



# CITY OF TOPEKA

Planning & Development Department  
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## MEMORANDUM

**To: Topeka Governing Body**  
**From: Bill Fiander, AICP, Director**  
**Date: July 16, 2019**

**RE: ACZR 18/02 Sign Code Update (Visual Code Update III)**

Staff is presenting for your consideration the attached Sign Code which is recommended to replace the current sign regulations in Chapters 18.10, 18.15, 18.20, and 18.25 in Title 11 of the Topeka Municipal Code. Staff is scheduled to present this item to the Governing Body for discussion at their meeting on August 13, 2019 and action at a subsequent meeting.

The attached Sign Code was recommended for approval by the Topeka Planning Commission at their May 20, 2019 public hearing by a unanimous vote (9-0). Their minutes and recommendations are attached. Also attached is the Sign Code Update Handbook which reflects the new code in a more digestible presentation format.

The Sign Code represents the final of three “visual code” updates the Department has brought forth including establishing the city’s first ever non-residential building design standards and enhanced landscape regulations.

### **Purpose of the Sign Code**

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

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

## **Current Issues and Intent of Update**

The Topeka sign code has not undergone a comprehensive update in many years. The standards for signs in the “C” and “I” districts have not changed since the 1960s. At the beginning of the current process staff identified several issues and flaws in the current sign code. The current sign code:

- lacks clarity and is not user-friendly for sign companies, city staff, and the lay public;
- does not follow best practices to effectively address traffic safety and aesthetic quality;
- is not consistent with the U.S. Supreme Court rulings, in particular the Reed v. Town of Gilbert, AZ (2015) case and its mandate for content-neutrality;
- does not adequately address the full range of signs currently in use, such as feather signs and portable message center signs;
- does adequately address off-premise signs (billboards), electronic message centers, and signs in downtown districts D-1 and D-3 due to recent updates; new Downtown sign standards were adopted in 2017 to reflect best practices.

*Momentum 2022* revealed the importance of aesthetic and visual quality for economic development purposes. It is one of three factors that influence community attachment. Citizens with strong community attachment, or pride, for the place they live are less likely to leave than residents without this emotional connection. Those with more pride also spend more on average locally. The *Momentum 2022* survey showed that only 15% of respondents rated Topeka’s aesthetics and appearance “above average/excellent” compared to 45% who rated them “below average/poor”. Thus, the primary intent of the sign code update is:

1. Improve the visual appeal and aesthetic (aka pride) of the community
2. Respond to Supreme Court direction to ensure code’s regulations are content-neutral
3. Expand “Downtown” best practices city-wide

## **Stakeholder Engagement**

### **Visual Appeal Survey**

To gather community feedback about sign aesthetics, the Planning & Development Department conducted a community-wide Visual Appeal Survey in January and February of 2018. The survey included building and signs. The survey asked respondents to rate 21 images of signs and to respond to two questions. Respondents were also provided the opportunity to write in comments. The level of response was high: 964 people took the sign survey and 386 written comments were received. A summary of the key takeaways is attached. All results of the survey are available here: <https://www.topeka.org/planning/visual-code-update/>

### **Sign Code Committee**

A Sign Code Committee was formed by staff to guide formation of the new code and give technical input. They met nine times between December 2017 and April 2019. The Committee consisted of:

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

The staff and committee have also been assisted by legal consultants Mark White, White & Smith, LLC Planning and Law Group, and Deputy City Attorney Mary Feighny.

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

Working with the Sign Code Committee, staff utilized the results of the Visual Appeal Survey, our knowledge of best practices from other cities, and understanding conditions specific to Topeka to draft a new sign code. The draft sign code was presented to the public on February 26, 2019.

### **February 26<sup>th</sup> Public Meetings**

Staff conducted two public meetings on February 26, 2019 at the Topeka-Shawnee County Library to inform stakeholders and solicit their input. The meetings were well publicized and many people and organizations received direct notification. The City's media relations director posted notice of the meetings on social media outlets Nextdoor, Twitter, Facebook, and Instagram and sent a news release to print and broadcast media. Planning Director Bill Fiander took part in three broadcast media interviews.

The Planning and Development Department notified over 600 individuals and organizations by email and regular mail, including design professionals, sign companies, schools, churches, and others. Approximately 30 people attended the meetings. (Staff notified meeting attendees and those on the department's email group list of the March 18, 2019 Planning Commission meeting.) Staff responded to questions and comments at the meeting and also collected comment cards. The questions and comments from the meetings are attached after the Planning Commission minutes.

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

## **Planning Commission**

Beginning in November 2017, the Planning Commission held briefings and discussions of the Sign Code Update at seven of its regular public meetings. Staff held a public work session with them on March 18, 2019 to present the draft code in depth. At the close of the work session the Commission directed staff to provide more information and options for the following:

- Highway Signs
- Signs for Construction Projects
- Non-conforming Signs
- Abandoned Signs
- Portable Message Center Signs

Options and ultimate recommendations for these issues are attached with the Planning Commission info. The remainder of the recommendations made by the Planning Commission are summarized below:

## **Permanent Signs**

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

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

## **Temporary Signs**

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

## **All Recommendations**

- Maximum sign size would generally be proportional to the size of the building/property instead of a "one size fits all" approach.
- The number of signs in commercial areas would now be limited based on the size of the property instead of allowing an unlimited number of signs on any property.
- Commercial zoning districts would see reduced size and height limits except along highway intersections and at shopping/commerce centers.
- Churches, offices, and multi-family areas would see more relaxed standards.
- Pole signs would be prohibited in favor of monument style for freestanding signs.
- All temporary signs would be accommodated between 30 and 120 days depending on the zoning district instead on an undefined "event" period.
- Abandoned sign prohibitions would be phased in after 1 year.
- Portable message center signs would be phased out after 2 years but be more restricted until then instead of not having any time, place, or number restrictions.
- Once the code is adopted, only new signs would need to comply with the new standards. Existing signs made non-conforming because of the new code would be allowed to continue as is unless the size of the sign is altered voluntarily. All signs would have to comply with the new code after a 20-year amortization period.