

1 (Published in the Topeka Metro News November 1, 2006)

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3 **ORDINANCE NO. 18741**

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5 AN ORDINANCE introduced by Councilmember's Brett Blackburn and Lana Kennedy  
6 relating to temporary signs amending Topeka City Code §§ 48-  
7 31.01., 118-276, 118-277, and specifically repealing said original  
8 sections.  
9

10 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

11 Section 1. That City of Topeka Code § 48-31.01., District regulations, is  
12 hereby amended to read as follows:

13 **District regulations.**

14  
15 All signs listed hereafter are regarded as accessory structures as distinguished  
16 from off-premises billboard or poster panel signs which are regarded as a principal use  
17 in the districts in which allowed. All signs shall be located upon a lot, parcel or tract of  
18 land so as not to encroach upon a recorded easement or public dedicated right-of-way,  
19 except as may be provided by Chapter 118 of the Code of the City of Topeka.

20 (a) Agricultural and residential districts: The following types of signs  
21 are permitted in the "RA," "RR," "R" and "M" districts:

22 (1) Church or public building identification sign, not exceeding  
23 twenty-five (25) square feet per sign face. Such sign may be lighted  
24 only if indirect lighting or shaded lighting is used.

25 ~~(2) Temporary signs not exceeding six square feet per sign~~  
26 ~~face, appertaining to the lease, hire or sale of a building or~~  
27 ~~premises and providing that said temporary signs shall not be~~  
28 ~~erected closer to the street than the building setback line of vacant~~  
29 ~~lots and on improved lots as close as practicable to the building.~~

30 (32) Monument signs limited to the identification of a multifamily  
31 building or complex, or residential subdivision. Such sign shall be  
32 limited to a maximum sign area of forty (40) square feet and not  
33 more than five (5) feet in height. Monument signs shall be limited to  
34 two (2) per public street, or designated private drive, entrance into  
35 the subject development.

36 (43) Nameplate or flat wall signs (in the "M-2" district)  
37 nonilluminated on the face of the building which contain the name  
38 of the building only. Only one (1) such sign shall be permitted on  
39 one (1) building except where the building fronts two (2) principal  
40 streets, one (1) such sign may be permitted on each front face of  
41 the building.

42 (54) Nameplate or flat wall sign (in the "M-3" and "M-4" districts)  
43 may be permitted where mounted on the face of the building and  
44 containing the name of the building only. Such sign may be interior  
45 illuminated, limited to a maximum sign area of forty (40) square  
46 feet.

47 (b) Office and commercial districts: The following types of signs are  
48 permitted in the "O&I" and "C" districts:

49 (1) Church or public building identification sign (in the "O&I-1,"  
50 "O&I-2," "O&I-3," and "C-1" districts) shall be permitted not to  
51 exceed twenty-five (25) square feet per sign face. Such sign may  
52 be lighted only if indirect lighting or shaded lighting is used.

53                   ~~(2) Temporary signs not exceeding six square feet per sign~~  
54                   ~~face, appertaining to the lease, hire or sale of a building or~~  
55                   ~~premises and providing that said temporary signs shall not be~~  
56                   ~~erected closer to the street than the building setback line of vacant~~  
57                   ~~lots and on improved lots as close as practicable to the building.~~

58                   (32) Monument signs (in the "O&I-1," "O&I-2," "O&I-3" and "C-1"  
59                   districts) limited to a maximum sign area of two (2) square feet per  
60                   foot on lot frontage, not to exceed a total of one hundred (100)  
61                   square feet or fifty (50) square feet per sign face, and limited to a  
62                   maximum height of five (5) feet.

63                   (43) Nameplate or flat wall sign where mounted on the face of the  
64                   building and containing the name of the building only. Such sign  
65                   may be interior illuminated, limited to a maximum sign area of forty  
66                   (40) square feet.

67                   (54) Advertising signs (in the "C-2" district) relating to either the  
68                   name of the business or products sold therein. Such signs shall not  
69                   contain more than two hundred (200) square feet per single sign  
70                   face, and shall not exceed a height of thirty-five (35) feet; provided,  
71                   however, that where such signs are within a seven hundred (700)  
72                   foot radius of the intersection of the centerline of an interstate  
73                   highway with any major street or thoroughfare, as designated on  
74                   the current adopted transportation plan, such signs shall not  
75                   exceed a height of fifty-five (55) feet.

76 (65) Advertising signs (in the "C-3," "C-4" and "C-5" districts) shall  
77 not contain more than three hundred (300) square feet per single  
78 sign face and shall not exceed a height of fifty-five (55) feet.

79 (c) Industrial districts: The following types of signs are permitted in the  
80 "I" districts:

81 (1) Nameplate or flat wall sign where mounted on the face of the  
82 building and containing the name of the building only. Such signs  
83 may be interior illuminated, limited to a maximum sign area of forty  
84 (40) square feet.

