

1 (Published in the Topeka Metro News March 8, 2021)

2  
3 **ORDINANCE NO. 20283**

4  
5 AN ORDINANCE introduced by City Manager Brent Trout, concerning zoning  
6 ordinances, amending City of Topeka Code § 18.55.020, §  
7 18.55.040, § 18.55.140, § 18.55.150, § 18.55.190, § 18.55.200, §  
8 18.60.010, § 18.225.010 and § 18.240.030 and repealing original  
9 sections.

10  
11 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

12 Section 1. That section 18.55.020, “B” definitions, of The Code of the City of  
13 Topeka, Kansas, is hereby amended to read as follows:

14 **“B” definitions.**

15 “Basement” means a story partly or wholly underground. For purposes of height  
16 measurement, a basement shall be counted as a story where more than one-half of its  
17 height is above the average finished grade.

18 ~~“Bed and breakfast home” means a private, owner-occupied single-family dwelling where~~  
19 ~~no more than four guestrooms are provided for overnight paying guests for not more than~~  
20 ~~seven consecutive nights. The dwelling shall be the primary residence of the owner with~~  
21 ~~no employees permitted, other than permanent residents of the dwelling. Food service~~  
22 ~~may be provided for guests.~~

23 ~~“Bed and breakfast inn” means a single-family structure or portion thereof that provides~~  
24 ~~not more than 10 guestrooms for overnight paying guests. Food service may be provided~~  
25 ~~for guests and sometimes in conjunction with social events.~~

26 “Block” means a piece of land usually bounded on all sides by streets or other  
27 transportation routes such as railroad lines, or by physical barriers such as water bodies  
28 or public open space, and not traversed by a through street.

29 “Boarding house” means any dwelling where for compensation and by prearrangement  
30 lodging with or without food is provided for three or more persons but not exceeding 20  
31 persons in contradiction to hotels. No personal care is provided.

32 “Brew pub” means an eating and drinking establishment that includes a micro-brewery as  
33 an accessory use. The micro-brewery is limited to 5,000 barrels per year, which is  
34 equivalent to 155,000 gallons per year.

35 “Buildable area” means the space remaining on a zoning lot after the minimum open-  
36 space requirements (coverage, yards and setbacks) have been met.

37 “Building” means any roofed structure for the shelter, support or enclosure of persons,  
38 animals, chattels or property of any kind; and when separated by dividing walls without  
39 openings, each portion of such building, so separated, shall be deemed a separate  
40 building.

41 “Building code” means the International Building Code, as adopted in Chapter 14.20 TMC.

42 “Building coverage” means the percent of the lot area covered by the maximum horizontal  
43 cross-sections of all buildings on the lot. Portions of buildings below the finished lot grade,  
44 such as storm shelters, shall not be included in building coverage.

45 “Building, detached” means a building having no party wall in common with another  
46 building.

47 Building Line. See “building setback line.”

48 “Building, principal” means a building in which is conducted the principal use of the lot on  
49 which it is situated.

50 “Building setback line” means the required distance of open space between a building  
51 and a lot line.

52 “Bulk” is the term used to describe the size of buildings or other structures, and their  
53 relationships to each other and to open areas and lot lines, and therefore includes: (1) the  
54 size of buildings or other structures, (2) the area of the zoning lot upon which a residential  
55 building is located, and the number of dwelling units or rooms within such building in  
56 relation to the area of the zoning lot, (3) the shape of buildings or other structures, (4) the  
57 location of exterior walls of buildings or other structures in relation to lot lines, to other  
58 walls of the same building, to legally required windows, or to other buildings or other  
59 structures, and (5) all open areas relating to buildings or other structures and their  
60 relationship thereto.

61 “Bulk regulations” means the combination of controls which established the maximum  
62 size of a building and its location on the lot. Components of bulk regulations include: size  
63 and height of building; location of exterior walls at all levels with respect to lot lines,  
64 streets, or other buildings; building coverage; gross floor area of buildings in relation to  
65 lot area (floor area ratio); open space (yard) requirements; and amount of lot area  
66 provided per dwelling unit.

67 “Business” or “business use” means employment of one or more persons for the purpose  
68 of earning a livelihood, activities of persons to improve their economic conditions and  
69 desires, and generally relate to commercial and industrial engagements.

70 Section 2. That section 18.55.040, “D” definitions, of The Code of the City of  
71 Topeka, Kansas, is hereby amended to read as follows:

72 **“D” definitions.**

73 “Day care” means providing various levels of some or all of the following care as  
74 well as those services generally so associated, to individuals for less than 24 hours a day:

75 food and dietetic services; transportation, social, recreational, educational and activity  
76 arrangements; watchful and protective oversight; and supervision.

77 “Day care facility, type I” means a structure inhabited as a dwelling unit or portion thereof,  
78 and premises, operated and licensed in accordance with any and all applicable State and  
79 local requirements and conducted in the resident’s dwelling unit in which care is provided  
80 for profit or not for profit, to children and/or adults on a regular schedule for less than 24  
81 hours a day to a maximum of 12 persons.

82 “Day care facility, type II” means a structure or portion thereof, and premises, operated  
83 and licensed in accordance with any and all applicable State and local requirements, in  
84 which care is provided for profit or not for profit, to children and/or adults on a regular  
85 schedule for less than 24 hours a day, and which may be operated as a secondary and/or  
86 ancillary use to a primary or principal use, such as, but not limited to, a place of worship,  
87 community center, library, or private business, and associated with that activity.

88 Demolition Landfill. See “landfill, demolition.”

89 “Density” means the number of dwelling units per acre.

90 “Developer” means the legal or beneficial owner or owners of a lot or of any land included  
91 in a proposed development including the holder of an option or contract to purchase, or  
92 other persons having enforceable proprietary interests in such land.

93 “Development” means the division of a parcel of land into two or more parcels; the  
94 construction, reconstruction, conversion, structural alteration, relocation or enlargement  
95 of any structure; any mining, excavation, landfill or land disturbance and any use or  
96 extension of the use of land.

97 “Director” means the Director of Planning and Development or designee.

98 “Disability (or handicap)” with respect to a person means:

99 (1) A physical or mental impairment which substantially limits one or more of such  
100 person’s major life activities;

101 (2) A record of having such an impairment; or

102 (3) Being regarded as having such an impairment.

103 Such term does not include current, illegal use or addiction to a controlled substance, as  
104 defined in Section 102 of the Controlled Substance Act (21 U.S.C. Section 802).

105 “District” means any section of the jurisdiction for which the regulations governing the use  
106 of buildings and premises or the height and area of buildings are uniform.

107 “District map” means the boundaries of the zoning districts as they presently exist or as  
108 they may from time to time be amended as shown upon the district map on file in the  
109 office of the Planning Director, which boundaries shall have the same force and effect as  
110 though fully set forth or described herein.

111 “Domestic animal” means small animals that are customarily kept for personal use or  
112 enjoyment such as, but not limited to, dogs, cats, tropical birds, rabbits and rodents.

113 “Dormitory” means a building or part of a building operated by an institution and containing  
114 a room or rooms forming one or more habitable units which are used or intended to be  
115 used by residents of the institution for living and sleeping, but not for cooking or eating  
116 purposes.

117 “Drinking establishment” means premises which may be open to the general public,  
118 where alcoholic liquor by the individual drink is sold.

119 “Driveway” means a paved surface designed to provide vehicular access to a parking  
120 area.

121 “Dwelling” means a building or portion thereof, used exclusively for residential occupancy,  
122 including one-family, two-family and multiple-family dwellings, but not including hotels,  
123 motels, ~~lodging houses~~, boarding houses, ~~tourist homes~~, or house trailers and mobile  
124 homes.

125 “Dwelling, accessory” means an independent, detached dwelling unit having the defining  
126 characteristics of a dwelling unit but, in addition, being secondary to a primary dwelling  
127 located on the same lot of record and containing a maximum of 600 square feet, not  
128 including garage.

129 “Dwelling, attached” means a one-family dwelling attached to two or more one-family  
130 dwellings by common vertical walls.

131 “Dwelling, detached” means a dwelling which is designed to be and is substantially  
132 separate from any other structure or structures except accessory buildings.

133 “Dwelling, multiple-family” means a building or portion thereof used for occupancy by  
134 three or more families living independently of each other, and doing their own cooking in  
135 the building, including apartments, group houses, and row houses.

136 “Dwelling, row house or townhouse” means one of a series of three or more attached  
137 dwelling units separated from one another by continuous vertical party walls without  
138 openings from basement floor to roof.

139 “Dwelling, single-family” means a building designed and/or used exclusively for residential  
140 purposes for one family only and containing not more than one unit, including site-built  
141 homes and residential-design manufactured homes, but not including house trailers and  
142 mobile homes as defined by this chapter.

143 “Dwelling, single-family attached” means a one-family dwelling attached to one other one-  
144 family dwelling by a common vertical wall that is unpierced and located along its common  
145 property line, and each dwelling located on a separate lot.

146 “Dwelling, single-family detached” means a dwelling which is designed for and occupied  
147 by not more than one family and surrounded by open space or yards and which is not  
148 attached to any other dwelling by any means.

149 “Dwelling, two-family (duplex)” means a structure on a single lot containing two dwelling  
150 units, each of which is totally separated from the other by an unpierced wall extending  
151 from ground to roof or an unpierced ceiling and floor extending from exterior wall to  
152 exterior wall, except for a common stairwell exterior to both dwelling units.

153 “Dwelling unit” consists of one or more rooms, including a bathroom and complete kitchen  
154 facilities, which are arranged, designed or used as living quarters for one family or  
155 household.

156 Section 3. That section 18.55.140, “N” definitions, of The Code of the City of  
157 Topeka, Kansas, is hereby amended to read as follows:

158 **“N” definitions.**

159 “Neighborhood” means the smallest subarea in planning, defined as a residential area  
160 whose residents have public facilities and social institutions in common, generally within  
161 walking distance of their homes.

162 “Nonconforming lot” means a lot which was lawful prior to the adoption of or amendment  
163 to a zoning ordinance but which fails by reason of such adoption or amendment to  
164 conform to the present requirements for lots of its zoning district.

165 “Nonconforming structure or building” means a structure or building, the size, dimension  
166 or location of which was lawful prior to the adoption of or amendment to a zoning  
167 ordinance but which fails, by reason of such adoption or amendment, to conform to the  
168 present requirements of the zoning district.

169 “Nonconforming use” means a use or activity which was lawful prior to the adoption or  
170 amendment of a zoning ordinance but which fails, by reason of such adoption or  
171 amendment, to conform to the present requirements of the zoning district.

172 “Non-owner Occupied” means any dwelling in which the owner of record does not reside  
173 in the dwelling or resides in the dwelling fewer than 182 days per calendar year.

