THE TOPEKA LANDMARKS COMMISSION MEETING
Meeting to be held via video conference

AGENDA
Thursday, April 8, 2021
5:30 PM

I. Roll Call
II. Approval of Minutes – March 11, 2021
III. Announcement of Potential Conflicts

IV. CLGR21-09 by Top City Creative, 929 S. Kansas Avenue, requesting the review under Kansas State Preservation Law Review [K.S.A. 75-2724] and Chapter 18,255,120 of the City of Topeka Development Code for the placement of 2 signs onto the exterior storefront façade of property located at 929 S. Kansas Avenue. This building is listed as contributing structure within the South Kansas Avenue Commercial Historic District, and is a locally listed Historic Landmark.

V. CLGR21-10 by Jennifer Ouelette, 1164 SW College Avenue, requesting the review under Kansas State Preservation Law [K.S.A. 75-2724] for the placement of a fence along the north and east property lines of property located at 1264 SW College Avenue. This property is listed as a contributing structure within the College Avenue National Historic District

VI. Presentation of the Downtown Topeka Master Plan – Dan Warner

VII. An Introduction to TopekaSpeaks.org

VIII. Other Items (if any)

IX. Adjournment
Roll Call

Members Present: Donna Rae Pearson, Melina Stewart, Paul Post, Mark Burenheide, Dave Frederick, Christine Steinkuehler, Grant Sourk, Cassandra Taylor (8)
Members Absent: David Heit (1)
Staff Present: Tim Paris, Dan Warner

Vice-Chair Melina Stewart called the meeting of the Topeka Landmarks Commission to order with 8 members logged into the video conference.

Approval of Minutes from February 11, 2021

Motion by Grant Sourk, Second by Mark Burenheide. APPROVED 8-0-0

Announcement of potential conflicts – Melina Stewart announced that she would be recusing herself from the discussion of CLGR21-03 by Mills Building, LLC

CLGR21-03 by Mills Building, LLC, requesting the review under Kansas State Preservation Law [K.S.A. 75-2724] for the alteration and replacement of temporary wall systems with permanent walls, and accompanying HVAC/mechanical systems, all located on the 7th floor of the Mills Building, located at 901 S. Kansas Avenue. The building is listed as a contributing structure within the South Kansas Avenue Commercial Historic District.

Mr. Paris introduced the project and explained that the current layout of the floor plan is arranged using the Ultrawall office system, which utilizes non-permanent walls to segregate spaces. Mr. Paris explained that the applicant was proposing to replace this system with permanent walls that essentially replicates the existing floor plan, thus maintaining the 7th level’s existing character. He further reported that no historic materials would be removed in conjunction with this project. Mike Stormer, the project architect with Schwerdt Design Group, spoke and reiterated Mr. Paris’s report that no historic elements would be removed, Mr. Stormer reported that this proposal is one of several to remodel portions of the building since

Mr. Paris stated that he recommends approval and this project, that the proposed work will not damage or destroy the historic integrity of the 7th level, nor any other component of this building.

Motion by Mr. Sourk to concur with Staff recommendation; Second by Ms. Taylor for a finding that the proposed modifications to the 7th-level of the Mills Building, located at 901 S. Kansas Avenue will NOT damage or destroy the historical integrity of the structure, nor the surrounding South Kansas Avenue Commercial Historic District. APPROVED 7-0-1

CLGR21-05 by Knox Cocktail Lounge, requesting the review under Kansas State Preservation Law [K.S.A. 75-2724] for the interior alteration of the east side of the lower level of the Columbian Building, located at 114 SW 6th Avenue. The Columbian Building is individually listed on the National Register of Historic Places.
Mr. Paris delivered the staff report, explaining that the project was to accommodate the reuse and conversion of the space from office to dining uses. Mr. Paris said that very little demolition would occur in conjunction with the project, but that all demolition proposed would serve to better restore the spaces original floorplan and interior configuration. Mr. Andrew Wiechen, project architect with Schwerdt Design Group, spoke further, explaining that the intent of the project was to restore as many original features within the space as possible, and to salvage some of the most notable features, such as doors and doorknobs, and floor tiles for re-use elsewhere within the space, as needed.

