary sign supported by the ground independent of any other structure.

(ii) Freestanding Banner: A freestanding banner is a banner that is mounted in the ground typically on poles detached from a building or wall.

976

(2) Standards.

<u>Yard Signs and Freestanding Banners</u>	<u>Zoning Districts</u>											
	<u>R, M-1, M-1a, RR-1, OS-1</u>	<u>M-2, M-3, + Non-residential uses in R, M-1, M-1a, OS-1</u>	<u>O&I-1, O&I-2, O&I-3</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3, C-4</u>	<u>I-1, I-2</u>	<u>U-1, M-S</u>	<u>X-1, X-3</u>	<u>X-2</u>	<u>D-1, D-3</u>	<u>D-2</u>
<u>Permitted?</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
<u>Number</u> signs per property or street frontage	<u>1</u>	<u>1</u> <u>Note #1</u>	<u>1</u> <u>Note #1</u>	<u>1</u> <u>Note #1</u>	<u>1</u> <u>Note #1</u>	<u>1</u> <u>Note #1</u>	<u>1</u> <u>Note #1</u>	<u>1</u> <u>Note #1</u>	<u>1</u> <u>Note #1</u>	<u>1</u> <u>Note #1</u>	<u>1</u> <u>Note #1</u>	<u>1</u> <u>Note #1</u>
<u>Sign Area Maximum</u> square feet per sign	<u>6</u> <u>Note #2</u>	<u>6</u> <u>Note #2</u>	<u>32</u>	<u>32</u>	<u>32</u>	<u>32</u>	<u>32</u>	<u>32</u>	<u>32</u>	<u>32</u>	<u>32</u>	<u>32</u>
<u>Height</u> maximum feet	<u>4</u> <u>Note #2</u>	<u>4</u> <u>Note #2</u>	<u>6</u>	<u>6</u>	<u>6</u>	<u>6</u>	<u>6</u>	<u>6</u>	<u>6</u>	<u>6</u>	<u>6</u>	<u>6</u>
<u>Length of Time</u> maximum continuous days/ time periods per calendar year	<u>30</u> <u>2</u> <u>Note 3</u>	<u>30</u> <u>4</u> <u>Note 3</u>	<u>30</u> <u>4</u> <u>Note 3</u>	<u>30</u> <u>4</u> <u>Note 3</u>	<u>30</u> <u>4</u> <u>Note 3</u>	<u>30</u> <u>4</u> <u>Note 3</u>	<u>30</u> <u>4</u> <u>Note 3</u>	<u>30</u> <u>4</u> <u>Note 3</u>	<u>30</u> <u>4</u> <u>Note 3</u>	<u>30</u> <u>4</u> <u>Note 3</u>	<u>30</u> <u>4</u> <u>Note 3</u>	<u>30</u> <u>4</u> <u>Note 3</u>
<u>Days Between Time Periods</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>
<u>Setbacks</u> minimum feet from property line	<u>0</u> <u>Note #2</u>	<u>0</u> <u>Note #2</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Illumination/Changeable Copy/Electronic Message Centers?</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>
<u>Notes/Exceptions</u> 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. 3. Except where more stringent time limitations are imposed in TMC Ch. 18.210 (Accessory Uses).												

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(f) Feather Signs.

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(1) Definitions.

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(i) Banner: A banner means any strip of cloth, bunting, plastic,

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paper, or similar material, attached to any structure or framing intended for

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a temporary period of display. This definition does not include flags,

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pennants, or streamers.

(ii) 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.

(2) Standards.

