

(Published in the Topeka Metro News February 7, 2022)

ORDINANCE NO. 20340

AN ORDINANCE introduced by Interim City Manager William E. Cochran, concerning zoning and design standards for downtown, amending Topeka Municipal Code § 18.200.010, § 18.200.020, § 18.200.090, § 18.225.010, § 18.60.010 and § 18.60.020 and repealing original sections.

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

Section 1. That section 18.200.010, Purpose and regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Purpose and regulations.

(a) Purpose. The downtown districts are unique to the downtown Topeka area and are provided to encourage a compatible mixed use activity. The D downtown districts serve to implement the ~~d~~Downtown Topeka redevelopment~~Master p~~Plan, which is part of the City of Topeka's comprehensive plan.

(b) Regulations. The regulations set forth in this chapter or set forth elsewhere in this division are the district regulations for the D downtown districts.

Section 2. That section 18.200.020, Downtown district classifications, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Downtown district classifications.

There are three classifications of downtown districts as follows:

(a) D-1 District. The purpose of this district is to facilitate a compatible mixed use activity center within the core area of downtown Topeka. ~~The district is predominantly composed of State offices, as well as local and Federal facilities, commercial and retail uses.~~ The district includes compatible residential, office, civic, and

commercial retail/service uses which complement and support a high density of activity and facilitate pedestrian usage.

(b) D-2 District. The purpose of this district is to integrate a compatible mixed use activity with urban residential neighborhoods. The district includes a balance of compatible low to medium density residential, office, cultural, and neighborhood commercial retail/service uses of low to moderate intensity that complement and support neighborhood residential areas and pedestrian usage.

(c) D-3 District. The purpose of this district is to reestablish and expand the linkage between downtown and the industrial uses along the Kansas River ~~through intensive redevelopment of the area north of Crane Street to the Kansas River~~. The district includes higher density housing, commercial, ~~and office~~ and light industrial uses that emphasize the relationship between downtown and the Kansas River, as well as expand cultural opportunities in the general downtown area.

Section 3. That section 18.200.090, Design guidelines and sign standards, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Design guidelines and sign standards.

The Downtown Topeka Urban Design Standards adopted by reference as part of the Downtown Topeka Master Plan (Ordinance No. 20294) shall be used for all new development within the D-1, D-2, and D-3 districts.

~~(a) Within the D-1, D-2 and D-3 districts, all new development, including permitted commercial, office, institutional, multifamily residential, industrial uses, or combination thereof, or change of uses with exterior modifications shall be consistent with the following design guidelines. No building permit shall be issued unless it is in~~

~~compliance with the design guidelines which are set forth in Exhibit A at the end of this section.~~

~~(b) Compliance shall be determined by the Planning Director by evaluating site plans and exterior elevations for conformity with the design guidelines.~~

~~(c) Decisions on conformity with the guidelines shall be made within 10 working days of submission.~~

~~(d) An appeal from the Planning Director's decision as to compliance with the downtown Topeka general design guidelines may be made to the Board of Zoning Appeals pursuant to Chapter 2.220 TMC.~~

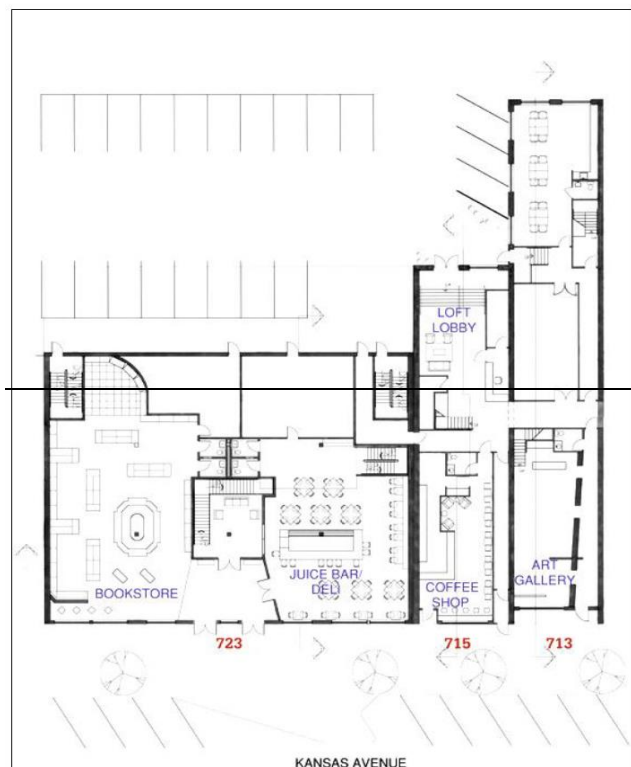
EXHIBIT A

DOWNTOWN TOPEKA URBAN DESIGN GUIDELINES

PURPOSE

The purpose of these guidelines is to provide the regulatory authority to ensure that new construction and renovation of existing structures is consistent with the established urban form of downtown. These guidelines are to be used as criteria for the design of new public and private projects and to be utilized in the evaluation of new projects. These guidelines seek to balance private property rights against the public interest of protecting the appearance and existing investments downtown.

The design guidelines offer a vision for an approach to downtown design that can be beneficial both to developers and to the community. The concepts for downtown development encourage the highest level of design quality and creativity while emphasizing key downtown design concepts such as, but not limited to:



- Maintaining the street wall at the front property line;
- Enhancing the design of street facades;
- Ensuring pedestrian compatibility;
- Designing public spaces at a pedestrian scale;
- Creating visual interest; and
- Maintaining design integrity and compatibility with surrounding structures.

A mix of uses (including office, retail, housing, or other uses) within a given project is encouraged, whether it is a single building or a redevelopment district.

APPLICABILITY

These guidelines apply to the D zoning districts with the exception of projects located within designated historic districts or individually listed historic properties. For these exceptions, projects must follow the applicable design guidelines or other standards that specifically govern alterations to those properties in place of these guidelines. Within the boundaries of the D zoning district's designated National Register Historic Districts, these guidelines are amended by separate design guidelines as adopted. Any project requiring a building permit must comply with approved design guidelines.

The guidelines established herein are not intended to restrict creative solutions. These guidelines describe ways to achieve the stated purpose of the guidelines and offer flexibility in meeting the key concepts for good downtown design. Not all guidelines will or are intended to be met. The "should," "recommended," or "encouraged" statements offer flexibility and indicate that the City is open to design features that are equal to or better than those stated, so long as the intent is satisfied.

Compliance with the guidelines will be determined in conjunction with the review and approval of a development site plan, all in accordance with site plan regulations. Submission of plans for all elevations of a proposed building is required.

WAIVER/EXCEPTION

Relief from the application of certain design guidelines may be granted by the Planning Director if warranted by public safety, site constraints, and functionality considerations.

DEFINITIONS

If, in the course of administration of these guidelines, a question arises as to the meaning of any word, phrase, or section, the Planning Director shall determine the interpretation.