174 Section 4. That section 18.55.150, “O” definitions, of The Code of the City of  
175 Topeka, Kansas, is hereby amended to read as follows:

176 **“O” definitions.**

177 “Occupancy, change of” means a discontinuance of an existing use and substitution of a  
178 use of a different kind.

179 “Occupy” means to take or maintain possession of, reside in, or utilize.

180 “Office” means a building or portion of a building wherein services are performed involving  
181 predominantly administrative, professional, or clerical operations.

182 “Open space” means ground area and the space above which is unimpeded with any  
183 enclosed building. Open space areas may be used for landscaping, water bodies,  
184 stormwater management systems, sidewalks, walking trails, courtyards, and passive  
185 recreational purposes. Parking lots and storage areas for vehicles, equipment, and  
186 material shall not be considered as open space. Open space is the area remaining on a  
187 lot or land after subtracting “lot coverage,” as defined at TMC 18.55.120.



188 “Owner” means an individual, firm, association, syndicate, partnership, or corporation  
189 holding title to or having sufficient proprietary interest to seek permits for development of  
190 land.

191 “Owner-occupied” means any dwelling in which the owner of record resides for 182 days  
192 or more per calendar year.

193 “Ownership certificate (certificate of ownership)” means a listing of properties within an  
194 identified area by legal description and address, together with corresponding ownership  
195 of those having proprietary ownership for purposes of notification.

196 Section 5. That section 18.55.190, “S” definitions, of The Code of the City of  
197 Topeka, Kansas, is hereby amended to read as follows:

198 **“S” definitions.**

199 “School” means any building or part thereof which is or was designed, constructed or  
200 used for education or instruction in any branch of knowledge, including any reuse for  
201 office or administrative functions designed to support school services or programs.

202 “School, elementary” means any school licensed by the State and which meets the State  
203 requirements for elementary education.

204 “School, private” means any building or group of buildings the use of which meets State  
205 requirements for primary, secondary or higher education and which use does not secure  
206 the major part of its funding from any governmental agency.

207 “School, secondary” means any school licensed by the State and which is authorized to  
208 award diplomas for secondary education.

209 “School, vocational” means a secondary or higher education facility primarily teaching  
210 usable skills that prepare students for jobs in a trade and meeting the State requirements  
211 as a vocational facility.

212 “Self-storage, type I” means a low intensity indoor facility serving the temporary storage  
213 needs for individuals and small businesses. Individual units have indoor access only via  
214 hallways and no business activities shall occur on the premises except for the leasing of  
215 the units.

216 “Self-storage, type II” means an indoor and/or outdoor facility to meet the temporary  
217 storage needs for individuals and small businesses. Individual units may have their own  
218 exterior access; the outdoor storage of recreational vehicles, boats, and motor vehicles  
219 is permitted; and no business activities shall occur on the premises except for the leasing  
220 of the units.

221 “Setback” means the minimum required distance between a building and the lot line or  
222 street right-of-way line, whichever is applicable.

223 “Setback line” means that line that is the required minimum distance from the street right-  
224 of-way line or any other lot line that establishes the area within which the principal  
225 structure must be erected or placed.

226 “Setback regulations” means the requirements of building laws that a building be set back  
227 a certain distance from the street or lot line either on the street level or at a prescribed  
228 height.

229 “Sewage system” means a facility designed for the collection, removal, treatment and  
230 disposal of waterborne sewage generated within a given service area.

231 “Shop” means a use devoted primarily to the sale of a service or a product or products,  
232 but the service is performed or the product to be sold is prepared in its finished form on  
233 the premises.

234 “Shopping center” means a group of retail stores, originally planned and developed as a  
235 single unit, with immediate adjoining off-street parking facilities.

236 “Short-term residential rental, type I” means any owner-occupied dwelling which: (1)  
237 contains rooms furnished for the purposes of providing lodging to transient guests; (2) is  
238 kept, used, maintained, advertised or held out to the public as a place where sleeping  
239 accommodations are available for pay or compensation by transient guests; and (3) has  
240 no more than five bedrooms furnished for the accommodation of such guests.

241 “Short-term residential rental, type II” means any non-owner-occupied dwelling which (1)  
242 contains rooms furnished for the purposes of providing lodging to transient guests; (2) is  
243 kept, used, maintained, advertised or held out to the public as a place where sleeping  
244 accommodations are available for pay or compensation by transient guests; and (3) has  
245 no more than five bedrooms furnished for the accommodation of such guests.

246 “Short-term residential rental, type III” means any dwelling, which may or may not be  
247 owner-occupied, and which (1) contains rooms furnished for the purposes of providing  
248 lodging to transient guests; (2) is kept, used, maintained, advertised or held out to the  
249 public as a place where sleeping accommodations are available for pay or compensation  
250 by transient guests; and (3) has six or more bedrooms furnished for the accommodation  
251 of such guests.

252 “Site” means a specific location for the placement, erection or construction of a building,  
253 facility or establishment.

254 “Site-built home” means a home on a permanent foundation erected by the process of  
255 assembling individual building materials or members on site and subject to adopted  
256 construction codes and safety standards.

257 “Site plan” means a plan to scale, showing accurately and with complete dimensioning  
258 the boundaries of a site and the location of all buildings, structures, uses, drives, parking,  
259 drainage, landscaping, and other principal site development improvements for a specific  
260 parcel of land.

261 “Small cell wireless facility” or “SCWF” means a wireless facility that meets all of the  
262 following qualifications:

263 (1) *Antenna*. Each antenna is located inside an enclosure of no more than six  
264 cubic feet in volume, or in the case of an antenna that has exposed elements, the antenna  
265 and all of the antenna’s exposed elements could fit within an imaginary enclosure of no  
266 more than six cubic feet;

267 (2) *Equipment*. Primary equipment enclosures that are no larger than 17 cubic feet  
268 in volume, or facilities comprised of such higher limits as the Federal Communications  
269 Commission has excluded from review pursuant to 54 U.S.C. Section 306108. Associated  
270 equipment may be located outside the primary equipment and, if so located, is not to be  
271 included in the calculation of equipment volume. Associated equipment includes, but is  
272 not limited to, any electric meter, concealment, telecommunications demarcation box,  
273 ground-based enclosures, back-up power systems, grounding equipment, power transfer  
274 switch, cut-off switch and vertical cable runs for the connection of power and other  
275 services.

276 (3) *Height*.

277 (i) Fifty feet in height or less; or  
278 (ii) The structure is no more than 10 percent higher than that of adjacent structures  
279 or as prescribed in Federal law.

280 “Specified anatomical area” means less than completely or opaquely covered human  
281 genitals, pubic region, and human male genitals in a discernibly turgid state, even if  
282 completely and opaquely covered.

283 “Specified sexual activities” means human genitals in a state of sexual stimulation or  
284 arousal; acts of human masturbation, sexual intercourse or sodomy; and fondling or other  
285 erotic touching of human genitals or pubic region.

286 “Stacking space” means a paved surface which is designed to accommodate a motor  
287 vehicle waiting for entry to any drive-through facility or auto-oriented use, which is located  
288 in such a way that a parking space or access to a parking space is not obstructed, and  
289 which is at least nine feet in width and 19 feet in length. Stacking spaces commence 10  
290 feet behind the middle of the pickup window.

291 “Standards” means site design regulations such as lot area, height limits, frontage,  
292 landscaping, yards, and floor area ratio, as distinguished from use restrictions.

293 “Storage” means holding or safekeeping goods in a warehouse or other depository to  
294 await the happening of some future event or contingency which will call for the removal  
295 of the goods.

296 “Street” means a right-of-way dedicated to the public use, or a private right-of-way serving  
297 more than one ownership, which provides principal vehicular and pedestrian access to  
298 adjacent properties.

299 “Street line” means a dividing line between a lot and a street right-of-way.

300 “Structural alterations” means any change in the supporting members of a building, such  
301 as bearing walls or partitions, columns, beams or girders, or any substantial change in  
302 the roof or in the exterior walls.

303 “Structurally altered” means the making of such a substantial change in the construction,  
304 identity, and use of the present building.

305 “Structure” means anything which is built or constructed, an edifice or building of any kind,  
306 or any place of work artificially built up or composed of parts joined together in some  
307 definite manner, which requires location on the ground or is attached to something having  
308 a location on the ground. It includes buildings, towers, cages for transformer substations,  
309 pergolas, and billboards but excludes poles, fences, retaining walls, air-conditioning units,  
310 posts, and other minor incidental improvements.

311 “Stub street” means a nonpermanent dead-end street that is intended to be extended in  
312 conjunction with the subdivision and development of the adjacent unplatted land. Access  
313 from the stub street shall be permitted only along the frontage of such street to the lots in  
314 the subdivision containing the stub street.

315 “Subdivision” means division of a lot, tract or parcel of land into two or more parts for the  
316 purpose of ownership or building development.

317 Section 6. That section 18.55.200, “T” definitions, of The Code of the City of  
318 Topeka, Kansas, is hereby amended to read as follows:

319 **“T” definitions.**

320 “Tap/tasting room” means an area included on site that is accessory to micro-  
321 alcohol production to allow customers to taste samples of products manufactured on site  
322 and purchase related items.

323 “Temporary use” means a use of land, buildings or structures not intended to be of  
324 permanent duration.

325 “Theater” means a structure used for dramatic, operatic, motion pictures, or other  
326 performance, for admission to which entrance money is received and no audience  
327 participation or meal service allowed.

328 “Tract” means an area or parcel of land other than a lot described and recorded in the  
329 office of the Register of Deeds of Shawnee County as a single parcel of land under  
330 individual ownership.

331 “Traffic impact analysis (TIA)” means a specialized study of the impact a development will  
332 have on the surrounding transportation system. It is specifically concerned with the  
333 generation, distribution, and assignment of traffic to and from a proposed development.  
334 The purpose of a TIA is to determine what impact that traffic will have on the existing and  
335 proposed roadway network, and what impact the existing and projected traffic on the  
336 roadway system will have on the proposed development. It will provide a credible basis  
337 for estimating roadway and on-site improvement requirements attributable to a particular  
338 project, and assess the compatibility of local transportation plans. The specific content of  
339 a TIA may vary depending upon the site, prevailing conditions, and safety considerations  
340 as expressed by reviewing staff during the preapplication conference, and shall conform  
341 to the recommended practice methods of the Institute of Transportation Engineers.

342 “Transient guest” means a person who occupies a short-term residential rental for not  
343 more than twenty-eight (28) consecutive days.