<u>Feather Signs</u>	<u>Zoning Districts</u>											
	<u>R, M-1, M-1a, RR-1, OS-1</u>	<u>M-2, M-3, + Non-residential uses in R, M-1, M-1a, OS-1</u>	<u>O&I-1, O&I-2, O&I-3</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3, C-4</u>	<u>I-1, I-2</u>	<u>U-1, M-S</u>	<u>X-1, X-3</u>	<u>X-2</u>	<u>D-1, D-3</u>	<u>D-2</u>
<u>Permitted?</u>	no	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
<u>Number</u> signs per property or street frontage	n/a	1	1 Note #1	1 Note #1	1 Note #1	1 Note #1	1 Note #1	1 Note #1	1 Note #1	1 Note #1	1 Note #1	1 Note #1
<u>Sign Area Maximum</u> square feet per sign	n/a	30	30	30	30	30	30	30	30	30	30	30
<u>Height</u> maximum feet	n/a	16	16	16	16	16	16	16	16	16	16	16
<u>Length of Time</u> maximum continuous days/ time periods per calendar year	n/a	15 2	15 4	15 4	15 4	15 4	15 4	15 4	15 4	15 4	15 4	15 4
<u>Days Between Time Periods</u>	n/a	14	14	14	14	14	14	14	14	14	14	14
<u>Setbacks</u> minimum feet from property line	n/a	0	0	0	0	0	0	0	0	0	0	0
<u>Illumination/Changeable Copy/Electronic Message Centers?</u>	no	no	no	no	no	no	no	no	no	no	no	no
<u>Notes/Exceptions</u> 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.												

(g) Portable Message Center Signs. Portable message center signs are subject to the following standards:

(1) Definition. A portable message center sign is a portable sign containing changeable copy.

991 (2) Until October 1, 2020, portable message center signs are permitted
992 only in C-2, C-3, I-1, I-2, and for churches and schools in residential districts.

993 After October 1, 2020, portable message center signs are prohibited in all
994 districts and for all uses.

995 (3) Use of a portable message center sign requires a sign permit.

996 (4) Use of a portable message center sign is restricted to two events
997 per year, 30 calendar days per event maximum, 30 calendar days between
998 events, and a maximum of 60 calendar days per year.

999 (5) All parts of the sign containing copy and/or illumination are
1000 restricted to an area of 32 square feet.

1001 (6) The sign shall not exceed a height of 6 feet.

1002 (7) The sign must be set back a minimum of 5 feet from any property
1003 line.

1004 (8) Flashing lights are prohibited, and any illumination shall comply
1005 with the electrical and fire codes adopted in TMC Title 14.

1006 (f) Wall Banners.

1007 (1) Definitions.

1008 (i) Banner: A banner means any strip of cloth, bunting, plastic,
1009 paper, or similar material, attached to any structure or framing intended for
1010 a temporary period of display. This definition does not include flags,
1011 pennants, or streamers.

1012 (ii) Attached Banner: A banner placed flat and mounted on the
1013 exterior wall of a primary building.

<u>Wall Banners</u>	Zoning Districts											
	<u>R, M-1, M-1a, RR-1, OS-1</u>	<u>M-2, M-3, + Non-residential uses in R, M-1, M-1a, OS-1</u>	<u>O&I-1, O&I-2, O&I-3</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3, C-4</u>	<u>I-1, I-2</u>	<u>U-1, M-S</u>	<u>X-1, X-3</u>	<u>X-2</u>	<u>D-1, D-3</u>	<u>D-2</u>
<u>Permitted?</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
<u>Number</u> <u>signs per property or street frontage</u>	<u>1</u>	<u>no limit</u>	<u>no limit</u>	<u>no limit</u>	<u>no limit</u>	<u>no limit</u>	<u>no limit</u>	<u>no limit</u>	<u>no limit</u>	<u>no limit</u>	<u>no limit</u>	<u>no limit</u>
<u>Sign Area Allocation</u> <u>square feet per linear foot of building frontage or tenant space for all signs in aggregate</u>	<u>n/a</u>	<u>1.5</u>	<u>1.5</u>	<u>2</u>	<u>3</u>	<u>3.2</u>	<u>3.2</u>	<u>1.5</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>2</u>
<u>Length of Time</u> <u>maximum continuous days/</u> <u>time periods per calendar year</u>	<u>30</u> <u>2</u>	<u>30</u> <u>4</u>	<u>30</u> <u>4</u>	<u>30</u> <u>4</u>	<u>30</u> <u>4</u>	<u>30</u> <u>4</u>	<u>30</u> <u>4</u>	<u>30</u> <u>4</u>	<u>30</u> <u>4</u>	<u>30</u> <u>4</u>	<u>30</u> <u>4</u>	<u>30</u> <u>4</u>
<u>Placement</u>	<u>Note #1</u>	<u>Note #1</u>	<u>Note #1</u>	<u>Note #1</u>	<u>Note #1</u>	<u>Note #1</u>	<u>Note #1</u>	<u>Note #1</u>	<u>Note #1</u>	<u>Note #1</u>	<u>Note #1</u>	<u>Note #1</u>
<u>Illumination/Changeable Copy/Electronic Message Centers?</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>
<u>Notes/Exceptions</u> 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.												