INFILL DEVELOPMENT

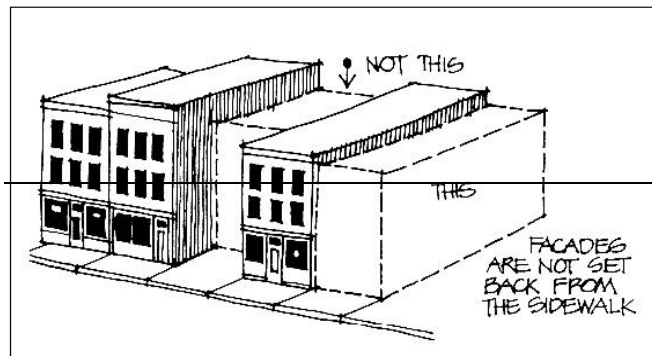
1. Exterior additions to existing buildings or adjacent infill construction should be compatible with the character of the site, and take into account the size, proportions, facade composition, rhythm and proportion of openings, materials, and colors of neighboring buildings. Techniques to help ensure compatibility with neighboring buildings include:
 - Maintaining the street wall by locating the new building at the sidewalk;
 - Ensuring the street level facade fits in contextually with neighboring properties;
 - Differentiating the upper stories of the building from the street level facade by setting back the upper stories at the

plane above the street level facade; and

- Using different wall materials than the lower facade.
2. New on-site parking, loading docks or ramps should be designed to be unobtrusive and compatible with the primary use of the site. On-site parking should not be located along or adjacent to the street frontage. In those instances where parking is located along a street frontage, efforts to maintain the street wall will be imperative. Options include landscaping, low walls, etc.

STREET ORIENTATION

1. Buildings should generally be built up to the edge of the sidewalk in a consistent plan with the other buildings on the street.
2. Other street-level setbacks, plazas and widened sidewalks from the building line should be strategically placed in accordance with an overall open space plan. The new open spaces should be located to relate to other land uses such as retail, entertainment and transit routes.



STREET LEVEL FORM

1. The street frontage of buildings should contain public or semi-public uses such as commercial, office, retail or entertainment uses with direct entry from the street. Nonpublic/semi-public uses are appropriate on the first floor if located to the rear of the street frontage use.



2. New buildings should express a principal public facade and entrance on the adjacent street, and entries from parking facilities should be considered as secondary.

3. ~~Retail activities within buildings should be oriented towards the street and have direct access from sidewalks through storefront entries.~~
4. ~~Ground floor storefront restaurants are encouraged to have a strong connection between the interior of the structure and the exterior street environments.~~
5. ~~Upper floor balconies should not extend structural supports into the public right-of-way below.~~
6. ~~Sidewalk cafes should not impair pedestrian circulation nor store entrance access. There should be at least a six-foot contiguous and unobstructed walkway for use by pedestrians.~~

BUILDINGS FACADES

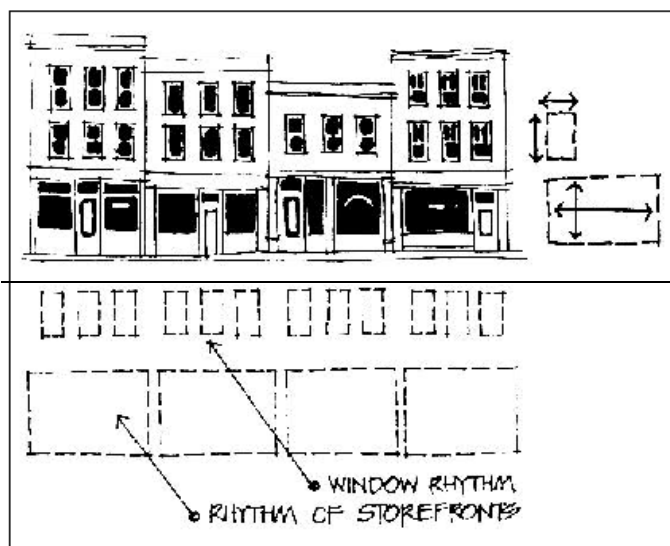
1. New buildings should be open and inviting in both their principal and secondary facades. Blank walls, or any wall with less than 30 percent glass, should not be placed along public streets, but may be placed along alleys and service lanes.



2. Entryways should be generously proportioned and visually transparent so as to encourage connections to the public realm.



3. ~~Decorative and functional elements such as signage, awnings, and ornamentation should be used to create human scale elements on the street-level facades to further encourage openness.~~
4. ~~Loading docks and garage entrances should not be located on the major pedestrian street side of new buildings.~~
5. ~~New curb cuts that conflict with safe pedestrian travel and existing on-street parking are discouraged.~~



6. Retail storefronts are strongly encouraged along the ground floor of all new and renovated buildings. These should be visually transparent to the interior with large areas of window display and should provide for direct entry from the sidewalk. The rhythm of windows and storefronts should be consistent.

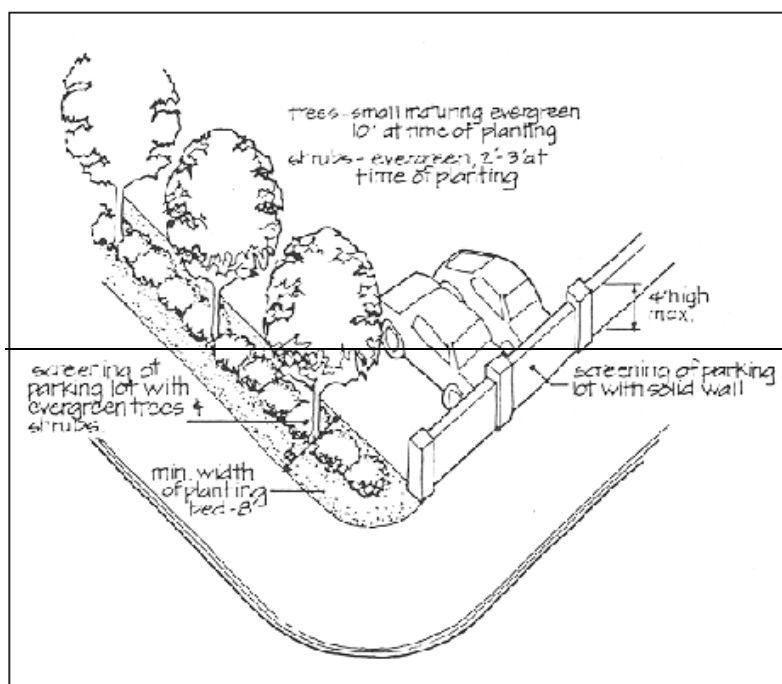
PARKING FACILITY DESIGN

1. Facades of parking facilities should be treated with an architectural finish and given vertical articulation and emphasis. The facade should distinguish a base, middle and top by using different materials, or other methods, and also respond to the context of surrounding buildings by using similar materials. The facade should be designed so as to visually screen cars at street level. Sloping interior floors should not be visible or expressed on the exterior face of the building.
2. Retail storefronts or other business uses should be placed at the street level along the principal street and are encouraged along all adjacent streets except service alleys.



3. Pedestrian entries should be clearly visible and architecturally expressed on the exterior of the garage. Expression of the vertical pedestrian circulation (stairs and elevators) on the exterior of the garage is encouraged.

4. Surface parking lots should provide landscaping in compliance with Topeka's landscape ordinance. Required landscaping should take the form of planter strips, landscaped areas and perimeter landscaping.