85 ~~(2) Temporary sign not exceeding six square feet per sign face,~~  
86 ~~appertaining to the lease, hire or sale of a building or premises and~~  
87 ~~providing that said temporary signs shall not be erected closer to~~  
88 ~~the street than the building setback line of vacant lots and on~~  
89 ~~improved lots as close as practicable to the building.~~

90 (32) Monument signs limited to a maximum sign area of two (2)  
91 square feet per foot of lot frontage, not to exceed a total of one  
92 hundred (100) square feet or fifty (50) square feet per sign face,  
93 and limited to a maximum height of five (5) feet.

94 (43) Advertising sign relating to either the name of the business  
95 or products sold therein. Such sign shall not contain more than  
96 three hundred (300) square feet per single sign face, and shall not  
97 exceed a height of fifty-five (55) feet.

98 (d) University and medical service districts: The following types of  
99 signs are permitted in the "U-1" and "M-S" districts:

100 (1) Nameplate or flat wall signs, nonilluminated on the face of  
101 the building which contain the name of the building only.

102 (2) Monument signs limited to a maximum sign area of forty (40)  
103 square feet or twenty (20) square feet per sign face, and limited to  
104 a height of five (5) feet.

105 (e) Mixed use districts: The following types of signs are permitted in the  
106 X Districts:

107 (1) Permanent Signs

108 (A) A non-residential property is permitted any  
109 combination of wall sign and/or projecting sign totaling one  
110 hundred (100) square feet per building face except in no  
111 case shall any individual wall sign exceed seventy (70)  
112 square feet, nor projecting sign exceed fifteen (15) square  
113 feet in size. An exception to these size limitations may be  
114 made by the Planning Director in cases where it can be  
115 demonstrated that any proposed wall or projecting sign  
116 supports or restores the historical significance of a building.  
117 Wall signs shall not cover or obstruct any architectural  
118 features deemed integral to the historic appearance or  
119 character of the building. Such features shall include, but are

120 not limited to, transom windows, detailed brick, tile, or  
121 shingles.

122 (B) Properties are permitted one (1) double-faced ground  
123 sign, which shall include portable signs, not to exceed forty  
124 (40) square feet per sign face, nor seven (7) feet in height  
125 above grade.

126 ~~(2) Temporary signs not exceeding six square feet per sign~~  
127 ~~face, appertaining to the lease, hire or sale of a building or~~  
128 ~~premises and providing that said temporary signs shall not be~~  
129 ~~erected closer to the street than the building setback line of vacant~~  
130 ~~lots and on improved lots as close as practicable to the building.~~

131 (f) Conditional use permits: Uses permitted by conditional use permit  
132 shall be subject to the sign regulations of the district where permitted, or  
133 specifically reviewed and considered as part of the conditional use permit.

134 Section 2. That City of Topeka Code § 118-276, Defined, is hereby amended  
135 to read as follows:

136 **Defined.**

137 (a) The term “temporary free-standing sign,” for the purposes of this  
138 dDivision, shall mean any sign, sign device, banner, pennant, valance or  
139 advertising display constructed of cloth, canvas, light fabric, cardboard or  
140 other material, with ~~or without~~ a frames, intended to be displayed for a  
141 short period of time. ~~A temporary sign includes cold air or helium filled~~  
142 ~~balloons which are tethered to a structure or the ground and which are~~

143 ~~used for business advertisement, personal or corporate gain or publicity.~~

144 The advertisement contained on a temporary free-standing sign shall be  
145 limited to only the business, activity, industry or other pursuit conducted on  
146 or in the premises on which such sign is erected or maintained.

147 (b) The term “temporary non free-standing sign,” for the purposes of  
148 this Division, shall mean any sign, sign device, banner, pennant, valance  
149 or advertising display constructed of cloth, canvas, light fabric, cardboard  
150 or other material, without a frame, intended to be displayed for a short  
151 period of time. The advertisement contained on a temporary non free-  
152 standing sign shall be limited to only the business, activity, industry or  
153 other pursuit conducted on or in the premises on which such sign is  
154 erected or maintained.

155 (c) The term “temporary balloon sign,” for the purposes of this Division,  
156 shall mean an air or gas filled balloon or other inflated device designed to  
157 emulate or advertise a product or call attention to a specific product,  
158 service, business or event. Such device may be inflated with gas or  
159 carbon dioxide or hot air and may be anchored to the ground or air born  
160 and tethered to the ground, and is intended to be displayed for a short  
161 period of time. The advertisement contained on a temporary balloon sign  
162 shall be limited to only the business, activity, industry or other pursuit  
163 conducted on or in the premises on which such sign is anchored to the  
164 ground or air born and tethered to the ground, or maintained.

165           (d) The term “limited duration, temporary, free-standing sign,” for the  
166           purposes of this Division, shall mean any sign, sign device or advertising  
167           display constructed of fabric, cardboard, plaster or other material with a  
168           self-supportive frame intended to be displayed for a short period of time.  
169           Said signs may advertise a business, activity, or other pursuit not  
170           conducted on or in the premises on which the sign is erected or  
171           maintained.