344 “Transmission tower” means a structure principally intended to support a source of  
345 nonionizing electromagnetic radiation (NIER) and accessory equipment related to  
346 telecommunications, other than the following uses which are exempt from this division:

347 (1) Portable, handheld and vehicular transmissions;

348 (2) Industrial, scientific and medical equipment operating at frequencies  
349 designated for that purpose by the FCC;

350 (3) A source of nonionizing electromagnetic radiation with an effective radiated  
351 power of seven watts or less;

352 (4) A sole-source emitter with an average output of one kilowatt or less if used for  
353 amateur purposes;

354 (5) Marketed consumer products, such as microwave ovens, citizens band radios,  
355 and remote control toys; and

356 (6) Goods in storage or shipment or on display for sale, provided the goods are  
357 not operated, except for occasional testing or demonstration.

358 “Truck stop” means a facility that provides services to the trucking industry, including but  
359 not limited to the following: dispensing of fuel, repair shops for large trucks, automated  
360 washes, restaurants, motels, overnight sleeping quarters, parking areas for large trucks,  
361 resting areas for trucks and drivers, all as part of a primary use.

362 Section 7. That section 18.60.010, Use Tables, of The Code of the City of  
363 Topeka, Kansas, is hereby amended to read as follows:

364 **Use Tables.**

365 A = Allowed

366 S/C = Allowed but Specific Use Requirements Apply; CUP to vary from specific use requirements

367 C = Conditional Use Permit Required

368 P = Prohibited

369



Land Use	Zoning District															
	R-1, R-2, R-3	R-4	M-1	M-1a	M-2	M-3	O&I-1	O&I-2	O&I-3	C-1	C-2	C-3	C-4	I-1	I-2	
Bed & Breakfast Home	C	P	C	C	A	A	A	A	A	P	P	P	P	P	P	
Bed & Breakfast Inn	C	P	C	C	S/C	S/C	C	C	C	A	A	A	A	A	A	
Short-Term Residential Rental, Type I	S/C	P	S/C	S/C	A	A	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	
Short-Term Residential Rental, Type II	S/C	P	S/C	S/C	A	A	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	
Short-Term Residential Rental, Type III	C	P	C	C	A	A	C	C	C	S/C	A	A	A	A	A	

370

Land Use	Zoning District										
	U-1	MS-1	X-1	X-2	X-3	D-1	D-2	D-3	RR-1	OS-1	
Bed & Breakfast Home	P	A	C	C	C	S	C	P	C	P	
Bed & Breakfast Inn	P	C	A	C	A	A	A	C	C	P	
Short-Term Residential	P	S/C	S/C	S/C	S/C	A	S/C	S/C	S/C	P	

<u>Rental, Type I</u>										
<u>Short-Term Residential Rental, Type II</u>	<u>P</u>	<u>S/C</u>	<u>S/C</u>	<u>S/C</u>	<u>S/C</u>	<u>A</u>	<u>S/C</u>	<u>S/C</u>	<u>S/C</u>	<u>P</u>
<u>Short-Term Residential Rental, Type III</u>	<u>P</u>	<u>C</u>	<u>S/C</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>C</u>	<u>P</u>

371            Section 8.    That section 18.225.010, Special use requirements, of The Code of  
372 the City of Topeka, Kansas, is hereby amended to read as follows:

373            **Special use requirements.**

374            The special uses identified in the use matrix table at TMC 18.60.010 are subject  
375 to the additional requirements of this chapter. In case of any conflict between the  
376 regulations of the district in which the use is allowed and the additional regulations of this  
377 chapter, the most restrictive regulations shall govern:

378            (a) Automobile or Vehicle Dealership. This use includes the sales, leasing, and  
379 service of vehicles and trailers having a gross vehicle weight rating over 12,000 pounds,  
380 watercraft, recreational vehicles, heavy construction equipment, and agricultural  
381 equipment.

382            (1) Ancillary towing services and body shops are permitted. Storage of damaged  
383 vehicles needing body shop repairs shall only be stored in rear yards or screened from  
384 view from public roadways and screened from abutting residentially zoned properties.  
385 Automotive wrecking and dismantling for salvage purposes are prohibited. Each disabled

386 vehicle is limited to 30 days of on-site storage.

387 (2) The inventory of vehicles for sale, lease, or service shall be parked only on  
388 paved areas and shall not displace the minimum required number of off-street parking  
389 spaces.

390 (3) A solid, opaque screen, fence or sight-prohibitive landscaping shall be  
391 provided along lot lines adjoining residential property at a height of not less than six feet  
392 except in front yards where it may be reduced to three feet or replaced with shrubs  
393 designed to grow two to three feet in height.

394 (4) Automobile dealerships shall have frontage on a roadway designated as an  
395 arterial roadway by the Shawnee County functional classification of roadways map.

396 (b) Automobile or Vehicle Car Wash Facility.

397 (1) All washing facilities shall be within the interior of the structure or beneath a  
398 roofed area.

399 (2) Vacuum, automatic air drying, and similar facilities shall not be located in such  
400 a manner that will restrict the orderly ingress to the facility.

401 (3) The washing facility shall be set back a minimum of 50 feet from any public  
402 street.

403 (4) All accesses, drives and off-street parking spaces shall be in accordance with  
404 the parking standards.

405 (5) The traffic circulation plan for the facility shall be subject to the approval of the  
406 Traffic Engineer or authorized designee of the Public Works Department.

407 (6) A solid, opaque screen, fence or sight-prohibitive landscaping shall be  
408 provided along lot lines adjoining residential property at a height of not less than six feet

409 except in front yards where it may be reduced to three feet or replaced with shrubs  
410 designed to grow two to three feet in height.

411 (c) Automobile Sales. Except in the C-4 commercial district, ancillary uses for a  
412 body shop and automotive service station Type 3 are prohibited unless a conditional use  
413 permit is secured.

414 (1) Automobile sales, leasing, and service of vehicles are restricted to  
415 automobiles, pickup trucks, motorcycles and other vehicles that do not exceed a gross  
416 vehicle weight rating of 12,000 pounds in the C-3 district.

417 (2) The inventory of vehicles for sale, lease, or service shall be parked only on  
418 paved areas and shall not displace the minimum required number of off-street parking  
419 spaces.

420 (3) A solid, opaque screen, fence or sight-prohibitive landscaping shall be  
421 provided along lot lines adjoining residential property at a height of not less than six feet  
422 except in front yards where it may be reduced to three feet or replaced with shrubs  
423 designed to grow two to three feet in height.

424 (d) Automotive Service Station.

425 (1) Type 1. A facility which dispenses automotive fuels and oil with or without retail  
426 sales of incidental merchandise such as packaged beer, nonalcoholic beverages, ice,  
427 candy, cigarettes, snacks and convenience packaged foods.

428 (2) Type 2. A facility which may include those uses defined in Type 1 and  
429 specifically includes replacement of automotive parts including but not limited to fan belts,  
430 hoses, sparkplugs, tires and tubes, ignition parts, batteries, shock absorbers, and fuses.  
431 A Type 2 facility is limited to servicing automobiles, pickups, motorcycles and other

432 vehicles having a gross vehicle weight rating of 12,000 pounds or less. The following  
433 automotive services shall be permitted in a Type 2 facility:

- 434 (i) Lubrication.
- 435 (ii) Tire repair and replacement.
- 436 (iii) Brake repair and wheel balancing and alignment.
- 437 (iv) Muffler and exhaust system repair and replacement.
- 438 (v) Shock absorber and strut replacement.
- 439 (vi) Engine adjustment (tune-up).
- 440 (vii) Replacement of pumps, cooling systems, generators, alternators, wires,  
441 starters, air conditioners, bearings and other similar devices.
- 442 (viii) Radio, GPS, rear cameras, and similar electronics installation and repair.
- 443 (ix) Glass replacement.
- 444 (x) Trailer hitch and wiring installation and repair.
- 445 (xi) And other similar repair and replacement services normally deemed to be  
446 emergency and convenience services; however, the same shall not include drive train  
447 units such as the engine, transmission or drive components.
- 448 (3) Type 3. A facility which may include those uses defined in Types 1 and 2, and  
449 specifically includes repair, rebuilding and replacement of drive train units of automobiles,  
450 pickup trucks, motorcycles, trailers, and other vehicles.
- 451 (4) For Types 1, 2, and 3 a solid, opaque screen, fence or sight-prohibitive  
452 landscaping shall be provided along lot lines adjoining residential property at a height of  
453 not less than six feet except in front yards where it may be reduced to three feet or  
454 replaced with shrubs designed to grow two to three feet in height.

455 (e) Automobile or Vehicle Tow Lot and Body Shop. This use includes body repair  
456 of vehicles and trailers having a gross vehicle weight rating over 12,000 pounds,  
457 watercraft, recreational vehicles, heavy construction equipment, and agricultural  
458 equipment. Facilities shall meet the following standards:

459 (1) Storage of damaged vehicles requiring repairs shall only be parked on  
460 surfaces meeting City standards in rear yards or screened from view from public  
461 roadways.

462 (2) Vehicle wrecking and dismantling for salvage purposes are prohibited.

463 (3) Each disabled vehicle is limited to 30 days of on-site storage.

464 (4) A solid, opaque screen, fence or sight-prohibitive landscaping shall be  
465 provided along lot lines adjoining street rights-of-way and residential property at a height  
466 of not less than six feet except in front yards where it may be reduced to three feet or  
467 replaced with shrubs designed to grow two to three feet in height.

468 (f) Cemetery.

469 (1) Areas. Any cemetery established after the effective date of the ordinance  
470 codified in this division shall be located on a site containing not less than 20 acres.

471 (2) Setback. All structures including but not limited to a mausoleum, permanent  
472 monument or maintenance building shall be set back not less than 30 feet from any  
473 property line or street right-of-way line and all graves or burial lots shall be set back not  
474 less than 30 feet from any property line or street right-of-way line.

475 (3) A cemetery shall have the principal entrance or entrances on a major traffic  
476 thoroughfare designated as a collector or arterial roadway on the Shawnee County  
477 functional classification of roadways map, with ingress and egress so designed as to

478 minimize traffic congestion.

479 (4) All on-site private drive locations and their widths shall be reviewed by the  
480 Traffic Engineer or designee of the Department of Public Works in respect to providing  
481 efficient vehicular access and traffic flow; and to minimize vehicle conflict with  
482 pedestrians. Development of the cemetery shall not commence until approval of the  
483 aforementioned drive locations and their widths has been secured.

484 (g) Community Gardens.

485 (1) All community gardens shall be allowed only after the owner or applicant has  
486 registered the community garden with the Planning Department and has paid a fee of  
487 \$50.00. The Planning Director shall adopt administrative procedures necessary to govern  
488 the registration requirements and ensure compliance with the requirements.

489 (2) Community gardens shall be the primary use of the lot. The gardens may be  
490 divided into plots for cultivation by one or more individuals and/or groups or may be  
491 cultivated by individuals and/or groups collectively.