5. The existing street setback should be maintained along the principal street frontage in developed areas and established in new districts or developments. Tools for accomplishing this can include walls, fences, row of trees, hedges or any combination of these elements. The height and placement of such features should be in accordance with CPTED (crime prevention through environmental design) principles.
6. While it is important to provide adequate interior lighting for safety and comfort, it should be controlled to avoid spill out on the adjacent streets creating excessive glare.

ARCHITECTURE AND CONTEXT

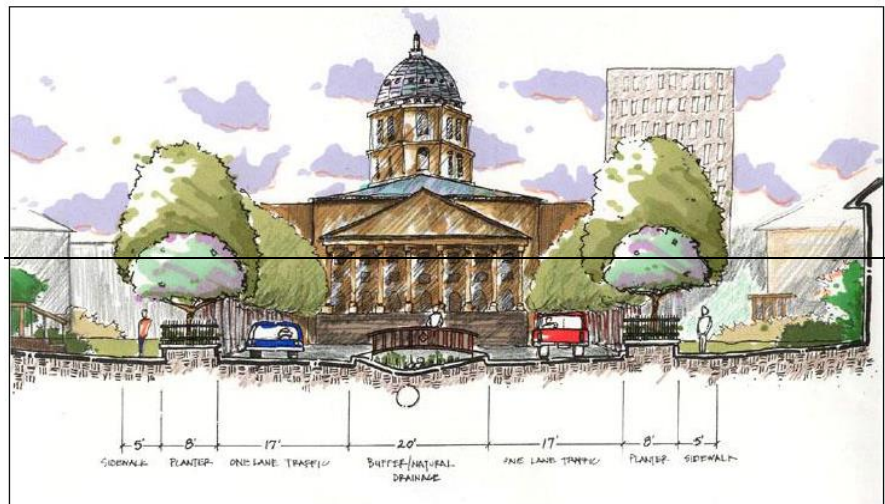
1. The architectural design of new buildings and the rehabilitation of existing buildings should be sensitive to the existing built and natural environment within which they are constructed. The architecture of the existing downtown buildings should provide examples of architectural themes, rhythm, materials and forms.



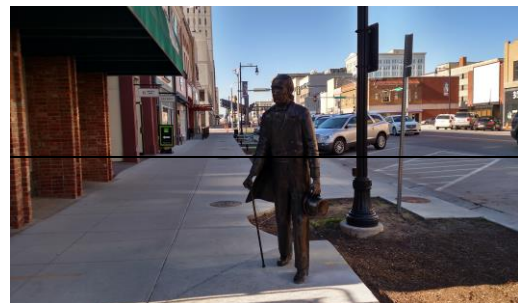
2. New construction is not required to implement any particular architectural style, but should be designed to be compatible with the scale, form and materials of surrounding structures, by applying these guidelines.

PUBLIC INFRASTRUCTURE IMPROVEMENTS

1. All new public infrastructure projects (roads, sidewalks, public buildings, and streetlights) should meet high standards of design quality and provide significant secondary benefits in the form of major public space improvements. These projects should be subject to the same standards of downtown design that would be required of all other projects.



2. Public art projects are encouraged to be incorporated into every major public infrastructure project such as bridges, highways and roadways.



PUBLIC SPACES

1. New public spaces should consist of renovated or enhanced streets, or strategically selected places that are directly linked to the street system.
2. Generally, pedestrian ways should not be separated from streets and sidewalks, unless in riverfront parks. They should maintain direct access from the adjacent streets. They should be open along the adjacent sidewalk and allow for multiple points of entry. A passerby should be able to see directly into the space.
3. New public spaces should be developed with pedestrian amenities, such as follows:
 - Landscaping.
 - Open space.
 - Seating.
 - Public art.
 - However, walls, fences and dense planting that visually seclude the interior space from the sidewalk should be avoided.



HISTORY AND IDENTITY

1. All projects are encouraged to express local history and identity through functional and ornamental design elements and works of public art.



2. ~~New development projects or renovation of existing structures should be designed to preserve the historic resources that exist on the site and reinforce the historical context within which they are developed.~~
3. ~~In the event that it is not possible to preserve the entirety of a historic building the retention of historic facades is encouraged.~~

STREET AND BLOCK ORGANIZATION

1. ~~New buildings and development should respect the existing organization of the City and the street and block patterns that exist.~~
2. ~~Superblock developments that join together one or more blocks are discouraged.~~
3. ~~Where it is feasible, street grids should be extended, reestablished or newly created in areas of large-scale redevelopment.~~
4. ~~New buildings or pedestrian bridges should not bridge across or block access to existing streets.~~

ENTRANCES AND VISTAS

1. ~~Buildings and new development projects should be sensitively designed and sited so as to preserve the key vistas and gateways to downtown and views of the State Capitol.~~
2. ~~New buildings should not block the view corridors defined by the City streets, either by bridging across streets or the use of pedestrian bridges.~~

Section 4. That section 18.225.010, Special use requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Special use requirements.

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

68 (a) *Automobile or Vehicle Dealership.* This use includes the sales, leasing, and
69 service of vehicles and trailers having a gross vehicle weight rating over 12,000 pounds,
70 watercraft, recreational vehicles, heavy construction equipment, and agricultural
71 equipment.

72 (1) Ancillary towing services and body shops are permitted. Storage of
73 damaged vehicles needing body shop repairs shall only be stored in rear yards or
74 screened from view from public roadways and screened from abutting residentially
75 zoned properties. Automotive wrecking and dismantling for salvage purposes are
76 prohibited. Each disabled vehicle is limited to 30 days of on-site storage.

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

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

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

86 (b) *Automobile or Vehicle Car Wash Facility.*

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

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

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

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

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

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

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

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

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

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

114 (d) *Automotive Service Station.*

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

118 (2) *Type 2.* A facility which may include those uses defined in Type 1 and
119 specifically includes replacement of automotive parts including but not limited to fan
120 belts, hoses, sparkplugs, tires and tubes, ignition parts, batteries, shock absorbers,
121 and fuses. A Type 2 facility is limited to servicing automobiles, pickups, motorcycles
122 and other vehicles having a gross vehicle weight rating of 12,000 pounds or less.

123 The following automotive services shall be permitted in a Type 2 facility:

124 (i) Lubrication.

125 (ii) Tire repair and replacement.

126 (iii) Brake repair and wheel balancing and alignment.

127 (iv) Muffler and exhaust system repair and replacement.

128 (v) Shock absorber and strut replacement.

129 (vi) Engine adjustment (tune-up).

130 (vii) Replacement of pumps, cooling systems, generators, alternators, wires,
131 starters, air conditioners, bearings and other similar devices.

132 (viii) Radio, GPS, rear cameras, and similar electronics installation and repair.

133 (ix) Glass replacement.

134 (x) Trailer hitch and wiring installation and repair.

(xi) And other similar repair and replacement services normally deemed to be emergency and convenience services; however, the same shall not include drive train units such as the engine, transmission or drive components.

(3) *Type 3.* A facility which may include those uses defined in Types 1 and 2, and specifically includes repair, rebuilding and replacement of drive train units of automobiles, pickup trucks, motorcycles, trailers, and other vehicles.

(4) For Types 1, 2, and 3 a solid, opaque screen, fence or sight-prohibitive landscaping shall be provided along lot lines adjoining residential property at a height of not less than six feet except in front yards where it may be reduced to three feet or replaced with shrubs designed to grow two to three feet in height.