1015 Section 19. That the Code of the City of Topeka, Kansas, is hereby amended
1016 by adding a section to be numbered 18.10.180, which said section reads as follows:

1017 Off-Premise Signs

1018 (a) Off-premise signs shall meet the standards for billboards in subsection (b)
1019 except for freestanding signs meeting all of the following criteria:

1020 (1) The business, industry, or other activity the sign is intended to
1021 serve does not have arterial or collector street frontage but has an access road
1022 or drive directly taken from the arterial or collector street where the sign will be
1023 located;

(2) The property owner of the property where the sign will be located provides written consent to the planning and development 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 freestanding 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.

(b) Billboards.

(1) Purpose. The purpose of the billboard regulations is 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 of Topeka.

(2) Defined. The term "billboard" or "panel poster" as used in this section 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 the sign is supported by uprights or braces placed upon the ground. Any billboard erected above or over the roof or parapet of a building is classified as a roof sign for the purpose of this section.

(3) Standards for Materials, construction, location.

(i) No new billboard shall be erected or installed unless a billboard has been removed from the same parcel or another parcel. Any application to install a new billboard shall be accompanied by evidence of demolition or removal of a billboard and shall comply with the following standards and other applicable standards of this section:

(A) Any new billboard not exceeding 300 square feet per single face area and not exceeding a height of 55 feet is allowed in C-3, C-4, I-1, and I-2 zoning districts; may be permitted by conditional use permit in D-1, D-3, and RR-1 districts; and is prohibited in all other zoning districts.

(B) Any new billboard not exceeding 750 square feet per single face area and not exceeding a height of 35 feet are allowed in I-1 and I-2 zoning districts, and is prohibited in all other zoning districts.

(C) The relocation, remodeling, or rebuilding of legal nonconforming billboard not meeting the standards of this section may be permitted by conditional use permit on property zoned C-4.

(D) The structural members of all billboards and panel posters relocated, rebuilt or remodeled pursuant to the provisions of this chapter 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.

(ii) No billboard or panel poster relocated pursuant to the provisions of this section 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.

(4) 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.

(5) Electronic message center signs. Each EMC sign located on a billboard or panel poster shall meet all of the following requirements:

(i) The sign does not contain or display flashing, intermittent or moving lights, including animated or scrolling advertising.

(ii) Messages shall have a minimum dwell time of eight seconds and a transition time between messages of two seconds or less.

(iii) 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.

(iv) 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 shall not be changed to an EMC sign.

1092 (v) The sign shall comply with the EMC standards in Section
1093 18.10.160, but the 50 percent sign area limitation in Section 18.10.160,
1094 shall not apply.

1095 (6) Responsibility of owner to maintain premises. Any person
1096 occupying any vacant lot or premises with a billboard or panel poster thereon
1097 shall be subject to the same duties and responsibilities as the owner of the lot or
1098 premises with respect to keeping such lot or premises clean, sanitary, and clear
1099 of all noxious substances in the vicinity of such billboard or panel poster, and with
1100 respect to the removal of snow from the sidewalk in front thereof.