492 (3) Fences are allowed subject to a fence permit and compliance with TMC  
493 18.210.040. In R and M districts, the minimum front yard setback for the district shall act  
494 as the front face of the principal structure.

495 (4) Sales and operation of mechanical equipment shall occur only between 8:00  
496 a.m. and 8:00 p.m. For Type 1 gardens, sales of produce grown on site are permissible;  
497 provided, that all stands and displays are removed at or before 8:00 p.m.

498 (5) Cultivation equipment shall not exceed the size of a compact utility tractor and  
499 its accessories.

500 (6) The cultivated area shall have a minimum setback of three feet from all

501 property lines. Crops planted in any minimum front yard setback are limited to those that  
502 will grow to a height of four feet or less (e.g., four feet maximum in the front 30 feet).

503 (7) Dead garden plants shall be removed regularly and no later than November  
504 30th of each year.

505 (8) Weeds, grass, undergrowth and uncultivated plants shall not exceed a height  
506 of 12 inches.

507 (9) Compost bins shall be set back at least 10 feet from all side and rear property  
508 lines and 25 feet from the front property line. Compost bins shall be screened and  
509 maintained in such a manner as to not attract insects, vermin, reptiles and other animals.  
510 Appropriate best management practices shall be used to minimize odor.

511 (10) The site shall be designed and maintained so that no water, fertilizers, or  
512 pesticides drain onto adjacent property.

513 (11) The entire site shall be maintained in a manner, including noise and odors,  
514 so that it complies with Chapter 8.60 TMC.

515 (12) Signage is limited to one permanent identification sign per property frontage  
516 consisting of up to 10 square feet per sign face and temporary signs are allowed in  
517 accordance with TMC 18.10.170.

518 (13) Orchards and tree farms shall meet the front yard setback for their zoning  
519 district and shall be set back at least 15 feet from all other property lines, with the  
520 measurements based on the nearest part of the trees' canopies.

521 (14) Accessory structures for Type I community gardens are limited to the  
522 following standards:

523 (i) Accessory structures may include storage buildings, greenhouses, high tunnels



524 and hoop houses maintained in good condition.

525 (ii) Maximum height of 12.5 feet.

526 (iii) Maximum lot coverage for structures shall be calculated based on the  
527 cultivated area for the community garden, including pathways. Maximum lot coverage for  
528 structures shall be 10 percent or less than 150 square feet, whichever is greater.

529 (iv) Storage buildings are limited to less than 150 square feet and may only be  
530 used for storing garden equipment and materials used on site.

531 (v) Each structure shall meet the required setbacks from property lines as outlined  
532 in TMC 18.60.020. If the area of cultivated land exceeds one acre, a 50-foot setback is  
533 required between properties with existing dwelling units and any cultivated area or  
534 accessory structures.

535 (15) Accessory structures for Type II community gardens are limited to the  
536 following standards:

537 (i) In addition to Type I standards, Type II permitted accessory structures include:  
538 garden sales stands, other buildings for storage, structures for cold storage and  
539 processing of garden products, and buildings for aquaculture, aquaponics, and  
540 hydroponics.

541 (ii) Maximum lot coverage for structures is 30 percent of the site area designated  
542 for the community garden (cultivated area and pathways).

543 (iii) Accessory structures 150 square feet or greater are permitted, subject to  
544 required building permits.

545 (16) If one or more of the requirements cannot be met, a person may apply for a  
546 conditional use permit pursuant to Chapter 18.215 TMC.

547 (h) Day Care Facility, Type I.

548 (1) An on-site automobile drop-off/pickup area for a minimum of two vehicles shall  
549 be provided for a facility which only has street frontage on a major traffic thoroughfare as  
550 designated by the transportation plan; and said drop-off/pickup shall be in accordance  
551 with any applicable provisions of said plan.

552 (2) Playground equipment or structures shall not be permitted to be located in a  
553 required yard adjacent to a public street.

554 (i) Day Care Facility, Type II.

555 (1) An on-site automobile drop-off/pickup area for a minimum of two vehicles shall  
556 be provided for a facility which only has street frontage on a roadway that is classified as  
557 a collector or arterial roadway on the Shawnee County functional classification of  
558 roadways map; and said drop-off/pickup shall be provided in accordance with any  
559 applicable provisions of said plan.

560 (j) Demolition Landfill.

561 (1) The applicant shall submit documentation showing compliance with all  
562 licenses or permits required by the State Department of Health and Environment prior to  
563 construction and within 30 days of renewal of any State licenses and permits. The site  
564 shall maintain a neat appearance along all public road frontages and along all property  
565 boundaries abutting residential zoning districts.

566 (k) Dwelling Units on Main Floor. Dwelling units located on main floors shall meet  
567 the following requirements:

568 (1) The units must be subordinate in area or location to nonresidential uses on the  
569 main floor; or

570 (2) The units shall be allowed in structures that were originally built for use as  
571 dwelling units, the structure has been used historically for dwelling units, or the dwelling  
572 units were converted from hospital, school, or hotel rooms.

573 (l) Extraction, Processing, Storage and Sale of Raw Materials, Including Ore,  
574 Minerals, Sand, Rock, Stone, Gravel, Topsoil, Fill Dirt, and Other Materials Delivered by  
575 Quarry, Mining, Dredging, or Stripping Operations. In addition to the standard application  
576 components required of an applicant to petition for a conditional use permit, a request for  
577 the subject use shall identify the specific raw material and type of operation under  
578 consideration and, furthermore, shall include the below-listed additional information,  
579 plans and data:

580 (1) Site Plan. A site plan prepared by a registered civil engineer, drawn to scale  
581 on a sheet measuring 24 inches by 36 inches in size and including the following:

582 (i) Contour intervals: two feet for slopes 30 percent or less; 10 feet for greater  
583 slopes when map scale is one inch equals 100 feet.

584 (ii) Contour intervals: two feet for slopes 20 percent or less; 10 feet for greater  
585 slopes when map scale is one inch equals 200 feet.

586 (iii) Identify name, grade, right-of-way and street width of existing and proposed  
587 streets extending through or adjacent to the site.

588 (iv) Identify width and purpose of easements extending through or adjacent to the  
589 site.

590 (v) Identify natural land features including but not limited to watercourses and  
591 drainageways, floodplains, rock outcropping, springs, wooded areas, etc.

592 (vi) Identify manmade features such as buildings and other structures, dams,

593 dikes and impoundments of water.

594 (vii) Identify all of the above-noted adjacent land features within 300 feet of the  
595 site. In addition, show all platted subdivision lots and metes and bounds parcels.

596 (viii) Show location of at least five borings, which show depths to groundwater.

597 (ix) Provide a cross-section to illustrate physical conditions of the site. Show  
598 vertical scale equal to, or in exaggeration of, horizontal scale.

599 (2) Development Plan. A development plan prepared in the same manner as the  
600 site plan and including the following:

601 (i) North point, scale and date.

602 (ii) Extent of area to be excavated.

603 (iii) Location, dimension and intended use of proposed structures.

604 (iv) Location of all areas on the property subject to inundation or flood hazard, and  
605 the location, width, and directions of flow of all watercourses and flood control channels  
606 that may be affected by the excavation.

607 (v) Benchmarks.

608 (vi) Typical cross-section, at sufficient intervals, showing the extent of overburden,  
609 extent of sand and gravel deposits or rock, and the water table.

610 (vii) Identification of processing and storage areas, the boundaries of which to be  
611 shown to scale.

612 (viii) Proposed fencing, gates, parking areas and signs.

613 (ix) Sequences of operation showing approximate areas involved shall be shown  
614 to scale and serially numbered with a description of each.

615 (x) Ingress/egress roads including on-site haul roads and proposed surface

616 treatment and means to limit dust.

617 (xi) A map showing access routes between the property and the nearest arterial  
618 road.

619 (xii) Location of screening berms shall be shown to scale, and notes shall be  
620 provided indicating when they will be used as reclamation material. In the same manner  
621 overburden storage areas shall be identified and noted.

622 (xiii) Proposed location of settling basins and process water ponds.

623 (xiv) Site drainage features shall also be shown and flow direction indicated.

624 (3) A restriction of use statement, which shall include:

625 (i) The approximate date of commencement of the excavation and the duration of  
626 the operation.

627 (ii) Proposed hours of operation and days of operation.

628 (iii) Estimated type and volume of the excavation.

629 (iv) Method of extracting and processing, including the disposition of overburden  
630 or top soils.

631 (v) Equipment proposed to be used in the operation of the excavation.

632 (vi) Operating practices proposed to be used to minimize noise, dust, air  
633 contaminants, and vibration.

634 (vii) Methods to prevent erosion and pollution of surface or underground water.

635 (4) Reclamation Plan. A reclamation plan prepared in the same manner as the  
636 site plan and including the following:

637 (i) A statement of planned reclamation, including methods of accomplishment,  
638 phasing, and timing.

639 (ii) A plan indicating: the final grade of the excavation; any water features included  
640 in the reclamation and methods planned to prevent stagnation and pollution; landscaping  
641 or vegetative planting; and areas of cut or fill. This plan, if clearly delineated, may be  
642 included with the site plan. For quarry applications, the final grade shall mean the  
643 approximate planned final grade.

644 (iii) A phasing plan, if the excavation of the site is to be accomplished in phases.  
645 This plan shall indicate the area and extent of each phase and the approximate timing of  
646 each phase.

647 (iv) The method of disposing of any equipment or structures used in the operation  
648 of the excavation upon completion of the excavation.

649 (v) Show location of any proposed streets within the reclaimed area and their  
650 connection to present public streets beyond.

651 (vi) Show location of any lakes, ponds, or streams proposed within the reclaimed  
652 area and their connections to streams or drainageways beyond.

653 (vii) Show areas where vegetation is to be established, and indicate types of  
654 vegetative cover.

655 (m) Golf Course – Country Club.

656 (1) A golf course or country club shall be established on a minimum contiguous  
657 area of 20 acres and shall consist of a minimum of nine holes.

658 (2) Vehicular access to a golf course or country club may ingress/egress directly  
659 to a local street provided the local street intersects with a roadway that is classified as a  
660 collector or arterial roadway on the Shawnee County functional classification of roadways  
661 map; and further provided, that said points of ingress/egress are located within 300 feet

662 of the centerline of the aforementioned thoroughfare.

663 (3) All patron parking lots, clubhouses and recreational facilities, other than those  
664 for golf, shall be located a minimum distance of 500 feet from all property boundaries of  
665 the golf course or country club.

666 (4) All maintenance facilities and employee parking lots shall be located a  
667 minimum distance of 200 feet from all property boundaries of the golf course or country  
668 club.