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

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

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

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

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

(f) *Cemetery.*

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

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

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

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

(g) *Community Gardens.*

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

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

182 (3) Fences are allowed subject to a fence permit and compliance with TMC
183 18.210.040. In R and M districts, the minimum front yard setback for the district shall
184 act as the front face of the principal structure.

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

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

191 (6) The cultivated area shall have a minimum setback of three feet from all
192 property lines. Crops planted in any minimum front yard setback are limited to those
193 that will grow to a height of four feet or less (e.g., four feet maximum in the front 30
194 feet).

195 (7) Dead garden plants shall be removed regularly and no later than November
196 30th of each year.

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

199 (9) Compost bins shall be set back at least 10 feet from all side and rear
200 property lines and 25 feet from the front property line. Compost bins shall be
201 screened and maintained in such a manner as to not attract insects, vermin, reptiles

202 and other animals. Appropriate best management practices shall be used to
203 minimize odor.

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

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

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

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

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

216 (i) Accessory structures may include storage buildings, greenhouses, high
217 tunnels and hoop houses maintained in good condition.

218 (ii) Maximum height of 12.5 feet.

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

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

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

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

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

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

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

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

(h) *Day Care Facility, Type I.*

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

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

(i) *Day Care Facility, Type II.*

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

(j) *Demolition Landfill.*

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

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

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

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

(l) *Extraction, Processing, Storage and Sale of Raw Materials, Including Ore, Minerals, Sand, Rock, Stone, Gravel, Topsoil, Fill Dirt, and Other Materials Delivered by Quarry, Mining, Dredging, or Stripping Operations.* In addition to the standard application components required of an applicant to petition for a conditional use permit,

a request for the subject use shall identify the specific raw material and type of operation under consideration and, furthermore, shall include the below-listed additional information, plans and data:

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

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

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

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

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

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

(vi) Identify manmade features such as buildings and other structures, dams, dikes and impoundments of water.

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

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

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

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

295 (i) North point, scale and date.

296 (ii) Extent of area to be excavated.

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

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

301 (v) Benchmarks.

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

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

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

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

309 (x) Ingress/egress roads including on-site haul roads and proposed surface
310 treatment and means to limit dust.

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

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

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

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

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

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

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

(iii) Estimated type and volume of the excavation.

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

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

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

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

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

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

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

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

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

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

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

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

(m) *Golf Course – Country Club.*

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

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

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

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

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

(n) *Indoor Gun Range.*

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

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

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

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

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

(o) *Outdoor Storage of Nonmerchandise.* When storage is located in a yard that abuts or is located across the street from residentially zoned property it shall be screened from public view by a solid, opaque screen, fence or sight-prohibitive landscaping of not less than six feet in height, except in front yards where it may be reduced to three feet or replaced with shrubs designed to grow two to three feet in height. If storage is adjacent to driveways or intersections, screening may be reduced to comply with sight distance triangles, as outlined in TMC 12.20.020.

(p) *Reception, Conference and Assembly Facility.*

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

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

(i) Maximum occupant load at any one time.

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

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

(B) Any permitted outdoor activities.

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

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

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

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

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

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

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

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

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

(r) *Religious Assembly.*

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

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

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

(1) This subsection shall apply only to existing legal nonconforming billboards presently located within the C-4 commercial district. In seeking a conditional use

428 permit, the applicant shall specify the location, size, height and area of the existing
429 billboard proposed to be removed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

469 (6) The roof of the manufactured home shall be double pitched and have a
470 nominal vertical rise of three inches for each 12 inches of horizontal run, and shall
471 be covered with material that is residential in appearance, including but not limited

to wood, asphalt, composition or fiberglass shingles, but excluding corrugated aluminum, corrugated fiberglass, or corrugated metal roofing material. The roof shall have a minimum eave projection or overhang of 10 inches on at least two sides, which may include a four-inch gutter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

519 (3) The applicant shall provide written communications obtained from the
520 Federal Communications Commission and the Federal Aviation Administration
521 indicating whether the proposed tower complies with applicable regulations
522 administered by that agency or that the tower is exempt from those regulations. If
523 each applicable agency does not provide a requested statement after the applicant
524 makes a timely, good-faith effort to obtain it, the application is complete. The
525 applicant shall send a subsequently received agency statement to the Planning
526 Director.

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

530 (y) *Vehicle Surface Parking Lot.*

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

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

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

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

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

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

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

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

(iii) Individual guestrooms shall not contain cooking facilities.

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

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

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

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

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

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

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

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

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

(3) *Conditional Use Permit.* In the event that a person cannot meet the requirements of subsections (z)(1)(i) through (z)(1)(vi) or (z)(1)(viii) through (z)(1)(x) of this section, such person may apply for a conditional use permit pursuant to Chapter 18.215 TMC.

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

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

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

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

(iii) Individual guestrooms shall not contain cooking facilities.

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

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

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

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

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

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

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

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

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

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

(3) *Conditional Use Permit.* In the event that a person cannot meet the requirements of subsections (aa)(1)(i) through (aa)(1)(vi) or (aa)(1)(viii) through (aa)(1)(xi) of this section, such person may apply for a conditional use permit pursuant to Chapter 18.215 TMC.

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

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

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

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

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

(iv) Individual guestrooms shall not contain cooking facilities.

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

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

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

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

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

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

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

(A) The scheduling and conduct of social events shall be incidental and subordinate to the principal use of the premises.

(B) All scheduled events shall be by prearranged contract or agreement. Such events shall not be open to the general public.

(C) Social events shall be restricted to between the hours of 9:00 a.m. and 11:00 p.m.

(D) *Parking for Social Events.* Off-street parking for event guests shall meet the same number requirements as required by TMC 18.240.030 for religious assembly or cultural facilities.

(2) *Conditional Use Permit.* In the event that a person cannot meet the requirements of subsections (bb)(1)(i) through (bb)(1)(vi) or (bb)(1)(viii), (bb)(1)(ix), or (bb)(1)(xi) of this section, such person may apply for a conditional use permit pursuant to Chapter 18.215 TMC.

(cc) *Management/Leasing Office and Maintenance Facility.*

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

(i) The proposed facility shall be located within the boundaries of and operate exclusively in association with a legally described residential community consisting of rental housing units. Activity not associated with the management of the residential community or that serves the residents of the community shall not be permitted within the facility.

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

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

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

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

(dd) *Automobile Rental Establishments.*

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

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

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

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

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

(6) The inventory of rental vehicles shall be parked only on paved areas and shall not displace the required number of off-street parking spaces to be provided.

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

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

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

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

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

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

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

(6) The extent to which approval of the application would detrimentally affect nearby properties.

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

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

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

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

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

(ff) *Mobile Retail Vendors.* Mobile retail vendors are allowed in zoning districts where retail sales are permitted per TMC 18.60.010 or where allowed by ordinance.

(gg) *Micro-Alcohol Production in X-2 and X-3 and D Districts.*

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

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

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

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

(hh) *Artisan Manufacturing.*

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

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

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

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

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

(ii) *Drive-Up/Drive-Through Facilities.*

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

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

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

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

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

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

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

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

(kk) *Small Cell Wireless Facilities (SCWFs).*

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

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

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

(II) Warehouse, Storage, Distribution Facilities.