1101 Section 20. That the definition of “Awning” in section 18.55.010, “A” Definitions,
1102 of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

1103 “Awning” means a roof-like cover ~~that is temporary in nature and projects from~~
1104 ~~the wall of a building for the purpose of shielding a doorway or window from the~~
1105 ~~elements~~that projects from the wall of a building to shield a doorway, walkway, or
1106 window from inclement weather or the sun. Awnings are often made of fabric or flexible
1107 material supported by a rigid frame and may be retracted into the face of the building.

1108 Section 21. That the definition of “Building Code” in section 18.55.020, “B”
1109 Definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as
1110 follows:

1111 “Building code” means ~~regulations governing building design, construction and~~
1112 ~~maintenance to protect the health, safety and welfare of the public~~the International
1113 Building Code, as adopted in TMC Chapter 14.20.

1114 Section 22. That the following definitions in the “S” Definitions in section

18.55.190, of The Code of the City of Topeka, Kansas, are hereby repealed:

~~Sign” means any outdoor device, structure, fixture or placard using graphics, symbols, and/or written copy designated for the purpose of advertising or identifying any establishment, product, goods, services, activities, or uses.~~

~~“Sign, animation” means the use of movement or some element thereof, to depict action or create a special effect or scene.~~

~~“Sign area” means the total area of the space to be used for advertising purposes, including the spaces between open type letters and figures, including the background structure or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. A double-faced sign shall have twice the total area of a single-faced sign.~~

~~“Sign, billboard” or “panel poster” means any sign used as an outdoor display for off-premises advertising.~~

~~“Sign, business” means a sign which identifies a business, product, service or activity conducted or sold on the premises where the sign is displayed.~~

~~“Sign, dwell time” means the interval of time between individual messages on an electronic message center sign.~~

~~“Sign, electronic message center” (EMC) means an electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. EMCs typically use light emitting diodes (LEDs) as a lighting source.~~

~~“Sign, flashing” means a pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully nonilluminated or~~

~~fully illuminated in one color to fully illuminated in another color in a period of less than one second for the purpose of drawing attention to the sign. Chasing/running lights, spinning, strobing, and frame effects are included.~~

~~“Sign, frame effects” means a visual effect on an electronic message center sign applied to a single frame to transition from one message to the next.~~

~~“Sign, illuminated” means a sign designed to give forth any artificial light or reflect such light from an artificial source.~~

~~“Sign, off-premises directional” means a small off-premises sign intended to allow for the safe and efficient flow of vehicular traffic to the site.~~

~~“Sign, real estate” means a sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one or more structures or a portion thereof located on such lot or tract of land.~~

~~“Sign, scrolling” means a mode of message transition on an EMC sign in which the message appears to move vertically or horizontally across the display surface.~~

Section 23. That section 18.200.090, Design guidelines and sign standards, is hereby amended to read, as follows:

Design guidelines and sign standards.

(a) Within the D-1, D-2 and D-3 districts, all new development, including permitted commercial, office, institutional, multifamily residential, industrial uses, or combination thereof, or change of uses with exterior modifications shall be consistent with the following design guidelines. No building permit shall be issued unless it is in compliance with the design guidelines which are set forth in Exhibit A at the end of this section.

(b) Compliance shall be determined by the planning director by evaluating site plans and exterior elevations for conformity with the design guidelines.

(c) Decisions on conformity with the guidelines shall be made within 10 working days of submission.

(d) An appeal from the planning director's decision as to compliance with the downtown Topeka general design guidelines may be made to the board of zoning appeals pursuant to Chapter 2.45 TMC.