Mr. Paris recommended approval of the project, stating that as proposed, the project will not damage or destroy the historic integrity of the interior space, and is consistent with the US Secretary of the Interior’s Standards for Rehabilitation.

Motion by Mark Burenheinde to concur with Staff recommendation, Seconded by Christine Steinkeuhler for a finding that the proposed project would not damage or destroy the historic integrity of the listed property. The motion was APPROVED by a vote of 8-0-0.

CLGR21-06 by Knox Cocktail Lounge, requesting the review under Kansas State Preservation Law [K.S.A. 75-2724] for the placement of an exterior, illuminated, projecting sign on the southwest corner of the Columbian Building, located at 114 SW 6th Avenue. The Columbian Building is individually listed on the National Register of Historic Places.

Mr. Paris delivered the Staff report, stating that the proposed sign was very similar in placement properties as the sign approved by the Landmarks Commission in 2020 for The White Linen. Mr. Paris said that the sign for The White Linen was physically attached to a remnant of an adjacent building which was demolished several decades previously, meaning that no stone of the Columbian Building was damaged in conjunction with its placement. Mr. Paris further stated that the same strategy would be employed with the placement of the proposed sign for The Knock Cocktail Lounge, being parallel in height as the sign for the White Linen, and attached to the brick remnant of an adjacent building since demolished. Mr. Andrew Wiechen, project architect, said that the materials for the proposed sign were identical to those of the White Linen, with identical accommodations for illumination. Mr. Wiechen said that the major difference between the two signs was that the proposed sign for The Knox Cocktail Lounge was round, whereas the sign for The White Linen was a vertical rectangle. However, Mr. Wiechen said that both signs were nearly identical in overall size.

Mr. Paris recommended approval of the sign, stating that as proposed, the sign will not damage or destroy the historic integrity of the interior space, and is consistent with the US Secretary of the Interior’s Standards for Rehabilitation.

Motion to concur with Staff recommendation by Grant Sourk, Seconded by Ms. Stewart, that the proposed sign will not damage or destroy the historic integrity of the Columbian Building. The motion was APPROVED by a vote of 8-0-0.

CLG Annual Training – Ms. Katrina Ringler, and Ms. Lauren Jones spoke on the structural Certified Local Government (CLG) agreement between the National Parks Service, the State of Kansas Historic
Preservation Office, and the City of Topeka to be designated as a CLG. In addition, Ms. Ringer reminded Commissioners of their obligations to apply the correct language of the two distinct laws governing decisions made by the Landmarks Commission, one law being the local historic preservation ordinance of the City of Topeka, and the other being the State of Kansas Historic Preservation Law. Ms. Ringer and Ms. Jones further quizzed Commissioners regarding several hypothetical situations that could be submitted for review, and asked for their inputs on how the Secretary’s Standards would apply to their decision.

Adjourned at 7:45PM
CERTIFIED LOCAL GOVERNMENT
KANSAS HISTORIC PRESERVATION LAW
& LOCAL HISTORIC LANDMARK
PROJECT REVIEW REPORT
TOPEKA LANDMARKS COMMISSION

CASE NO: CLGR21-09
by: Top City Creative

**Project Address:** 921 S Kansas Avenue

**Property Classification:** Contributing Property to the South Kansas Avenue Commercial Historic District AND locally designated Historic Landmark

**Standards:** Secretary of the Interior’s Standards for Rehabilitation; Downtown Topeka Design Guidelines

**Attachments:** Site Plan [ ] Elevations [X] Arch./Const. Plans [ ] Pictures [X]

**PROPOSAL:** This proposal is to place two signs onto the front face of the building located at 929 S. Kansas Avenue. The first sign will be projecting from the façade. This sign will be internally illuminated, composed of a mostly opaque acrylic cabinet measuring 23” in diameter and 12” in total thickness. Placement of this sign will be 8’ above grade, attached to the far, north column of the storefront façade. The second sign will consist of block letters each measuring 6” in height, placed within the I-beam spanning the entire width of the storefront. Each letter will be composed of heavy-duty acrylic, and will not be illuminated.