(1) Any new warehouse, storage, or distribution facility shall be in an existing building. Minor additions are limited to expansions of 10% or less to the existing building.

(2) Only one large common dock/garage door opening shall be allowed per building façade facing a public street; or, if the building contains existing large door openings on façade facing street, no more than one additional large door is permitted.

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

Section 5. That section 18.60.010, Use tables, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use tables.

The use matrix tables establish the land uses for the zoning districts identified in the tables below.

Residential

		APPROVAL LEVELS																								
		● = Allowed Use																								
		S = Allowed per Special Use Requirments under Chapter 18.225 TMB																								
		S/C = If unable to meet Special Use Requirements, may apply for CUP																								
		C = Conditional Use Poernit (CUP) approved by Governing Body																								
# = See Definition in Chapter 18.55 TMC		See Design Standards for X and D Districts																								
Use	Description	R-1/R-2/R-3 Single Family Dwelling	R-4 Manufactured Homes	M-1 Two Family Dwelling	M-1a Limited Multiple Family Dwelling	M-2 Multiple Family Dwelling	M-3 Multiple Family Dwelling	O&I-1 - Office And Institutional	O&I-2 - Office And Institutional	O&I-3 - Office And Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use	RR-1 Residential Reserve	OS-1 Open Space
Residential		Districts																								
Assisted Living Facility #	has individual living units where at least 6 persons receive personal/nursing care. Refer to TMC18.225 Dwelling Units on main floor	C	C	C	C	●	●	●	●	●	-	-	-	-	-	-	-	●	C	C	C	S	C	-	C	-
Boarding House #	dwelling where lodging, with or without food, for 6 - 20 persons is provided	-	-	-	-	C	●	-	-	-	-	-	-	-	-	-	-	●	C	C	C	●	C	-	-	-
Caretaker's Residence		-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	-	-	-	-	-
Community Living Facility, Type I #	dwelling operation for short-term residential care for improving living skills	-	-	-	-	-	C	-	●	●	-	●	●	●	-	-	-	●	-	-	-	●	-	-	-	-
Community Living Facility, Type II #	dwelling operation for residential care providing an intermediate and primary treatment setting	-	-	-	-	-	-	-	C	●	-	●	●	●	-	-	-	C	-	-	-	●	-	-	-	-
Correctional Placement Residence or Facility General #	residential/rehabilitation facility occupied by more than 15 individuals	-	-	-	-	-	C	-	C	C	-	-	C	C	C	C	-	C	-	-	-	-	-	-	-	-
Correctional Placement Residence or Facility Limited #	residential/rehabilitation facility occupied by 3 to 15 individuals	-	-	-	-	C	C	C	C	C	-	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-
Crisis Center, Type I #	may include meals and merchandise to residents	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	-	C	-	C	C	-	-	-
Crisis Center, Type II #	facility used for immediate human social service functions including meals, merchandise or shelter	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	-	-	-
Dwelling, Detached Single-Family #		●	-	●	●	●	●	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	●	-	●	●
Dwelling, Attached Single-Family #		-	-	●	●	●	●	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	●	-	-	-
Dwelling, Two-Family # (Duplex)		-	-	●	●	●	●	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	●	-	-	-

Residential

		APPROVAL LEVELS																									
		● = Allowed Use																									
		S = Allowed per Special Use Requirments under Chapter 18.225 TMB																									
		S/C = If unable to meet Special Use Requirements, may apply for CUP																									
		C = Conditional Use Poemit (CUP) approved by Governing Body																									
# = See Definition in Chapter 18.55 TMC		See Design Standards for X and D Districts																									
Use	Description	R-1R-2R-3 Single Family Dwelling	R-4 Manufactured Homes	M-1 Two Family Dwelling	M-1a Limited Multiple Family Dwelling	M-2 Multiple Family Dwelling	M-3 Multiple Family Dwelling	O&I-1 - Office And Institutional	O&I-2 - Office And Institutional	O&I-3 - Office And Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use	RR-1 Residential Reserve	OS-1 Open Space	
Residential		Districts																									
Dwelling, Three/Four-Family	includes 3-4 unit row or town houses #	-	-	-	●	●	●	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	●	-	-	-	
Dwelling, Multiple-Family #	structure with at least 5 units	-	-	-	-	●	●	-	-	-	-	-	-	-	-	-	-	●	C	C	●	S	●	●	-	-	
Dwelling, Accessory #	secondary to primary dwelling, not exceeding 600 sq. ft.			●	●	●	●												●	●	●	●					
Dwelling Units Above Ground Floor or Basement	other than medical care & community living facility	-	-	-	-	-	-	●	●	●	●	●	●	●	-	-	-	●	●	●	●	●	●	●	●	-	-
Dwelling Units on main floor	subordinate to principal non-residential uses. Refer to TMC18.225	-	-	-	-	-	-	S	S	S	S	S	S	S	-	-	-	S	S	S	S	S	S	S	S	-	-
Group Home #	licensed dwelling for up to 8 with disability & 1 or 2 staff	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	●	●	C	C	●	●	●	●	-	-
Group Residence, General #	dwelling occupied by 9 to 15 persons and at least 8 with a disability	-	-	-	-	C	C	-	C	-	-	-	-	-	-	-	-	●	-	-	-	-	-	-	-	C	-
Group Residence, Limited #	dwelling occupied by up to 10 persons, up to 8 with a disability, and up to 2 staff residents	C	C	C	C	●	●	C	C	-	-	-	-	-	-	-	-	●	C	-	-	-	-	-	-	C	-
Home Care, type I #	nonsecure dwelling with residential / nursing care for up to 8 care receivers	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	●	●	C	C	●	C	-	●	-	
Home Care, type II #	nonsecure dwelling with residential/nursing care for up to 12 care receivers	C	C	C	C	●	●	-	-	-	-	-	-	-	-	-	-	●	C	C	C	●	C	-	C	-	
Management / Leasing Facilities	for managing an onsite multi-family community Refer to TMC18.225	-	-	S/C	S/C	S/C	S/C	-	-	-	-	-	-	-	-	-	-	S/C	●	●	●	S/C	S/C	S/C	-	-	
Medical Care Facility, type I #	dwelling for the personal nursing care & treatment for up to 2 persons	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	●	-	-	-	-	-	-	●	-	
Medical Care Facility, type II #	dwelling for the personal nursing care & treatment for more that 3 persons	-	-	-	-	C	C	C	●	●	-	●	●	●	●	●	-	●	-	-	-	●	-	-	-	-	-