669 (5) If one or more of the requirements cannot be met, a person may apply for a  
670 conditional use permit pursuant to Chapter 18.215 TMC.

671 (n) Indoor Gun Range.

672 (1) A building for the safe discharge of firearms shall meet the following  
673 requirements:

674 (i) The building shall be designed so that discharged ammunition does not escape  
675 the confines of the building.

676 (ii) Discharge noise does not adversely impact neighboring properties.

677 (iii) The building shall be located at least 200 feet from any residentially zoned  
678 property.

679 (2) If one or more of the requirements cannot be met, a person may apply for a  
680 conditional use permit pursuant to Chapter 18.215 TMC.

681 (o) Outdoor Storage of Nonmerchandise. When storage is located in a yard that  
682 abuts or is located across the street from residentially zoned property it shall be screened  
683 from public view by a solid, opaque screen, fence or sight-prohibitive landscaping of not  
684 less than six feet in height, except in front yards where it may be reduced to three feet or

685 replaced with shrubs designed to grow two to three feet in height. If storage is adjacent  
686 to driveways or intersections, screening may be reduced to comply with sight distance  
687 triangles, as outlined in TMC 12.20.020.

688 (p) Reception, Conference and Assembly Facility.

689 (1) As an independent principal use within any subdistrict of the residential  
690 dwelling and multiple-family dwelling districts, the facility shall be located only within a  
691 structure that exists on the date of the adoption of these regulations, except for the RR-1  
692 district; and further, vehicle parking lots shall not be permitted within the established front  
693 yard setback.

694 (2) All applications requesting a conditional use permit shall include and address  
695 the following considerations in respect to:

696 (i) Maximum occupant load at any one time.

697 (ii) Presentation of a plan of operation which shall include:

698 (A) Days of the week and hours of operation in which the facility will function.

699 (B) Any permitted outdoor activities.

700 (C) Supervision of guests and arrangements for enforcement of any provisions of  
701 the conditional use permit.

702 (iii) Any proposed screening, buffering, or landscape plan.

703 (iv) On-site vehicle parking and ingress/egress plan.

704 (v) Address the general applicability of building, life safety, and associated codes  
705 and standards to the facility.

706 (3) All activities of the facility as a conditional use permit shall be by prearranged  
707 lease, contract, or agreement and therefore the facility shall not be open to the general



708 public.

709 (q) Recycling Depot. Recycling depots shall meet the following requirements:

710 (1) Limited to the collection, storage and processing of metal, glass or plastic food  
711 or beverage containers and paper resources as an initial phase of a recycling process.

712 (2) The recycling process shall be limited to the volume reduction of such  
713 materials by mechanical and hand sorting methods only.

714 (3) All storage and processing operations in conjunction therewith shall be  
715 contained within the principal structure.

716 (r) Religious Assembly.

717 (1) Vehicular access to a facility of religious assembly may ingress/egress directly  
718 to a local street, provided said local street intersects with a major traffic thoroughfare as  
719 designated on the transportation plan; and further provided, that said points of  
720 ingress/egress are located within 300 feet of the centerline of the aforementioned  
721 thoroughfare.

722 (2) If one or more of the requirements cannot be met, a person may apply for a  
723 conditional use permit pursuant to Chapter 18.215 TMC.

724 (s) Relocation, Remodeling or Rebuilding of Legal Nonconforming Billboards. No  
725 application for a conditional use permit to relocate, remodel, or rebuild an existing legal  
726 nonconforming billboard shall be approved unless the Governing Body, upon  
727 recommendation by the Planning Commission, shall determine that the proposed  
728 billboard is appropriate in the location proposed based upon its consideration of the  
729 standards set forth below.

730 (1) This subsection shall apply only to existing legal nonconforming billboards

731 presently located within the C-4 commercial district. In seeking a conditional use permit,  
732 the applicant shall specify the location, size, height and area of the existing billboard  
733 proposed to be removed.

734 (2) The structural members of all billboard materials shall be constructed entirely  
735 of noncombustible materials excepting only the sign face, ornamental molding and  
736 platform and shall be installed only on single-pole structures.

737 (3) The proposed relocated sign shall not be larger than the existing billboard  
738 proposed to be removed, but not to exceed 750 square feet including extensions; nor  
739 shall such relocated sign have more than two sign faces.

740 (4) No billboard to be relocated shall be erected upon the roof of any building or  
741 attached to any building.

742 (5) No billboard to be relocated shall be set back less than 20 feet from any public  
743 right-of-way line.

744 (6) No billboard to be relocated shall be either less than 1,320 feet from any other  
745 such sign on the same street or closer than a 400-foot radius on different streets.

746 (7) No billboard to be relocated shall be less than 200 feet from any underpass,  
747 overpass or bridge structure.

748 (8) No billboard to be relocated shall be placed within 300 feet of a residential  
749 dwelling, which fronts on the same street right-of-way, nor within 500 feet of any religious  
750 assembly or public or private elementary or secondary school on the same street.

751 (9) No billboard shall result in the loss or damage of natural, scenic, or historic  
752 features of significant importance; and shall be constructed and operated with minimal  
753 interference of the use and development of neighborhood property.

754 (10) No billboard shall be so designed to include the vertical stacking of billboards  
755 on the sign pole. Each billboard shall be comprised of a single sign face oriented in a  
756 given direction. This provision does not preclude double-sided billboards where arranged  
757 back to back on the sign pole.

758 (t) Manufactured Home. A manufactured home for the purpose, use and  
759 occupancy of a family shall meet the following requirements:

760 (1) The manufactured home shall have a minimum dimension of 14 body feet in  
761 width for the principal structure.

762 (2) The manufactured home shall be secured to the ground on a permanent  
763 foundation.

764 (3) The undercarriage of the manufactured home shall be completely screened  
765 from view by the foundation or skirting, such skirting to be of material harmonious to the  
766 unit structure and installed within 10 days of unit placement.

767 (4) The manufactured home shall have the towing apparatus, wheels, axles, and  
768 transporting lights removed.

769 (5) The manufactured home shall have an exterior facade of vinyl or wood siding,  
770 stone, brick, or other nonmetallic material.

771 (6) The roof of the manufactured home shall be double pitched and have a  
772 nominal vertical rise of three inches for each 12 inches of horizontal run, and shall be  
773 covered with material that is residential in appearance, including but not limited to wood,  
774 asphalt, composition or fiberglass shingles, but excluding corrugated aluminum,  
775 corrugated fiberglass, or corrugated metal roofing material. The roof shall have a  
776 minimum eave projection or overhang of 10 inches on at least two sides, which may

777 include a four-inch gutter.

778 (u) Retail Merchandise Outdoor Display. Items for sale that are displayed outside  
779 buildings, exclusive of very large items such as vehicles and construction materials, shall  
780 meet the following standards:

781 (1) The display area shall not exceed 50 percent of the first floor area of the  
782 business.

783 (2) Screening shall be provided between the merchandise being stored and  
784 residentially zoned properties when the merchandise is located in a side or rear yard next  
785 to residentially zoned properties. Merchandise shall not be stacked higher than the  
786 screening in this area.

787 (3) The inventory of vehicles and equipment for sale, lease, or service shall not  
788 displace the minimum required number of off-street parking spaces.

789 (4) In D and X districts, retail merchandise outdoor display areas shall occur only  
790 during normal business hours. The outdoor display area shall provide adequate  
791 pedestrian clearance and shall not obstruct vehicular or pedestrian circulation.

792 (v) Self-Storage, Type I. An indoor storage facility for individuals and small  
793 businesses shall meet the following specific requirements:

794 (1) Any new building shall have exterior design characteristics similar to retail  
795 buildings in the area.

796 (2) Only one large common dock/garage door opening shall be allowed per  
797 building and shall not face any street frontage unless appropriately screened.

798 (3) All items being stored must be inside of an enclosed building.

799 (4) No business activity shall be conducted in the individual storage units.

800 (5) No living quarters are allowed within the individual units but the overall  
801 premises may have one dwelling unit for the caretaker.

802 (6) The storage of hazardous, toxic, or explosive substances is prohibited.

803 (w) Animal Care and Services, Type I.

804 (1) Medical treatment or care of large animals such as horses, cattle, sheep,  
805 goats, swine, etc., shall not be permitted on the premises.

806 (2) Medical treatment or care shall be provided only within the confines of an  
807 enclosed building or structure.

808 (3) The building or structure shall be constructed in such a manner as to prevent  
809 audible noise and/or odor from adversely impacting adjoining properties.

810 (x) Television, Radio, and Microwave Transmission Towers – Telecommunication  
811 Equipment – Accessory Facilities. In addition to the standard application components  
812 required of an applicant to petition for a conditional use permit, a petition for a conditional  
813 use permit for the subject use shall include:

814 (1) A site plan or plans drawn to scale of one inch equals 30 feet or larger and  
815 identifying the site boundary; tower(s); guy wire anchors; existing and proposed  
816 structures; vehicular parking and access; existing vegetation to be retained, removed, or  
817 replaced; and uses, structures, and land use designations on the site and abutting  
818 parcels.

819 (2) A plan drawn to scale showing any proposed landscaping, including species  
820 type, size, spacing, and other features.

821 (3) The applicant shall provide written communications obtained from the Federal  
822 Communications Commission and the Federal Aviation Administration indicating whether

823 the proposed tower complies with applicable regulations administered by that agency or  
824 that the tower is exempt from those regulations. If each applicable agency does not  
825 provide a requested statement after the applicant makes a timely, good-faith effort to  
826 obtain it, the application is complete. The applicant shall send a subsequently received  
827 agency statement to the Planning Director.

828 (4) The applicant shall demonstrate that the tower complies with any applicable  
829 provisions of the airport hazard zone regulations if the tower site is located within the  
830 hazard zone as established by said regulations.

831 (y) Vehicle Surface Parking Lot.

832 (1) The parking lot site shall be of like district zoning classification as that of an  
833 associated principal use or that of a less restrictive district. The parking lot site shall not  
834 be separated from the associated principal use by an intervening zoning district of a more  
835 restrictive classification.

836 (2) The parking lot site shall not be separated from an associated principal use by  
837 an intervening public street right-of-way classified as a collector or arterial roadway on  
838 the Shawnee County functional classification of roadways map.

839 (3) The nearest point of a parking lot site to the nearest point of the building served  
840 by the parking lot shall not be greater than 500 feet.

841 (4) If one or more of the requirements cannot be met, a person may apply for a  
842 conditional use permit pursuant to Chapter 18.215 TMC.