This structure is listed as a “contributing property” within the nomination of the South Kansas Avenue Commercial Historic District to the National Register of Historic Places, and is also designated as a local Historic Landmark. Therefore, separate actions by the Landmarks Commission are required for each categorization.

**BACKGROUND:** This Building is a two-story structure located in downtown Topeka, Kansas, toward the south end of the 900-block of S. Kansas Avenue. The building dates to 1888, and as such is one of the oldest commercial structures within the S. Kansas Avenue Commercial Historic District.

The South Kansas Avenue Commercial Historic District (SKACHD) nomination lists this building as the Minney Building, while the Topeka Historic Landmarks Registry lists this building as the Holland Building. Dr. John Minney’s name is on the building permit for this structure, while James C. Holland is the building’s architect. The SKACHD describes this building as the center of a 3-part commercial building, originally with matching details within each façade. However, only the center portion retains its historic transoms. The local Historic Landmarks Registry identifies a fruit market as the first tenant of this building in 1889.
REVIEW SUMMARY: The Kansas State Historic Preservation Office requires that all projects occurring on any property listed on the Register of Historic Kansas Places be reviewed for their affect on the listed property and the surrounding district. State law (K.S.A. 75-2724) establishes that the Secretary of the Interior’s Standards for Rehabilitation be used to evaluate changes proposed to any property that is individually listed, or is located within an historic district. The following is an analysis of the application of each Standard to the proposed project.

Standard 1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

Analysis: No change in current use is proposed in conjunction with this project.

Standard 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Analysis: No historic materials will be removed in conjunction with this project. Proposed signage is minimal with respect to size, scale, and overall relationship to the appearance of the building. Placement of either of these signs on the frontage of this building will not damage its historic character or integrity.

Standard 3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

Analysis: This project will not create a false sense of historical development. Both signs proposed are deemed appropriate to the overall character of the front façade.
Standard 4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

Analysis: The proposed project does not alter any character-defining aspect of this façade.

Standard 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

Analysis: No historic distinctive features, finishes, or construction techniques will be removed or altered in conjunction with this project.

Standard 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Analysis: N/A

Standard 7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

Analysis: N/A

Standard 8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

Analysis: N/A

Standard 9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Analysis: No historic materials that characterize this property will be removed or altered in conjunction with this project proposal. The proposed signs are consistent with the Downtown Topeka Historic District Design Guidelines, the D-1 Downtown Zoning District sign regulations, and are deemed to meet the Secretary’s Standards for Rehabilitation for contributing properties.

Standard 10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Analysis: The proposed signs may be removed at any time in the future without any detriment or damage to the front façade of this building.

STAFF RECOMMENDATION: In the performance of this review under KSA 75-2724, Staff is recommending a finding that the placement of the two signs onto the front façade of the property located at 929 S. Kansas Avenue will NOT damage or destroy the historical integrity of the structure, or the surrounding South Kansas Avenue Commercial Historic District.
Furthermore, Staff recommends a **Certificate of Appropriateness** be granted to the applicant for the placement of the two signs onto the front façade of 929 S. Kansas Avenue, as proposed, consistent with its listing as a local Historic Landmark.

Prepared by: ______________________
Timothy Paris, Planner II

**APPEAL TO THE GOVERNING BODY:** If the Landmarks Commission determines that the proposed signage will damage or destroy the historic integrity of the property and/or the surrounding historic district, the applicant may appeal to the governing body. It will be incumbent upon the governing body to make a determination, after consideration of all relevant factors, that: (1) there are no feasible and prudent alternatives to the demolitions of the structures; and (2) that alternatives to the project include all possible planning to minimize harm to the property and the district that may result from those alternatives.

