

SIGN CODE OPTIONS

May 20, 2019 Public Hearing and Planning Commission Recommendation

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

Highway Sign Exceptions

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

Signs for Construction Projects

Option A (staff recommendation)	Option B
<p>Include a section under “Applicability, Exemptions” stating...</p> <p style="text-align: center;"><i>Signs associated with the temporary use of a building or site, including buildings or sites undergoing construction, during the time of said temporary use.</i></p>	<p>Apply “Incidental Sign” standards</p>
<p>Planning Commission: <i>Agreed with staff recommendation of Option A.</i></p>	

Non-Conforming Signs

Option A (staff recommendation)	Option B	Option C
<p>All non-conforming signs that were lawful prior to adoption of the new code and not defined as abandoned may legally continue without being brought into conformance with the new code IF no changes are proposed to the sign or property as outlined below.</p> <p>Any alteration or dimensional change of 50% or more to existing sign area, cabinet size, height, or support structure shall achieve full compliance.</p> <p>Any alteration or dimensional change less than 50% of existing sign area, cabinet size, height, or support structure shall at a minimum achieve partial compliance by reducing its corresponding sign area or <u>and</u> height by at least 34%.</p> <p>In addition, any re-face/change of copy of a sign shall at a minimum achieve partial compliance by reducing its corresponding sign area or <u>and</u> height by at least 34% IF the change accompanies one of the following events after adoption of the new code:</p> <ul style="list-style-type: none"> • Rezoning of the property • 50% or more of the primary structure is damaged or rendered not useable • Any major building addition/expansion that requires Site Plan approval. • Any major façade renovation that requires approval of building elevation design. • Any property that applies or is approved for City of Topeka economic incentives (e.g., NRP, TIF, CID, etc.) <p>Any sign height reduced 35 feet or less in height must conform to monument sign requirements.</p>	<p>Option A except:</p> <p><u>Full compliance</u> required for any triggering events PLUS:</p> <ul style="list-style-type: none"> • Change of use (per building code specifications) 	<p>Option A or B except:</p> <p><u>Full compliance</u> with any triggering events PLUS:</p> <p>A ten (10) <u>twenty (20)</u> year amortization period from date of ordinance adoption when non-conforming free-standing signs must be removed, altered, or replaced in a manner that conforms entirely to the sign regulations.</p> <p>(See Note below)</p>

Note: An amortization requirement may be applied in the same manner, using the same time period, for all nonconforming signs or on a case-by-case basis using a formula. Avoiding a taking and protecting the owner's return on investment is the basis for the time period and/or formula to be used.

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

Planning Commission: *Adopt Option C, including Option A with changes to paragraphs 3 & 4, changing "or" to "and" (in paragraph 3) and change the 10 year time limit in Option C to a 20 year time limit.*

Abandoned Signs

Option A (staff recommendation)	Option B
<p>Definition: An <i>abandoned sign</i> is defined as any sign on a property which no longer applies to a use of the property because the use has changed or the property has become vacant.</p> <ol style="list-style-type: none"> 1. Any abandoned sign in existence for a period of more than 6 consecutive months shall be removed or the face of the sign shall be covered. 2. Any abandoned sign in existence for a period of more than 24 consecutive months shall be removed. 3. Abandoned signs shall be removed immediately when the primary building on the property is demolished or removed. 4. When an abandoned sign is removed, all parts of the sign, including structural supports, shall be removed. 5. Grace Period: Any sign made "abandoned" by this code must comply within one (1) year from the date of adoption of the new code. 	<p>Option A except:</p> <ol style="list-style-type: none"> 2. Any abandoned sign that is non-conforming in existence for a period of more than 24 consecutive months shall be removed. 3. Abandoned signs that are non-conforming shall be removed immediately when the primary building on the property is demolished or removed 5. Grace Period: None; effective immediately
<p>Planning Commission: <i>Adopt Option A, replacing #2 and #3 with #2 and #3 from Option B. Retain #5 in Option A. Provide a more robust definition of "covered" as included in Option A.</i></p>	

Portable Message Centers

Option A (staff recommendation)	Option B	Option C
<p>Prohibit in all zoning districts. Owners and users of portable message center signs will have 12 months from the date of ordinance publication (effective date of the ordinance) to discontinue use of these signs.</p>	<ul style="list-style-type: none"> • Allow as a temporary sign in C-2, C-3, C-4, I-1, and I-2 districts • Require a permit • Restrict use to two events per year, 30 days per event maximum, 30 days between events, maximum 60 days total per year <p>Standards:</p> <ul style="list-style-type: none"> • Maximum 32 sf per side of sign; any part of the sign containing copy and/or illumination is restricted to 32 sf. • Maximum 6 feet high • Flashing lights prohibited • Sign must be set back a minimum of 5 feet from any property line 	<p>Same as Option B but also allow for nonresidential uses in residential districts.</p>
<p>Planning Commission: <i>Adopt Option B and Option C but phase out entirely (prohibit) at 24 months from date of code adoption.</i></p>		