Residential

		APPROVAL LEVELS																								
		● = Allowed Use																								
		S = Allowed per Special Use Requirements under Chapter 18.225 TMB																								
		S/C = If unable to meet Special Use Requirements, may apply for CUP																								
		C = Conditional Use Poemrit (CUP) approved by Governing Body																								
# = See Definition in Chapter 18.55 TMC		See Design Standards for X and D Districts																								
Use	Description	R-1R-2R-3 Single Family Dwelling	R-4 Manufactured Homes	M-1 Two Family Dwelling	M-1a Limited Multiple Family Dwelling	M-2 Multiple Family Dwelling	M-3 Multiple Family Dwelling	O&I-1 - Office And Institutional	O&I-2 - Office And Institutional	O&I-3 - Office And Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use	RR-1 Residential Reserve	OS-1 Open Space
Residential		Districts																								
Mobile Home #, Manufactured Home #	residential structure manufactured off-site excluding "residential-design manufactured home"	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential-Design Manufactured Home #	At least 22' wide on a permanent foundation, pitched roof, and siding/roofing materials similar to site built homes except in R-4.	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	●	●	-	-
Residential Care Facility, Type I #	nonsecure dwelling in which residential care is provided for children and/or adults on 24-hr basis, up to 4 persons	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	●	●	C	C	●	C	-	●	-
Residential Care Facility, Type II #	nonsecure dwelling in which residential care is provided for children and/or adults on 24-hr basis, up to 10 persons	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	●	C	C	C	●	C	-	●	-
Residential Care Facility, Type III #	nonsecure dwelling in which residential care is provided to children and/or adults on a 24-hour basis	-	-	-	-	C	●	-	-	-	-	-	-	-	-	-	-	●	-	-	-	-	-	-	-	-
Short-Term Residential Rental, Type I		S/C	-	S/C	S/C	●	●	S/C	S/C	S/C	S/C	S/C	S/C	S/C	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	-	S/C	S/C	●	●	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	-	S/C	S/C	S/C	SC	●	S/C	S/C	S/C	-
Short Term Residential Rental, Type III		C	-	C	C	●	●	C	C	C	S/C	●	●	●	●	●	-	C	S/C	●	●	●	●	●	C	-
Student or Faculty Housing	Refer to TMC18.225 Dwelling Units on main floor	-	-	-	-	●	●	-	-	-	-	-	-	-	-	-	●	●	-	-	-	S	-	-	-	-

Civic, Cultural, Recreational

		APPROVAL LEVELS																									
		● = Allowed Use																									
		S = Allowed per Special Use Requirments under Chapter 18.225 TMB																									
		S/C = If unable to meet Special Use Requirements, may apply for CUP																									
		C = Conditional Use Poernit (CUP) approved by Governing Body																									
# = See Definition in Chapter 18.55 TMC		See Design Standards for X and D Districts																									
Use	Description	R-1/R-2/R-3 Single Family Dwelling	R-4 Manufactured Homes	M-1 Two Family Dwelling	M-1a Limited Multiple Family Dwelling	M-2 Multiple Family Dwelling	M-3 Multiple Family Dwelling	O&I-1 - Office And Institutional	O&I-2 - Office And Institutional	O&I-3 - Office And Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use	RR-1 Residential Reserve	OS-1 Open Space	
Civic, Cultural, Recreational		Districts																									
Art and Portrait Galleries Artist Studios	Framing and sales of pictures and frames must be subordinate to the principal use	-	-	-	-	-	-	●	●	●	●	●	●	●	●	●	●	-	●	●	●	●	●	●	●	-	-
Cemetery #	See standards in Chapter 18.225 TMC	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	
Class "A" & "B" Clubs #	as licensed by state alcohol beverage control board (e.g. ELKS)	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	-	●	●	●	●	●	C	C	-	-
Club or Lodge, Private # (excludes Class "A" & "B" Clubs)	organization for social, educational, or recreational purposes. Not licensed by the State.	-	-	-	-	-	-	●	●	-	●	●	●	●	●	●	-	-	●	●	●	●	C	C	-	-	
Common Open space # (within a development and for its occupants)	natural areas and passive recreational facilities only	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Community Center #	building open to the public for recreational and/or educational activities	C	C	C	C	C	C	●	●	●	C	●	●	●	●	●	●	-	●	●	●	●	●	●	C	●	
Cultural Facility #, Museum # Library		C	C	C	C	C	C	●	●	●	●	●	●	●	●	●	●	-	●	●	●	●	●	●	C	C	
Day Care Facility, Type I #	dwelling unit where care is provided for up to 12 children and/or adults	S	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	S/C	S/C	S	-	
Day Care Facility, Type II # (Includes Child Cares and Pre-Schools)*	structure where care is provided for children and/or adults. Referto TMC 18.225.	C	C	C	C	S	S	S	S	S	S	S	S	S	C	-	●	S	S	S	S	S	S/C	S/C	C	-	
Fairgrounds		-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	C	C	
Farmers' Market #	Conditional Uses in R & M Districts are limited to 2.5-acre or larger sites	C	C	C	C	C	C	C	C	C	C	●	●	●	●	●	C	C	C	C	●	●	●	●	●	C	
Gardens, Community Type I #	No permanent sales	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	●	S	

Civic, Cultural, Recreational

		APPROVAL LEVELS																								
		● = Allowed Use																								
		S = Allowed per Special Use Requirments under Chapter 18.225 TMB																								
		S/C = If unable to meet Special Use Requirements, may apply for CUP																								
		C = Conditional Use Poernit (CUP) approved by Governing Body																								
# = See Definition in Chapter 18.55 TMC		See Design Standards for X and D Districts																								
Use	Description	R-1/R-2/R-3 Single Family Dwelling	R-4 Manufactured Homes	M-1 Two Family Dwelling	M-1a Limited Multiple Family Dwelling	M-2 Multiple Family Dwelling	M-3 Multiple Family Dwelling	O&I-1 - Office And Institutional	O&I-2 - Office And Institutional	O&I-3 - Office And Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use	RR-1 Residential Reserve	OS-1 Open Space
Civic, Cultural, Recreational Districts																										
Gardens, Community Type II #	Sales/Non-Type I Standards	C	C	C	C	C	C	C	C	C	S	S	S	S	S	S	C	C	C	C	C	C	C	C	●	C
Golf Course #, Country Club #		S/C	S/C	S/C	S/C	S/C	S/C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S/C	●
Government Services, Type I	government administrative offices and services	C	C	C	C	C	C	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	C
Government Services, Type II	police, fire, and ambulance stations	C	C	C	C	C	C	C	C	C	C	●	●	●	●	●	●	●	C	●	●	●	●	●	●	C
Open Spaces #		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Private Residential Recreational Facility (allows clubhouses; "Recreation, Indoor Type I"; and "Recreation, Outdoor Type I" uses)	located within a residential project and only for its residents and their guests	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	●	●
Park #	<u>owned or controlled by public</u>	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Public Utility Facilities, Type I # (See Section 18.50.100(c)(1) of Topeka Municipal Code)	non-major facilities are exempt from zoning use restrictions	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Public Utility Facilities, Type II # (See Section 18.50.100(c)(1)(i,ii,iii) of Topeka Municipal Code)	major facilities including: pump stations, towers, treatment plants, etc.	C	C	C	C	C	C	C	C	C	C	C	C	C	●	●	C	C	C	C	C	C	C	C	C	C
Reception, Conference, and Assembly Facilities	Refer to TMC 18.225 for standards	C	-	C	C	C	C	C	●	●	C	●	●	●	●	●	●	●	C	C	C	●	C	C	C	-
Recreation, Indoor Type I # (lower intensity recreational uses)	Indoor pools, fitness clubs, skating rinks, gyms, dancing, martial arts, etc.	-	-	-	-	-	-	C	●	●	C	●	●	●	●	●	●	●	●	●	●	●	●	●	-	-