843 ~~(z) Bed and Breakfast Home.~~

844 ~~(1) Specific Requirements. Requests to establish a bed and breakfast home shall~~  
845 ~~conform to all of the following requirements:~~

846 ~~(i) The bed and breakfast shall operate as an ancillary use to the principal use of~~  
847 ~~the residence as a single-family dwelling.~~

848 ~~(ii) The bed and breakfast shall be located in an existing single-family dwelling~~  
849 ~~and no new structure shall be built expressly for a bed and breakfast establishment.~~

850 ~~(iii) The bed and breakfast shall be operated within the single-family dwelling and~~  
851 ~~not in any accessory structure.~~

852 ~~(iv) The primary entrance to all guestrooms shall be from within the dwelling. A~~  
853 ~~guestroom can retain an original secondary exterior entrance opening onto a porch or~~  
854 ~~balcony.~~

855 ~~(v) The exterior of the dwelling and premises shall outwardly remain and appear~~  
856 ~~to be a single-family dwelling giving no appearance of a business use.~~

857 ~~(vi) Individual guestrooms shall not contain cooking facilities.~~

858 ~~(vii) The bed and breakfast shall not be used for weddings, receptions, parties,~~  
859 ~~business meetings, or similar such activities.~~

860 ~~(viii) One nonilluminated nameplate sign, attached flat on the face of the principal~~  
861 ~~dwelling, shall be permitted, not to exceed nine square feet. The nameplate shall be styled~~  
862 ~~and detailed architecturally with the principal building and shall be limited to the name of~~  
863 ~~the bed and breakfast or owner or both.~~

864 ~~(ix) Retail sales of a nature clearly incidental and subordinate to the primary use~~  
865 ~~of the premises as a bed and breakfast establishment shall be permitted subject to the~~  
866 ~~following requirements:~~

867 ~~(A) The merchandise offered for sale shall be confined to the dwelling and not~~  
868 ~~located within a garage or accessory structure, whether attached or detached.~~

869 ~~(B) Merchandise offered for sale shall be restricted to that produced on site;~~  
870 ~~souvenir items bearing the name and/or logo of the establishment; and those items~~  
871 ~~customarily provided for the convenience of resident guests.~~

872 ~~(C) There shall be no advertising, display or other indication of merchandise~~  
873 ~~offered for sale on the premises.~~

874 ~~(D) No commercial telephone listing, newspaper, radio or television service shall~~  
875 ~~be used to advertise the sale of merchandise.~~

876 ~~(E) The total area devoted to the display of merchandise shall not exceed five~~  
877 ~~percent of the gross floor area of the dwelling, excluding an attached garage.~~

878 ~~(aa) *Bed and Breakfast Inn.*~~

879 ~~(1) *Specific Requirements.* Requests to establish a bed and breakfast inn shall conform~~  
880 ~~to all of the following requirements:~~

881 ~~(i) The bed and breakfast shall be located in an existing single-family dwelling and no~~  
882 ~~new structure shall be built expressly for a bed and breakfast establishment.~~

883 ~~(ii) The bed and breakfast shall be operated within the single-family dwelling and not in~~  
884 ~~any accessory structure.~~

885 ~~(iii) The primary entrance to all guestrooms shall be from within the dwelling. A~~  
886 ~~guestroom can retain an original secondary exterior entrance opening onto a porch or~~  
887 ~~balcony.~~

888 ~~(iv) The exterior of the dwelling and premises shall outwardly remain and appear to be a~~  
889 ~~single-family dwelling giving no appearance of a business use.~~

890 ~~(v) Individual guestrooms shall not contain cooking facilities.~~



891 ~~(vi) One nonilluminated nameplate sign, attached flat on the face of the principal dwelling,~~  
892 ~~shall be permitted, not to exceed nine square feet. The nameplate shall be styled and~~  
893 ~~detailed architecturally with the principal building and shall be limited to the name of the~~  
894 ~~bed and breakfast or owner or both.~~

895 ~~(vii) Retail sales of a nature clearly incidental and subordinate to the primary use of the~~  
896 ~~premises as a bed and breakfast establishment shall be permitted subject to the following~~  
897 ~~requirements:~~

898 ~~(A) The merchandise offered for sale shall be confined to the dwelling and not located~~  
899 ~~within a garage or accessory structure, whether attached or detached.~~

900 ~~(B) Merchandise offered for sale shall be restricted to that produced on site; souvenir~~  
901 ~~items bearing the name and/or logo of the establishment; and those items customarily~~  
902 ~~provided for the convenience of resident guests.~~

903 ~~(C) There shall be no advertising, display or other indication of merchandise offered for~~  
904 ~~sale on the premises.~~

905 ~~(D) No commercial telephone listing, newspaper, radio or television service shall be used~~  
906 ~~to advertise the sale of merchandise.~~

907 ~~(E) The total area devoted to the display of merchandise shall not exceed five percent of~~  
908 ~~the gross floor area of the dwelling, excluding an attached garage.~~

909 ~~(F) In the RR-1 district, a bed and breakfast inn shall not be established on less than a~~  
910 ~~three-acre parcel. In all other districts where permitted, a bed and breakfast inn shall be~~  
911 ~~established on a parcel having a minimum size equivalent to 500 square feet per~~  
912 ~~guestroom plus the minimum lot area of the district, for a single-family dwelling, in which~~  
913 ~~located.~~

914 ~~(G) Social events such as weddings, receptions, parties, business engagements or~~  
915 ~~similar activities may be accommodated in conjunction with a bed and breakfast inn,~~  
916 ~~subject to the following requirements:~~

917 ~~1. The scheduling and conduct of social events shall be incidental and subordinate to the~~  
918 ~~principal use of the premises as a bed and breakfast inn.~~

919 ~~2. All scheduled events shall be by prearranged contract or agreement. Such events shall~~  
920 ~~not be open to the general public.~~

921 ~~3. No amplified sound or music, noise or glare shall be allowed outside the inn nor be~~  
922 ~~perceptible from beyond the property line.~~

923 ~~4. Social events shall be restricted to between the hours of 9:00 a.m. and 11:00 p.m.~~

924 ~~5. Submission of a plan of operation which shall include:~~

925 ~~a. Types of social events anticipated to be scheduled at the inn including the types of~~  
926 ~~services to be offered in conjunction with a social event and the anticipated maximum~~  
927 ~~number of guests to be accommodated.~~

928 ~~b. Days of the week and hours of operation for which social events would be scheduled.~~

929 ~~c. Any permitted outdoor activities and the location on the premises that may be used for~~  
930 ~~such activities.~~

931 ~~d. Supervision of guests and arrangements for enforcement of any provisions of the~~  
932 ~~conditional use permit, when applicable.~~

933 ~~e. Any proposed screening, buffering, or landscaping to mitigate potential negative~~  
934 ~~effects.~~

935 ~~f. Arrangements for parking. Specify the added number and location of guest parking in~~  
936 ~~conjunction with social events. Additional on-site parking shall not interfere with accessing~~  
937 ~~guest parking spaces nor conflict with internal traffic circulation.~~

938 ~~(2) If one or more of the requirements cannot be met, a person may apply for a~~  
939 ~~conditional use permit pursuant to Chapter 18.215 TMC.~~

940 (z) Short-Term Residential Rental, Type I.

941 (1) Specific Requirements. Each short-term residential rental, type I shall meet  
942 all of the following requirements unless waived as part of the conditional use permit  
943 process:

944 (i) The primary entrance to all rooms accessible to guests shall be within  
945 the dwelling. An original secondary exterior entrance opening onto a porch or  
946 balcony or from a basement unit is allowed.

947 (ii) The exterior of the dwelling and premises shall outwardly remain and  
948 appear to be a dwelling giving no appearance of a business use.

949 (iii) Individual guestrooms shall not contain cooking facilities.

950 (iv) The short-term residential rental, type I shall not be used for weddings,  
951 receptions, large parties or gatherings, business meetings, or similar activities.

952 (v) Signage shall comply with the sign regulations applicable to residential  
953 uses.

954 (vi) Only retail sales of a nature clearly incidental and subordinate to the  
955 primary use of the premises as a short-term residential rental establishment shall  
956 be permitted.

957 (vii) Parking shall comply with the parking requirements of Chapter 18.240.

958 (viii) Parking of commercial vehicles by transient guests is not permitted.

959 (ix) In non-residential zoning districts, the dwelling containing the short-term  
960 residential rental shall conform to the use standards of TMC 18.60.010 or be a  
961 legal non-conforming use.

962 (x) The trash and recycling receptacles shall be of sufficient size and  
963 number to accommodate all refuse generated by the owner-occupant and the  
964 guests.

965 (xi) Outdoor activities shall not produce any excessive, unnecessary,  
966 unusual or loud noises which: (1) create a nuisance; or (2) which interfere with the  
967 use or enjoyment of property of any person of reasonable sensibilities.

968 (2) Administrative permit. Upon receipt of an application and payment of permit  
969 fee to be determined by the Director, the Director will determine whether the application  
970 meets the requirements in subsection (z). Upon approval, the Director will issue the  
971 permit and notify owners of all parcels adjacent to the subject property of the issuance of  
972 the permit. The administrative permit shall be valid for two years and may be renewed  
973 upon a finding of compliance with the requirements and payment of a fee to be determined  
974 by the Director. The Director may deny an application, revoke, or suspend a permit for  
975 failure to comply with subsection (z). The applicant or permit holder may appeal the  
976 Director's determination to the Board of Zoning Appeals. An administrative permit is not  
977 required if a conditional use permit is granted.

978 (3) Conditional use permit. In the event that a person cannot meet the  
979 requirements of subsection (z)(1)(i) through (vi) or (z)(viii) through (x), such person may  
980 apply for a conditional use permit pursuant to Chapter 18.215 TMC.

981            (aa) Short-Term Residential Rental, Type II.

982            (1) Specific Requirements. Each short-term residential rental, type II shall meet  
983 all of the following requirements unless waived as part of the conditional use permit  
984 process:

985            (i) The primary entrance to all rooms accessible to guests shall be within  
986 the dwelling. An original secondary exterior entrance opening onto a porch or  
987 balcony or from a basement unit is allowed.

988            (ii) The exterior of the dwelling and premises shall outwardly remain and  
989 appear to be a dwelling giving no appearance of a business use.

990            (iii) Individual guestrooms shall not contain cooking facilities.

991            (iv) The short-term residential rental, type II shall not be used for weddings,  
992 receptions, large parties or gatherings, business meetings, or similar activities.

993            (v) Signage shall comply with the sign regulations applicable to residential  
994 uses.

995            (vi) Only retail sales of a nature clearly incidental and subordinate to the  
996 primary use of the premises as a short-term residential rental shall be permitted.

997            (vii) Parking shall comply with the parking requirements of Chapter  
998 18.240.

999            (viii) Parking of commercial vehicles by transient guests is not permitted.

1000           (ix) Any short-term residential rental, type II in an R, M-1, or M-1A district  
1001 established after March 1, 2021 shall be no closer than 500 feet from another short-  
1002 term residential rental, type II or short-term residential rental, type III in an R, M-1,  
1003 or M-1A district.