~~(e) On-premises signs in the D-2 district shall comply with the standards for signs in the X (mixed use) districts pursuant to TMC 18.20.020(e). Off-premises signs shall be regulated by Chapter 18.25 TMC, Article IV.~~

~~(f) D-1 and D-3 District Sign Standards.~~

~~(1) Wall Signs.~~

~~(i) Each establishment is permitted one or more wall signs at the first floor on each building face occupied by said establishment. The accumulated area of wall signs on each building face shall be limited to 20 percent of the area of the exterior building elevation at the pedestrian level or 150 square feet, whichever is less.~~

~~(ii) Wall signage above the first floor shall be limited to no more than one sign not exceeding 150 square feet, for every 50 lineal feet of street frontage, on the exterior wall of the floor on which the signage is located. For buildings in excess of three floors or exceeding 40 feet in height, one wall sign per building face is permitted no larger than 300 square feet and located above the third floor or above 40 feet, whichever is the least. For signage above the third floor, the planning director, or the historic landmarks commission if the sign is located on a historic landmark or in a historic district, may~~

1184 ~~approve signage of greater than 300 square feet to the extent the applicant~~
1185 ~~demonstrates signage exceeding 300 square feet is necessary for visibility and legibility~~
1186 ~~of the sign.~~

1187 ~~(2) Painted Exterior Wall Signs.~~

1188 ~~(i) A painted exterior wall sign identifies a use or on-premises establishment and~~
1189 ~~consists entirely of copy that is painted directly on the exterior material of a building not~~
1190 ~~including the exterior surface of a window, awnings, or other appurtenances.~~

1191 ~~(ii) Any painted exterior wall sign applied to the front or side of a building directly~~
1192 ~~facing a street shall be regulated in the same manner as a wall sign. Any painted~~
1193 ~~exterior wall sign applied to the side or rear of a building that does not directly abut a~~
1194 ~~street is permitted provided the area of all such signs does not exceed 300 square feet~~
1195 ~~on the wall on which the signage is applied. In determining the number of square feet,~~
1196 ~~only text or logos pertaining to the business, industry, or activity conducted on or within~~
1197 ~~the premises shall be included. Art and graphic representations associated with the~~
1198 ~~painted exterior wall sign that are not text or logos shall not be subject to the area~~
1199 ~~restriction.~~

1200 ~~(3) Awning and Marquee Signs. Awning and marquee signs are signs~~
1201 ~~incorporated in the awning material or attached flat to the face of an awning or~~
1202 ~~marquee. A marquee is a roof-like projection or shelter, typically over the entrance to an~~
1203 ~~entertainment venue, and typically containing an illuminated flat area for static or~~
1204 ~~changeable sign copy. Signage attached such that the sign face is parallel with, or at an~~
1205 ~~angle between zero and less than 45 degrees of the building facade, shall be regulated~~
1206 ~~in the same manner as wall signs. Signs attached in such a way as to be at a 45-degree~~

~~or greater angle to the building facade shall be regulated in the same manner as projecting signs. For marquees electronic message centers (EMCs) may comprise 100 percent of the face of the marquee and 100 percent of the size allowed for marquee signs.~~

~~(4) Window Signs. Window signs are signs on the inside or outside of the window that are visible from the outside of the window. Window signs are permitted provided all window signs in aggregate 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.~~

~~(5) Projecting Signs. Each establishment is permitted a maximum of one projecting sign, visible from any single angle, mounted to the exterior of the first or second floors. The area of the projecting signs shall be limited to 10 percent of the building face at the level on which the establishment is located or 75 square feet, whichever is less.~~

~~(6) Ground Signs.~~

~~(i) A ground sign is any sign placed upon, or supported by, the ground independently of any building or structure on the property. Ground signs permitted in the D-1 district include monument signs and pylon signs. A monument sign is a ground sign for which the width of the widest part of the base or pylon cover of the sign is at least 75 percent of the width of the widest part of the sign face, and for which the total height of the sign does not exceed five feet. A pylon sign is a ground sign whose sign face or cabinet is above ground level and is supported by poles, pylons, or posts.~~