Civic, Cultural, Recreational

		APPROVAL LEVELS																								
		● = Allowed Use																								
		S = Allowed per Special Use Requirments under Chapter 18.225 TMB																								
		S/C = If unable to meet Special Use Requirements, may apply for CUP																								
		C = Conditional Use Poermit (CUP) approved by Governing Body																								
# = See Definition in Chapter 18.55 TMC		See Design Standards for X and D Districts																								
Use	Description	R-1/R-2/R-3 Single Family Dwelling	R-4 Manufactured Homes	M-1 Two Family Dwelling	M-1a Limited Multiple Family Dwelling	M-2 Multiple Family Dwelling	M-3 Multiple Family Dwelling	O&I-1 - Office And Institutional	O&I-2 - Office And Institutional	O&I-3 - Office And Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use	RR-1 Residential Reserve	OS-1 Open Space
Civic, Cultural, Recreational																										
Recreation, Indoor Type II # (higher intensity recreational uses)	pool & billiard halls, bowling alleys, arcades, indoor amusement parks, etc.	-	-	-	-	-	-	-	-	-	-	C	C	●	●	●	-	-	C	-	●	●	C	●	-	-
Recreation, Outdoor Type I # (low intensity recreational uses)	tennis, basketball & shuffle board courts, pools, golf courses, horse shoes, etc.	C	C	C	C	C	C	●	●	●	●	●	●	●	●	●	●	●	●	●	●	C	●	●	●	●
Recreation, Outdoor Type II # (medium intensity recreation uses)	batting cages, dog parks, miniature golf, driving ranges, model airplanes airfields, riding academies, etc.	C	C	C	C	C	C	C	C	C	C	C	●	●	●	●	●	C	C	●	●	C	●	●	C	C
Recreation, Outdoor Type III # (high intensity recreation uses)	go kart tracks, horse and auto race tracks, drag strips, amusement and motorized kiddie parks; and sport stadiums, complexes and arenas, outdoor concert, music, performance, and theater venues, etc.	C	-	-	-	-	-	-	-	-	-	-	-	C	C	C	C	-	-	●	C	C	●	●	C	C
Religious Assembly #	Refer to TMC 18.225	S/C	S/C	S/C	S/C	●	●	●	●	●	●	●	●	●	●	●	●	●	●	C	C	C	●	●	S	-
RV Short-Term Campgrounds #	has at least 24 campsites	-	-	-	-	-	-	-	-	-	-	-	●	●	●	-	-	-	-	-	-	-	-	-	C	C
Schools #, Public or Private Educational Facility #	elementary school # and secondary school #	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	-
School, Business and Vocational School #	includes technical colleges and training academies	-	-	-	-	-	-	-	●	●	-	●	●	●	●	●	●	●	●	●	●	●	●	●	-	-
Youth Camps	retreats for scouting, etc	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C

Commercial, Office

		APPROVAL LEVELS																								
		● = Allowed Use																								
		S = Allowed per Special Use Requirments under Chapter 18.225 TMB																								
		S/C = If unable to meet Special Use Requirements, may apply for CUP																								
		C = Conditional Use Poermit (CUP) approved by Governing Body																								
# = See Definition in Chapter 18.55 TMC		See Design Standards for X and D Districts																								
Use	Description	R-1R-2/R-3 Single Family Dwelling	R-4 Manufactured Homes	M-1 Two Family Dwelling	M-1a Limited Multiple Family Dwelling	M-2 Multiple Family Dwelling	M-3 Multiple Family Dwelling	O&I-1 - Office And Institutional	O&I-2 - Office And Institutional	O&I-3 - Office And Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use	RR-1 Residential Reserve	OS-1 Open Space
Commercial, Office		Districts																								
Animal Care and Services type I#	for common household pets in an enclosed building	-	-	-	-	-	-	S	S	S	-	S	S	●	●	●	-	-	●	C	S	C	C	C	-	
Animal Care and Services type II#	services within an enclosed building	-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	-	-	-	-	-	-	-	-	C	-
Artisan Manufacturing #	Refer to TMC18.225	-	-	-	-	-	-	-	-	-	C	C	C	S	●	●	-	-	S	S	S	C	●	●	-	-
Auction House		-	-	-	-	-	-	-	-	-	-	-	-	S	●	●	-	-	-	-	-	-	-	-	-	-
Automobile or Vehicle Carwash #		-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-
Automotive Rental Establishments		-	-	-	-	-	-	-	-	-	-	S	●	●	●	●	-	-	-	-	-	C	-	●	-	-
Auto Service Station, type I #	convenience store with gas sales	-	-	-	-	-	-	-	-	-	C	S	S	●	●	●	-	-	●	●	●	S	C	●	-	-
Auto Service Station, type II #	excludes drive-train work	-	-	-	-	-	-	-	-	-	-	S	S	●	●	●	-	-	C	●	●	S	-	●	-	-
Auto Service Station, type III #	includes drive-train work	-	-	-	-	-	-	-	-	-	-	C	C	S	●	●	-	-	C	C	-	C	-	C	-	-
Automobile Sales & Service	excludes heavy duty vehicles and type III auto services	-	-	-	-	-	-	-	-	-	-	-	S	S	●	●	-	-	C	S	-	-	-	-	-	-
Automobile, Boat, Truck, Heavy & Ag Equipment, Sales/Services	includes heavy-duty trucks, rec. vehicles, trailers and type III service	-	-	-	-	-	-	-	-	-	-	-	-	S	●	●	-	-	-	-	-	-	-	-	-	-
Automobile or Vehicle Tow Lot and Body Shop	not including wrecking yards or long-term storage of disabled vehicles	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	-	-	-	-	-	-	-
Bakery (Commercial)	including wholesale distribution	-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	-	-	-	●	-	-	-	-	-	-
Bank/Financial Institution	Does not include drive in/drive throughs	-	-	-	-	-	-	●	●	●	●	●	●	●	●	●	-	-	●	●	●	●	●	●	-	-
Billboard/Panel Poster Sign # (See Section 18.25.110 TMC)	off-premise advertising signs	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	C	-	C	C	-
Billboard, Modified Legal Non- Conforming Billboards	relocation, remodeling or rebuilding of legal non-conforming billboards	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-
Body Art Service/ Tattooing, Body Piercing	excludes ear-piercing only	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	-	●	●	●	●	●	●	-	-
Brew Pub #	includes a microbrewery as an accessory use. Microbrewery limited to 5000 barrels per year.	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	-	●	●	●	●	●	●	-	-