Suitable grounds for appeal under the Kansas Preservation Act, and as outlined within the adopted Downtown Topeka Design Guidelines, include any project that:

- Is a substantial, contributing use of clear public benefit to the revitalization of Downtown Topeka, either as an anchor, or as a small project with minimal negative impact;
- Enhances vitality in the streetscape, and is of benefit to adjacent historic properties;
- Emphasizes historic character and, though not in full compliance with the Secretary’s Standards, adequately addresses the preservation and appropriate treatment of existing historic fabric;
- Is compatible with and enhances the overall character of the historic district;
- Exhibits exceptional design quality;
- Has no negative impacts to the historic district’s primary contributing historic buildings of high integrity; and
- Mitigates any adverse effects on other contributing historic buildings.
SIGN PERMIT APPLICATION

LOCATION/ADDRESS: 919 S Kansas Ave

NAME OF BUSINESS(es): Top City Creative

IS PROPERTY ON THE REGISTER OF HISTORIC PLACES?  YES  NO  not sure

The undersigned hereby makes application to erect ___ (total number) sign(s) as specified herein, and does agree that the provisions of the sign ordinance will be complied with whether the same are specified herein or not.

TYPE OF SIGN(S):
- [ ] GROUND SIGN #(__)
- [ ] WALL SIGN #(__)
- [ ] POLE SIGN #(__)
- [ ] TEMPORARY SIGN #(__)
- [ ] ROOF SIGN #(__)
- [ ] BALLOON SIGN #(__)
- [ ] PORTABLE SIGN #(__)

WORK TO BE DONE:
- [ ] NEW SIGN
- [ ] REWORK/REPLACE SIGN
- [ ] FACE REPLACEMENT

IS SIGN ILLUMINATED?
- [ ] YES  [ ] NO  IF YES, HOW? LED Lighting

APPLICATION SHALL INCLUDE THE FOLLOWING ATTACHMENTS:

1. Aerial photo or site plan with location of sign(s) identified
2. Specification drawing (elevation view) including dimensions, materials, illumination method, colors and other relevant information. Plans to scale are preferred and are necessary under some circumstances. Identify scale on plan.
3. Description on site plan or documentation that existing signs to remain or those signs to be removed. For signs to remain, identify size of each sign. For freestanding signs, describe the size and height.
4. For freestanding signs include proposed setback (distance) from nearest property line.
5. For wall signs, projecting signs and other signs attached to buildings include a photo or building elevation drawing showing placement of sign(s) on the building. Include depth and size of sign, and distance from the building surface.
6. New, illuminated signs require an electrical inspection to be completed before installation.
7. Balloon signs may be placed four times a year for one week. Indicate date(s) the balloon sign will be flown:

Sign Company: Fastsigs
Phone: 785-271-8899
Address: 5999 SW 29th St # C
Contact for permit & installation: Jonah Harper
Email: jonah.harper@fastsigs.com

Requirements for sign installation & sign hangar contractor

1) Public liability insurance policy covering all operations of $500,000 combined single limit for liability & property damage per Topeka Municipal Codebook Section 5.150.040
2) Plans & specifications including stress diagrams or tabulated stresses, dimensions, materials, & details of construction together with complete details showing methods of anchoring the proposed sign Topeka Municipal Codebook Section 18.15.050
3) Site plan showing location on property with dimensions to property lines

OWNER OF PROPERTY: Not Sure Client/Tenant got approval

Address: Phone:

Site Approval Date Disapproval Date
Water Approval Date Disapproval Date
Traffic Approval Date Disapproval Date
Historical Review (if applicable) Approval Date Disapproval Date
Planning Approval Date Disapproval Date
Zoning of Property Approval Review Comments:

By the execution of this application I consent to have City of Topeka personnel enter onto the premises legally described herein for the purpose of inspecting the premises for compliance with applicable City codes, during business hours.

Owner or Sign Hangar Contractor Signature
Address has 15 ft of street frontage Non Lit Letters to be installed stud mounted on wooden surface above window approx 8-9 ft above the concrete. Letters are 6” tall and stick out a total of 5/8” from building. Sign is 40 feet West of the curb for parking on Kansas Ave South bound. Please view proofs for reference.