1004                   (x) In non-residential zoning districts, the dwelling containing the short-term  
1005                   residential rental shall conform to the use standards of TMC 18.60.010 or be a  
1006                   legal non-conforming use.

1007                   (xi) The trash and recycling receptacles shall be of sufficient size and  
1008                   number to accommodate all refuse generated by the guests.

1009                   (xii) Outdoor activities shall not produce any excessive, unnecessary,  
1010                   unusual or loud noises which: (1) create a nuisance; or (2) which interfere with the  
1011                   use or enjoyment of property of any person of reasonable sensibilities.

1012                   (2) Administrative permit. Upon receipt of an application and payment of permit  
1013                   fee to be determined by the Director, the Director will determine whether the application  
1014                   meets the requirements in subsection (aa). Upon approval, the Director will issue the  
1015                   permit and notify owners of all parcels adjacent to the subject property of the issuance of  
1016                   the permit. The administrative permit shall be valid for two years and may be renewed  
1017                   upon a finding of compliance with the requirements and payment of a fee to be determined  
1018                   by the Director. The Director may deny an application, revoke, or suspend a permit for  
1019                   failure to comply with subsection (aa). The applicant or permit holder may appeal the  
1020                   Director's determination to the Board of Zoning Appeals. An administrative permit is not  
1021                   required if a conditional use permit is granted.

1022                   (2) Conditional use permit. In the event that a person cannot meet the  
1023                   requirements of subsection (aa)(1)(i) through (vi) or (viii) through (xi), such person may  
1024                   apply for a conditional use permit pursuant to Chapter 18.215 TMC.

1025                   (bb) Short-Term Residential Rental, Type III.

1026 (1) Specific Requirements. A conditional use permit is required for each short-  
1027 term residential rental, type III, in the zoning districts designated in TMC 18.60.010. In  
1028 those districts where a conditional use permit is required or where specific use  
1029 requirements are imposed, the following standards shall apply unless waived as part of  
1030 the conditional use process:

1031 (i) The short-term residential rental, type III shall be operated within the  
1032 single-family dwelling and not in any accessory structure.

1033 (ii) The primary entrance to all rooms accessible to guests shall be within  
1034 the dwelling. An original secondary exterior entrance opening onto a porch or  
1035 balcony or from a basement unit is allowed.

1036 (iii) The exterior of the dwelling and premises shall outwardly remain and  
1037 appear to be a dwelling giving no appearance of a business use.

1038 (iv) Individual guestrooms shall not contain cooking facilities.

1039 (v) Signage shall be regulated by the sign regulations except as allowed or  
1040 restricted by conditional use permit.

1041 (vi) Only retail sales of a nature clearly incidental and subordinate to the  
1042 primary use of the premises as a short-term residential rental shall be permitted.

1043 (vii) Parking shall comply with the parking requirements of Chapter 18.240.

1044 (viii) Parking of commercial vehicles by transient guests is not permitted.

1045 (ix) The trash and recycling receptacles shall be of sufficient size and  
1046 number to accommodate all refuse generated by the guests.

1047 (x) Outdoor activities shall not produce any excessive, unnecessary,  
1048 unusual or loud noises which: (1) create a nuisance; or (2) which interfere with the  
1049 use or enjoyment of property of any person of reasonable sensibilities.

1050 (xi) Social events such as weddings, receptions, parties, business  
1051 engagements or similar activities may be accommodated in conjunction with a  
1052 short-term residential rental, type III, subject to the following requirements:

1053 1. The scheduling and conduct of social events shall be incidental and  
1054 subordinate to the principal use of the premises.

1055 2. All scheduled events shall be by prearranged contract or agreement.  
1056 Such events shall not be open to the general public.

1057 4. Social events shall be restricted to between the hours of 9:00 a.m. and  
1058 11:00 p.m.

1059 5. Parking for Social Events. Off-street parking for event guests shall meet  
1060 the same number requirements as required by TMC 18.240.030 for religious  
1061 assembly or cultural facilities.

1062 (2) Conditional use permit. In the event that a person cannot meet the  
1063 requirements of subsection (bb)(1)(i) through (vi) or (viii), (ix), or (xi), such person may  
1064 apply for a conditional use permit pursuant to Chapter 18.215 TMC.

1065 ~~(bbcc)~~ Management/Leasing Office and Maintenance Facility.

1066 (1) A facility for leasing, managing and/or maintaining a residential community  
1067 shall meet the following requirements:

1068 (i) The proposed facility shall be located within the boundaries of and operate  
1069 exclusively in association with a legally described residential community consisting of



1070 rental housing units. Activity not associated with the management of the residential  
1071 community or that serves the residents of the community shall not be permitted within the  
1072 facility.

1073 (ii) The proposed facility shall be comparable in design, construction, materials,  
1074 siding and roofing to the rental units located within the residential community.

1075 (iii) All materials, equipment and supplies shall be maintained within the facility or  
1076 within a detached accessory structure that is comparable in size and design to other  
1077 detached accessory structures located within the residential community.

1078 (iv) A building sign is limited to one wall-mounted identification sign not exceeding  
1079 six square feet.

1080 (2) If one or more of the requirements cannot be met, a person may apply for a  
1081 conditional use permit pursuant to Chapter 18.215 TMC.

1082 (~~eedd~~) Automobile Rental Establishments.

1083 (1) Automobiles, pickup trucks, motorcycles and other vehicles shall not exceed a  
1084 gross vehicle weight rating of 12,000 pounds in the C-2 district.

1085 (2) No automobile sales and/or long-term leasing of vehicles exceeding six  
1086 months shall be permitted.

1087 (3) No on-site vehicle maintenance or mechanical service shall be permitted  
1088 except to clean and prepare a vehicle for rental.

1089 (4) No gasoline service shall be provided on site.

1090 (5) No exterior storage or display of products, materials, supplies or equipment  
1091 shall be permitted except for the rental vehicles.

1092 (6) The inventory of rental vehicles shall be parked only on paved areas and shall

1093 not displace the required number of off-street parking spaces to be provided.

1094 (7) A solid, opaque screen, fence or sight-prohibitive landscaping shall be  
1095 provided along lot lines adjoining residential property at a height of not less than six feet  
1096 except in front yards where it may be reduced to three feet or replaced with shrubs  
1097 designed to grow two to three feet in height.

1098 (~~ddd~~) Group Residence, General – Group Residence, Limited – Correctional  
1099 Placement Residence or Facility, General – Correctional Placement Residence or  
1100 Facility, Limited – Home Care, Type II. In considering an application for a conditional use  
1101 permit for a correctional placement residence or facility, general; a correctional placement  
1102 residence or facility, limited; home care, type II; a group residence, general; or a group  
1103 residence, limited, the Planning Commission and Governing Body will give consideration  
1104 to the following criteria:

1105 (1) The conformance of the proposed use to the comprehensive plan and other  
1106 adopted planning policies.

1107 (2) The character of the neighborhood including but not limited to: land use,  
1108 zoning, density (residential), architectural style, building materials, height, structural  
1109 mass, siting, open space and floor-to-area ratio (commercial and industrial).

1110 (3) The zoning and uses of nearby properties, and the extent to which the  
1111 proposed use would be in harmony with such zoning and uses.

1112 (4) The suitability of the property for the uses to which it has been restricted under  
1113 the applicable zoning district regulations.

1114 (5) The length of time the property has remained vacant as zoned.

1115 (6) The extent to which approval of the application would detrimentally affect

1116 nearby properties.

1117 (7) The extent to which the proposed use would substantially harm the value of  
1118 nearby properties.

1119 (8) The extent to which the proposed use would adversely affect the capacity or  
1120 safety of that portion of the road network influenced by the use, or present parking  
1121 problems in the vicinity of the property.

1122 (9) The extent to which the proposed use would create excessive air pollution,  
1123 water pollution, noise pollution or other environmental harm.

1124 (10) The economic impact of the proposed use on the community.

1125 (11) The gain, if any, to the public health, safety and welfare due to denial of the  
1126 application as compared to the hardship imposed upon the landowner, if any, as a result  
1127 of denial of the application.

1128 (~~eeff~~) Mobile Retail Vendors. Mobile retail vendors are allowed in zoning districts  
1129 where retail sales are permitted per TMC 18.60.010 or where allowed by ordinance.

1130 (~~ffgg~~) Micro-Alcohol Production in X-2 and X-3 and D Districts.

1131 (1) Micro-breweries are limited to 5,000 barrels per year.

1132 (2) Tap rooms and tasting rooms are permitted as an accessory use and shall be  
1133 located near the streetfront side of the building.

1134 (3) Any portion of the building that fronts a public street shall have a storefront  
1135 facade and include windows and door openings along the street frontage.

1136 (4) The area of the building used for manufacturing, processing, brewing,  
1137 fermenting, distilling, or storage shall be above or below the ground floor or located to the  
1138 rear of the building or otherwise subordinate in area and extent.

1139 (~~gg~~hh) Artisan Manufacturing.

1140 (1) The area used for production and assembly shall be limited to no more than  
1141 80 percent of the gross floor area of the principal structure and shall not exceed a total of  
1142 6,000 square feet.

1143 (2) All activities and equipment associated with all aspects of artisan  
1144 manufacturing shall be confined to the interior of structures located on the property.

1145 (3) In C-1, X-3, D-1 and D-2 districts, artisan manufacturing occurring on the  
1146 ground level within a designated district classification must retain the front portion of the  
1147 ground level to serve as a storefront entrance to a showroom, retail space, office use, or  
1148 permitted residential use, consistent with the general character of the adjacent properties.

1149 (4) The production process shall not produce offensive chemical odors, dust,  
1150 vibration, noise, or other offensive external impacts that are detectable beyond the  
1151 boundaries of the subject property.

1152 (5) Retail sales of the product produced on site are allowed. On-site retail sales of  
1153 other nonrelated products are permitted.

1154 (~~hh~~ii) Drive-Up/Drive-Through Facilities.

1155 (1) In D and X districts, the drive-up window, menu boards and all lanes needed  
1156 for vehicle stacking shall be located to the rear or side of the principal building.

1157 (2) In D and X districts, the drive-up window facility shall be secondary and  
1158 subordinate in size to the principal uses of the structure in which the drive-up facility is  
1159 located.

1160 (3) All lanes used for ingress, stacking, service, and egress shall be integrated  
1161 safely and effectively with circulation and parking facilities.

1162 (4) Ingress and egress shall be designed to minimize potential conflicts with  
1163 vehicular, pedestrian, and bicycle traffic.

1164 (5) The location and design of the drive-up facility shall minimize blank walls on  
1165 street-facing exteriors of the building and disruption of existing or potential retail and other  
1166 active ground floor uses.