172           Section 3.     That City of Topeka Code § 118-277, Placing and time limitation, is  
173 hereby amended to read as follows:

174           **Placing and time limitation.**

175           (a) Temporary free-standing signs. One (1) temporary free-standing  
176           sign, not exceeding six (6) square feet per sign face and forty-eight inches  
177           (48”) in height may be placed or displayed at any given time on private  
178           property in any “R” or “M” dwelling district, provided however, a sign not  
179           exceeding thirty-two (32) square feet and seventy-two inches (72”) in  
180           height per sign face shall be permitted on parcels exceeding one (1) acre  
181           in size. One (1) temporary free-standing sign not exceeding thirty-two (32)  
182           square feet per sign face and seventy-two inches (72”) in height may be  
183           placed or displayed at any given time on private property in any district  
184           other than the “R” or “M” districts. The temporary free-standing sign shall  
185           only be displayed during that time period the event, activity or pursuit  
186           occurs on the premises. Further, the temporary free-standing sign shall be  
187           erected only upon the day the event, activity or pursuit commences and

188 shall be removed immediately after the event, activity or pursuit  
189 concludes. The display of a temporary free-standing sign shall be limited  
190 to two (2) separate occasions during any calendar year. No permit is  
191 required for the display of a temporary free-standing sign.

192 (ab) Temporary non free-standing signs ~~may~~shall be placed flat upon  
193 ~~the front~~any wallface of a building ~~and kept in place for a period of not to~~  
194 ~~exceed thirty (30) days upon securing a permit as required by § 118-56.~~  
195 All such signs shall not extend above or beyond the wallface of a building  
196 on which they are placed or extend more than twelve (12) inches from the  
197 face of the ~~wall~~building, and shall not exceed twenty-five percent (25%) of  
198 the surface of the face of the building upon which they are displayed.

199 (bc) Temporary ~~cold air or helium filled~~ balloons signs are subject to the  
200 following:

201 (1) Temporary ~~cold air or helium filled~~ balloon signs (~~balloon~~)  
202 which exceed two (2) cubic feet may not be placed on a property  
203 unless a permit is first obtained, as provided by ~~section~~§ 118-56  
204 and this section.

205 (2) A temporary balloon sign may be placed on the properties  
206 specified in the permit four (4) times a calendar year for one (1)  
207 week at a time. ~~At an~~The maximum altitude at the top of the  
208 temporary balloon sign shall not to exceed fifty-five (55) feet  
209 including the length of the tether or height of structure to which the  
210 temporary balloon sign is attached. No temporary balloon sign may

211 be placed on properties unless the owner has provided notice to all  
212 agencies requiring notification at least one (1) week ahead of  
213 erection of the temporary balloon sign. Said notice shall be given by  
214 certified mail at the expense of the person for whom the temporary  
215 balloon sign will be erected. Agencies who desire notification of  
216 temporary balloon sign erection shall contact the ~~development~~  
217 ~~coordination office of the city who will~~ Development Services  
218 Division which shall maintain a list of such agencies.

219 (3) As a condition for the issuance of a permit, the owner and/or  
220 user of the temporary balloon sign must agree to hold the city  
221 harmless from all claims resulting from the placement of the  
222 temporary balloon sign.

223 (4) The permit fee for a temporary balloon sign shall be Twenty-  
224 Five Dollars (\$25.00) per placement on a property. The permit shall  
225 expire one (1) week from its effective date.

226 (5) Temporary Bballoons signs are only allowed in C-4, C-5, I-1  
227 and I-2 zoning districts.

228 (6) The temporary balloons signs must meet all applicable FAA  
229 regulations.

230 (7) The gas used in ~~the~~ any temporary balloons signs must be  
231 noncombustible and the balloon may not be internally illuminated.

232 (8) No permit shall be issued for placement of a temporary  
233 balloon sign on property within five hundred (500) feet from the  
234 property line of a hospital with a helicopter landing pad.

235 (9) No temporary balloon sign shall be tethered within fifty-five  
236 (55) feet of an overhead power line or property line.

237 (d) Limited duration, free-standing signs. Not more than two (2) limited  
238 duration, free-standing signs, not exceeding six (6) square feet per sign  
239 face and forty-eight inches (48") in height may be placed or displayed on  
240 private property with the consent of the property owner. Limited duration,  
241 free-standing signs may be displayed and may remain in place only from  
242 5:00 P.M. Thursday until 5:00 P.M. Sunday. Not more than two (2) limited  
243 duration, free-standing signs may be displayed on any property at any  
244 given time. No permit is required for the display of a limited duration, free-  
245 standing sign.

246 Section 4. That City of Topeka Code §§ 48-31.01., 118-276 and 118-277 are  
247 hereby specifically repealed.

248 Section 5. This ordinance shall take effect and be in force from and after its  
249 passage, approval and publication in the official City newspaper.

250 PASSED AND APPROVED by the City Council October 24, 2006.

251  
252 CITY OF TOPEKA, KANSAS

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255  
256 ATTEST: \_\_\_\_\_ William W. Bunten, Mayor

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258 \_\_\_\_\_  
259 Iris E. Walker, City Clerk