Lit Double Sided Circular cabinet will be flag mounted with center at 8 ft above sidewalk. Cabinet is 23” in diameter and 12” in total thickness from face to face. This will be mounted be drilling through a welded on plate, holding the sign 5” away from building. Sign will be internally lit with LED lights. At furthest point sign is 28” stood off from building and 37.5 ft west of the curb for parking on Kansas Ave South bound. Please few proofs for reference.
23” Circle Cabinet
DS Backlit Flag Mnt

TOP CITY CREATIVE

6” Tall Flat cut out plastic letters
installed stud mounted on wood

Design - Video - Marketing
CERTIFIED LOCAL GOVERNMENT
KANSAS HISTORIC PRESERVATION LAW
PROJECT REVIEW REPORT
TOPEKA LANDMARKS COMMISSION

CASE NO: CLGR21-10

by: Jennifer Ouelette

<table>
<thead>
<tr>
<th>Project Address: 1264 SW College Ave</th>
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<tbody>
<tr>
<td>Property Classification: Contributing Property to the College Avenue National Historic District</td>
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<tr>
<td>Standards: Secretary of the Interior’s Standards for Rehabilitation; Downtown Topeka Design Guidelines</td>
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<tr>
<td>Attachments: Site Plan [X] Elevations [ ] Arch./Const. Plans [ ] Pictures [X]</td>
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PROPOSAL: This proposal is to erect fencing along two separate locations within the rear yard of property located at 1264 SW College Avenue. The proposed fencing will be constructed of wood, specifically recycled shipping pallets, topped with a decorative lattice. Combined, the fence will stand 5’ 5” in height. The placement of sections of this fence will complete the enclosure of the rear yard of this property. This height and location of each section of this fence is consistent with the City of Topeka fence regulations.

BACKGROUND: The National Register Nomination for the College Avenue National Historic District No. 1 describes this home as the Child Residence, constructed in 1908 with a front gable-and-wing. The home is 2½ stories in height with clapboard siding, all with “good” historic integrity.
REVIEW SUMMARY: The Kansas State Historic Preservation Office requires that all projects occurring on any property listed on the Register of Historic Kansas Places be reviewed for their affect on the listed property and the surrounding district. State law (K.S.A. 75-2724) establishes that the Secretary of the Interior’s Standards for Rehabilitation be used to evaluate changes proposed to any property that is individually listed, or is located within an historic district. The following is an analysis of the application of each Standard to the proposed project.

Standard 1.  A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

Analysis: No change in use of this property is proposed in conjunction with this project.

Standard 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Analysis: No historic materials will be removed or altered in conjunction with this project. The proposed fence is consistent with materials used during the District’s period of significance, which is 1888 to 1930. The fence is also consistent with the scale, massing, size, and materials to maintain compatibility with the property and the surrounding historic district.

Standard 3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

Analysis: No aspects of this project are proposed that will create a false sense of historic significance.

Standard 4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

Analysis: No features of this home or property are proposed for removal or physical alteration. The proposed fences can easily be removed in the future with no residual damage caused to the home or property.

Standard 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

Analysis: No distinctive features, finishes, or construction techniques will be removed or altered in conjunction with this project proposal.

Standard 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Analysis: No features of this home or property are proposed for removal or physical alteration in conjunction with this project. The proposed fence can easily be removed in the future with no residual damage caused to the home or property.
Standard 7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

Analysis: N/A

Standard 8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

Analysis: N/A

Standard 9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Analysis: The proposed fence are deemed to be consistent with the appropriate style, materials, and configuration for the late 19th to early 20th Century period of significance for this historic district. No existing historic materials will be damaged or altered in conjunction with this project.

Standard 10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Analysis: The proposed fence can easily be removed in the future with no residual damage caused to the home or property.

STAFF RECOMMENDATION: In the performance of this review under KSA 75-2724, Staff is recommending a finding that the proposed fences to be placed onto the property located at 1264 SW College Avenue will NOT damage or destroy the historical integrity of the structure, or the surrounding College Avenue National Historic District.