1167 (6) Approval of a traffic impact analysis by the City Traffic Engineer may be  
1168 required.

1169 (7) The principal use of the building is allowed in the zoning district.

1170 (jjj) Building, Construction, and Mechanical Contractor Office – Contractor Yards.  
1171 Outdoor storage associated with a contractor office or contractor yard, when located  
1172 along a lot line adjoining a visible public street or in a yard that abuts residentially zoned  
1173 property, shall be screened from public view by a solid, opaque screen, fence or sight-  
1174 prohibitive landscaping of not less than six feet in height. If storage is adjacent to  
1175 driveways or intersections, screening may be reduced to comply with sight distance  
1176 triangles, as provided in TMC 12.20.020.

1177 (jjkk) Small Cell Wireless Facilities (SCWFs).

1178 (1) Application. An applicant for placement of an SCWF shall submit site plans,  
1179 elevation drawings and structural calculations prepared by a professional engineer  
1180 licensed by the State of Kansas. The drawings must depict transmission equipment,  
1181 power source, electrical service pedestal and any associated access or utility easements  
1182 and setbacks.

1183 (2) Right-of-Way. If placement is sited in public right-of-way, the applicant will  
1184 execute a license agreement with the City.

1185 (3) Compliance with Aesthetic Requirements. The proposed SCWF shall comply  
1186 with the City of Topeka/Shawnee County Small Cell Wireless Facilities General Design  
1187 and Aesthetic Requirements posted on the City's website.

1188 Section 9. That section 18.240.030, Required number of off-street parking  
1189 spaces, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

1190 **Required number of off-street parking spaces.**

1191 In all districts, except the C-5 district, there shall be provided prior to the occupation  
1192 of a building or commencement of a principal use a minimum number of off-street parking  
1193 and stacking spaces as set forth herein except as otherwise provided for in TMC  
1194 18.240.040(b).

Principal Use	Number of Spaces
(a) Residential uses.	
(1) Single- and two-family dwellings.	1 per dwelling unit having not more than 950 square feet of floor area
	2 per dwelling unit having more than 950 square feet of floor area
(2) Multiple-family dwelling and apartment hotels.	2 per dwelling unit for first 20 units, and 1.5 per dwelling unit after the first 20 units for dwelling units not more than 800 square feet of floor area
	2 per dwelling unit having more than 800 square feet of floor area
(3) Multiple-family dwelling, elderly housing.	1 per every 2 dwelling units
(4) Multiple-family dwelling, high-rise.	1.5 per dwelling unit for first 20 dwelling units and 1 per dwelling unit thereafter
(5) <del>Bed and breakfast inn</del> <u>Short term residential rental, Type I and III.</u>	<p><del>1 per sleeping room</del> <u>1 per every 2 bedrooms for guests in addition to parking required for the residence. In the calculation of parking for guest rooms, a fraction of one-half or more shall be rounded up to the next whole number.</u></p> <p><u>Up to three on-street parking spaces may substitute for required off-street parking if the property contains frontage of 22 feet or more, exclusive of driveway approaches, sidewalk ramps, and no parking zones. A minimum of 22 feet of frontage on a street is required for each on-street parking space.</u></p>

<u>(6)</u> Short term residential rental, Type II.	<u>As required for single and two-family dwellings.</u> <u>Up to two on-street parking spaces may substitute for required off-street parking if the property contains frontage of 22 feet or more, exclusive of driveway approaches, sidewalk ramps, and no parking zones. A minimum of 22 feet of frontage on a street is required for each on-street parking space</u>
<del>(67)</del> Hotels and motels.	1 per sleeping room plus additional space for restaurant, convention centers and other facilities as may be open to public
<del>(78)</del> Congregate living and dormitory type dwellings.	1 per sleeping room
<del>(89)</del> Fraternity/sorority house.	1 per 300 square feet of floor area
<del>(910)</del> Developmentally disabled group home.	1 per each 2 sleeping rooms
(b) Community facilities and institutional uses.	
(1) Public and private educational facilities.	
(i) Elementary and secondary.	2.5 per classroom
(ii) Senior high.	10 per classroom
(2) Religious assembly.	1 per every 4 seats in auditorium or largest room
(3) Cultural facility.	1 per 300 square feet of floor area
(4) Community center.	1 per 300 square feet of floor area
(5) Reception, conference and assembly facility.	1 per 150 square feet of floor area or 1/3 of the occupant load, whichever is less



(6) Day care center, type II.	1 per every 10 persons the facility is licensed to serve, but not less than 5 spaces. To provide for the safe and convenient loading and unloading of persons as well as minimize traffic congestion, a paved unobstructed pickup space with adequate stacking area (as determined by the City or County Building Official) shall be provided at the building entrance or stacking space to accommodate 5 vehicles
(7) Residential care facility, types II and III.	1 per every 3 roomers, but not less than 2 spaces
(8) Medical care facility, type II.	1 per every 3 beds
(9) Community living facility, type I.	1 per every 2 roomers
(10) Community living facility, type II.	1 per every staff member determined by the maximum number of staff present at any one time, but not less than 5 spaces
(11) Crisis center, type I.	1 per 300 square feet of floor area
(12) Crisis center, type II.	1 per 200 square feet of floor area
(13) Hospital or medical center.	1.75 per hospital bed
(14) Private membership association, club, lodge or fraternal organization.	1 per 300 square feet of floor area
(15) Business or vocational school, technical college.	1 per 200 square feet of floor area
(16) College or university.	1 per 2.63 students enrolled
(c) Professional offices.	
(1) Medical and related offices and clinics, chiropractic, dental, optometrist, osteopath, pediatrician, etc.	1 per 300 square feet of floor area
(2) Professional and governmental offices: accounting, architectural, engineering, governmental, insurance sales, law, real estate, sales and brokerage, etc.	1 per 400 square feet of floor area
(3) Financial institution.	1 per 200 square feet of floor area, plus 3 stacking spaces for each external teller or customer service window

(4) Veterinarian.	1 per 400 square feet of floor area
(d) Commercial uses.	
(1) Business and retail establishments (other than listed).	1 per 200 square feet of floor area
(2) Restaurants:	
(i) Family dining type, where all food consumed within an enclosed structure.	1 per 150 square feet of floor area or 1/3 the occupant load, whichever is less
(ii) Carry-out and delivery only, where no food consumed on the premises.	1 per each employee based upon maximum shift, plus 5 stacking spaces per drive-in window. Such stacking spaces shall not be designed to impede pedestrian or vehicular circulation on the site or on any abutting street
(iii) Drive-in type, where food may be consumed on the premises, outside a completely enclosed building, or served directly to customers in parked vehicles.	1 per 35 square feet of floor area, plus 5 stacking spaces per drive-in window. Such stacking spaces shall not be designed to impede pedestrian or vehicular circulation on the site or on any abutting street
(iv) Fast food, an establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises.	1 per 85 square feet of floor area or 1/3 the occupant load, whichever is less, plus 5 stacking spaces per drive-in window. Such stacking spaces shall not be designed to impede pedestrian or vehicular circulation on the site or on any abutting street
(3) Automotive service station, types I and II.	1 per 4 gas pumps, but not fewer than 4 spaces. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or awaiting fuel
(4) Funeral home or mortuary.	1 per every 3 seats in the main seating area
(5) Theater, adult/nonadult.	1 per each 2.5 seats
(6) Automotive or vehicle car wash.	1 per each 2 washing stalls plus 2 stacking spaces per washing stall
(7) Shopping centers.	4.55 per 1,000 square feet of gross floor area
(e) Recreation, entertainment and amusement.	

(1) Commercial recreational facility (unless otherwise listed).	1 per 150 square feet of floor area
(2) Courts, racquetball, handball, squash and tennis (when operated as an independent use).	4 per each court, or 1 per 3 spectator seats, whichever is greater
(3) Amusement indoor establishments.	1 per 100 square feet of floor area
(4) Bowling alley.	5 per alley, plus additional space for any other associated use (e.g., bar, restaurant, etc.) open to the public
(5) Amusement park.	1 per 200 square feet of floor area plus 1 per 200 square feet of land area used for outdoor recreational areas
(6) Auditorium, fairgrounds, stadiums and grandstands.	1 per every 4 seats
(7) Athletic field.	15 spaces for every diamond; 20 spaces for every soccer or athletic field, or 1 space for every 4 seats, whichever is greater
(8) Golf courses.	4 per each green, plus additional space for any other associated uses (e.g., tavern, restaurant, etc.) open to the public
(9) Golf driving range.	1.5 per every tee, if provided, or 1.5 per each 20 feet of range width along the tees
(10) Miniature golf course.	2 per hole
(11) Outdoor range, archery, rifle, trap or skeet.	2 per target area or 1 per 5 seats, whichever is greater
(f) Industrial uses.	
(1) Industrial establishments (other than listed).	1 per 1,000 square feet of floor area
(2) Research and testing laboratory.	1 per 600 square feet of floor area
(3) Warehousing.	1 per 1,000 square feet of floor area to a maximum of 5 spaces for establishments up to 25,000 square feet of floor area. For warehouses over 25,000 square feet, 5 spaces plus 1 for each additional 5,000 square feet above 25,000 square feet of floor area

(4) Manufacturing or establishments engaged in production, processing, packing and crating, cleaning, servicing, or repair of materials, goods or products.	1 per 600 square feet of floor area up to 25,000 square feet of floor area; and 1 per 1,000 square feet of floor area above 25,000 square feet of floor area
(g) Other uses. For uses not listed, parking spaces shall be provided on the same basis as required for the most similar listed use as determined by the appropriate City or County Building Official.	

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1196            Section 10. That original § 18.55.020, § 18.55.040, § 18.55.140, § 18.55.150, §  
1197 18.55.190, § 18.55.200, § 18.60.010, § 18.225.010 and § 18.240.030 of The Code of the  
1198 City of Topeka, Kansas, are hereby specifically repealed.

1199            Section 11. This ordinance shall take effect and be in force from and after its  
1200 passage, approval and publication in the official City newspaper.

1201            Section 12. This ordinance shall supersede all ordinances, resolutions or rules,  
1202 or portions thereof, which are in conflict with the provisions of this ordinance.

1203            Section 13. Should any section, clause or phrase of this ordinance be declared  
1204 invalid by a court of competent jurisdiction, the same shall not affect the validity of this  
1205 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

1206            PASSED AND APPROVED by the Governing Body on March 2, 2021.

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CITY OF TOPEKA, KANSAS

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Michelle De La Isla, Mayor

ATTEST:

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Brenda Younger, City Clerk

ORD/Zoning – Short Term Rental  
Approved by Planning Commission  
1/25/2021