~~(ii) Any parcel of land located in a historic district is allowed one monument sign per street frontage not to exceed two signs, to a height not to exceed 10 feet. For each sign, the sign area shall not exceed one half square foot per lineal foot of frontage on the street to which it is oriented or 50 square feet, whichever is less. A pylon sign located on a base that is within two feet of the exterior building wall may be mounted on a pylon or similar support structure and the dimensional standards for projecting signs shall apply.~~

~~(iii) Any parcel of land located outside of a historic district shall be permitted one monument or pylon sign per street frontage not to exceed two signs, to a height not to exceed 20 feet. For each sign the cumulative sign area shall not exceed three quarter square foot per foot of frontage on the street to which it is oriented or 120 square feet, whichever is less.~~

~~(iv) Parcels of land with frontage on two or more streets may utilize a single ground sign in lieu of two ground signs provided the total area of said sign does not exceed 150 percent of the sign area allowed for any of the ground signs and in no instance is greater than 75 square feet in the downtown Topeka historic district and no more than 150 square feet in area outside of the historic district.~~

~~(v) The poles or pylons used to support the cabinet of a pylon sign shall be contained within the pole or pylon covers of a material and color compatible with the sign and adjacent buildings. Pole or pylon covers shall have an outside diameter of one foot or more.~~

~~(vi) Legal nonconforming ground signs may be refaced or have cabinets replaced without being required to comply with the standards in subsections (f)(6)(i) through (iii)~~

of this section. Legal nonconforming signs shall comply with the standards in subsections (f)(6)(i) through (iii) of this section in the event they are removed or pole, pylon, or base is replaced.

~~(7) Roof Signs. 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.~~

~~(8) Electronic Message Centers (EMC). EMCs may be incorporated in whole or in part into any of the above sign types. One EMC sign is permitted per street frontage per establishment provided the size of the EMC is limited to 50 percent of the allowable sign area for the type of sign in which it is incorporated. EMCs that are part of a marquee are allowed 100 percent of the allowed sign area and may comprise 100 percent of the face of the marquee. All aspects of EMCs not specifically addressed herein are subject to the sign standards in Division 2 of this title.~~

~~(9) Directional Signs. A directional sign provides direction to pedestrian or vehicular traffic into and out of a site, or within a site. In addition to the ground signs provided in TMC 18.20.020(g), up to two directional signs, constructed as ground signs, whether as a monument or pylon type, each not to exceed six square feet and five feet~~

in height, are permitted for each 50 feet of street frontage not to exceed four per parcel.
All other directional signs shall be regulated in accordance with subsections (f)(1) through (5), (7), (8) and (10) of this section.

~~(10) Illumination. Internal, flood illumination, or direct (i.e., neon) are permitted. Flashing, strobing, blinking, fluttering, chasing, and similar lighting features are prohibited unless they are determined by the planning director to contribute to or consistent with the historic character of the sign and building.~~

Section 24. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.210.030, which said section reads as follows:

Garage sales.

A 'garage sale,' as defined by TMC 5.140.020, is permitted when accessory to a residential dwelling in an R, M, MS-1, X, D, or RR-1 zoning district but shall be restricted to not more than four consecutive calendar days and occurring not more than twice within a 12-month period.

Section 25. That the following original sections of this Code are hereby repealed: 18.10.010 through 18.10.130; 18.15.010 through 18.15.070; 18.20.010; 18.20.020; and 18.25.010 through 18.25.260.

Section 26. This ordinance shall take effect and be in force on October 1, 2019 after its approval and publication in the official City newspaper.

Section 27. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 28. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this

1298 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

1299 PASSED AND APPROVED by the Governing Body on September 10, 2019.

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CITY OF TOPEKA, KANSAS

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Michelle De La Isla, Mayor

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ATTEST:

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Brenda Younger, City Clerk