Prepared by: ____________________________
Timothy Paris, Planner II
The main materials will be large heat treated (double sided) pallets that are in nice condition. They are 3.5 ft. tall. Metal fence posts will be inside each of the pallets to secure them into the ground and screw the posts to the pallet as well. A lattice top will then be added to the top to bring the total height to 5.5 ft. The wood will then be stained with a dark stain/protectant.

EXAMPLES of a shipping pallet fence, minus decorative lattice.
**APPEAL TO THE GOVERNING BODY**: If the Landmarks Commission determines that the proposed fence will damage or destroy the historic integrity of the property and/or the surrounding historic district, the applicant may appeal to the governing body. It will be incumbent upon the governing body to make a determination, after consideration of all relevant factors, that: (1) there are no feasible and prudent alternatives to the placement of the fence as proposed; and (2) that alternatives to the project include all possible planning to minimize harm to the property and the district that may result from those alternatives.

Suitable grounds for appeal under the Kansas Preservation Act, include any project that:

- Enhances vitality in the streetscape, and is of benefit to adjacent historic properties;
- Emphasizes historic character and, though not in full compliance with the Secretary’s Standards, adequately addresses the preservation and appropriate treatment of existing historic fabric;
- Is compatible with and enhances the overall character of the historic district;
- Exhibits exceptional design quality;
- Has no negative impacts to the historic district’s primary contributing historic buildings of high integrity; and
- Mitigates any adverse effects on other contributing historic buildings.
FENCE PERMIT APPLICATION

Owner of Property: Jennifer Duette
Print Name
Signature
Phone

Fence Address: 1264 SW College Ave, Topeka, KS 66604
JENIMESA@YAHOO.COM

Legal description: Lot: 16 Block: 23 Subdivision: College Hill A

Address of owner (if different):

Contractor: N/A
Phone:

Type of fence material: ☐ Wood ☐ Chain Link ☐ Plastic ☐ Split Rail
☐ Other – description of fence:

Proposed height of fence: Front 5'5" Side 1 5'5" Side 2 5'5" Rear 5'5"

Is this fence located on a corner lot? ☐ Yes ☒ No

Is the property located in a Designated Historic District or Neighborhood Conservation District (NCD)? ☐ Yes ☐ No
If yes, what Historic District / NCD? Unknown

Please provide a site plan on an 8.5 x 11 sheet of paper indicating property lines, dimensions and locations of fence, buildings, rights-of-way, utility, drainage or other easements, scale and north arrow.

- Maximum height limitation of fence – front – 4 feet & rear 8 feet
- Fence is to be placed on private property and may not be placed in the city’s right-of-way, which is approximately 1 foot back of an existing public sidewalk.

* on corner lots, fences cannot be placed in the 40 foot sight distance triangle.

The City will require the immediate removal of any fence placed or located within drainage, utility or other easements, which materially interferes with the use of the easement. Upon notice by the City, the owner at the owner’s expense shall remove the fence. If the owner fails to remove the fence, then the City shall cause its removal and the property owner shall be responsible for all removal costs.

The City shall not be responsible for any damage caused to a fence or its removal, which may result from the repair or maintenance of any drainage easement or the repair or maintenance of any utilities located in utility easement.

The property owner understands and agrees to indemnify and hold the City harmless for damage, claims, costs, suits, judgments and expenses specifically including attorneys’ fees of any nature whatsoever arising out of or in connection with the construction, repair or maintenance of a fence. The city’s failure to immediately enforce its rights in relation to its easements shall not constitute a waiver of its right to do so and shall not prevent the City from causing the removal of a fence, which materially interferes with the use of a City easement.

In consideration for the permission to construct the fence specified in the fence permit application, the undersigned property owner hereby agrees to be bound by all the terms and conditions contained in this fence application:

Signature of owner

APPROVALS:

Traffic: Approved _____ Date _____ Disapproved _____ Date _____
Engineer: Approved _____ Date _____ Disapproved _____ Date _____
Planning: Approved _____ Date _____ Disapproved _____ Date _____
Historical (if applicable): Approved _____ Date _____ Disapproved _____ Date _____