Commercial, Office

		APPROVAL LEVELS																								
		● = Allowed Use																								
		S = Allowed per Special Use Requirments under Chapter 18.225 TMB																								
		S/C = If unable to meet Special Use Requirements, may apply for CUP																								
		C = Conditional Use Poermit (CUP) approved by Governing Body																								
# = See Definition in Chapter 18.55 TMC		See Design Standards for X and D Districts																								
Use	Description	R-1R-2R-3 Single Family Dwelling	R-4 Manufactured Homes	M-1 Two Family Dwelling	M-1a Limited Multiple Family Dwelling	M-2 Multiple Family Dwelling	M-3 Multiple Family Dwelling	O&I-1. Office And Institutional	O&I-2. Office And Institutional	O&I-3. Office And Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use	RR-1 Residential Reserve	OS-1 Open Space
Commercial, Office		Districts																								
Building, Construction, & Mechanical Contractor Office	showroom, shop & sales including plumbing, heating, air, electrical, etc.	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	●	●	●	●	●	●	●	-
Catering		-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	-	●	●	●	●	●	●	●	-
Check cashing/pay-day loans/title loans		-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	-	●	●	●	●	●	●	●	-
Drinking Establishment #	includes allowing a microbrewery as an accessory use. Microbrewery limited to 5000 barrels per year.	-	-	-	-	-	-	-	-	-	C	●	●	●	●	●	-	-	C	●	●	●	●	●	●	-
Drive through establishments / facilities	Refer to TMC18.225	-	-	-	-	-	-	S	S	S	S	S	S	S	S	S	-	S	S	S	S	S	S	S	S	-
Funeral Home, Mortuary # without Crematorium	Includes the display and sale of related products	-	-	-	-	-	-	●	●	●	-	●	●	●	●	●	-	●	●	●	●	●	●	●	●	-
Funeral Home, Mortuary # with Crematorium	Includes the display and sale of related products	-	-	-	-	-	-	C	●	-	●	●	●	●	●	●	-	●	-	-	-	●	-	-	-	-
Grave Monuments & Markers	includes display but not stone engraving or cutting.	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	-	-	-	-	●	●	●	●	-
Gun Ranges, Indoor		-	-	-	-	-	-	-	-	-	-	-	-	C	S	S	-	-	-	-	-	-	-	-	-	-
Health Services #, Clinic #, Health Care Facility #	May include a pharmacy as part of the facility	-	-	-	-	-	-	●	●	-	●	●	●	●	●	●	-	●	●	●	●	●	C	●	-	-
Home Improvement & Building Supply	Retail merchandise, outdoor display limited to only C-4 & I Refer to TMC18.225.	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	●	●	●	●	●	●	●	-
Labor Pools #		-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	-	-	●	-	-	-	-	-	-
Hospital #	institution providing inpatient health services, medical or surgical care, and related facilities	-	-	-	-	-	-	C	●	-	●	●	●	●	●	●	-	●	-	-	●	●	●	●	●	-
Hotel #, Motel #	commercial establishment providing sleeping rooms for overnight guests	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	-	C	C	-	C	●	●	●	-
Lawn/Garden Centers	landscape materials, lawn & garden equipment and supplies	-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	-	-	●	●	●	●	●	●	●	-
Liquor Sales, Packaged Goods		-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	-	-	-	-	●	●	●	●	-
Manufactured Housing & Accessory Structure Sales		-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	-	-	-	-	-	-	-	-	-	-
Medical Equipment	Hearing aids, eyeglasses, prosthesis stores, etc.	-	-	-	-	-	-	●	●	-	●	●	●	●	●	●	-	●	●	●	●	●	●	●	●	-

Commercial, Office

		APPROVAL LEVELS																									
		● = Allowed Use																									
		S = Allowed per Special Use Requirements under Chapter 18.225 TMB																									
		S/C = If unable to meet Special Use Requirements, may apply for CUP																									
		C = Conditional Use Poermitt (CUP) approved by Governing Body																									
# = See Definition in Chapter 18.55 TMC		See Design Standards for X and D Districts																									
Use	Description	R-1/R-2/R-3 Single Family Dwelling	R-4 Manufactured Homes	M-1 Two Family Dwelling	M-1a Limited Multiple Family Dwelling	M-2 Multiple Family Dwelling	M-3 Multiple Family Dwelling	O&I-1 - Office And Institutional	O&I-2 - Office And Institutional	O&I-3 - Office And Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use	RR-1 Residential Reserve	OS-1 Open Space	
Commercial, Office		Districts																									
Mobile Retail Vendors #	Refer to TMC 18.225	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Office #, Professional Office #	includes medical offices	-	-	-	-	-	-	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Oil/Gas Well Drilling		-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	
Parking, Surface Lot - As a stand alone Principal Use	temporary storage of vehicles as a principal use	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	C	C	C	C	C	C	C	-	
Parking, Surface Lot, in association with a Principal Use.	temporary storage of vehicles as in association with a principal use	C	C	C	C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	●	●	●	●	●	●	C	C	C	S/C	S/C	S/C	C	C	
Parking Garage, (Multi-Level)	temporary storage of vehicles as a principal use	-	-	-	-	-	C	-	C	C	C	C	●	●	●	●	●	●	C	C	C	●	C	●	-	-	
Patio/Garden, Hardware		-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	●	●	●	●	●	●	●	-	
Pawn Shops/Second Hand Shops	For outdoor display, see Retail Merchandise Outdoor Display TMC18.225	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	-	-	-	●	S	-	●	-	-	
Personal Services #	including beauty & barber shops, laundromats, dry-cleaning, tailors, tanning salons, etc.	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	●	●	●	●	●	●	●	●	-	
Pet Shops		-	-	-	-	-	-	-	-	-	C	●	●	●	●	●	-	-	●	●	●	●	●	●	●	-	
Pharmacy # & Drugstores	retail sales of drugs, prosthesis, rehabilitation equipment & medicine. Does not include drive throughs	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	●	●	●	●	●	●	●	●	-	
Printing/ Copy Center		-	-	-	-	-	-	-	-	●	-	●	●	●	●	●	●	-	●	●	●	●	●	●	●	-	
Radio & TV Broadcasting/ Recording Studio		-	-	-	-	-	-	●	●	●	-	●	●	●	●	●	-	-	-	-	-	●	-	-	-	-	
Rental Establishment	general equipment and domestic items	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	-	-	-	-	-	
Restaurant, Family Dining, carry-out # (Delicatessen)	limited to 50 seats	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	●	●	●	●	●	●	●	-	
Restaurant, drive-in/drive through # Restaurant, fast-food #	Refer to TMC 18.225 for drive throughs	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	-	-	S	S	S	S	-	S	-	-	
Retail Merchandise, Outdoor Display	See TMC 18.225 Retail Merchandise outdoor display.	-	-	-	-	-	-	-	-	-	-	-	-	S	S	●	-	-	S	S	S	S	S	S	-	-	
Retail Sales/Service #	sale and repair of items having a low intensity	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	●	●	●	●	●	●	●	-	
Gun Sales and Service		-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	-	-	●	●	-	-	●	-	-	
Theaters #	enclosed structure used for performances for admitted audiences	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	-	C	-	●	C	●	-	-	-	

Commercial, Office

		APPROVAL LEVELS																								
		● = Allowed Use																								
		S = Allowed per Special Use Requirments under Chapter 18.225 TMB																								
		S/C = If unable to meet Special Use Requirements, may apply for CUP																								
		C = Conditional Use Poermit (CUP) approved by Governing Body																								
# = See Definition in Chapter 18.55 TMC		See Design Standards for X and D Districts																								
Use	Description	R-1/R-2/R-3 Single Family Dwelling	R-4 Manufactured Homes	M-1 Two Family Dwelling	M-1a Limited Multiple Family Dwelling	M-2 Multiple Family Dwelling	M-3 Multiple Family Dwelling	O&I-1 - Office And Institutional	O&I-2 - Office And Institutional	O&I-3 - Office And Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use	RR-1 Residential Reserve	OS-1 Open Space
Commercial, Office		Districts																								
Tobacco Shop	Includes Tobacco & Smoke Shop/Hookah Houses/E cigarettes Shop/cigar shops	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	●	●	●	●	●	●	●	-	-
Truck Stop #		-	-	-	-	-	-	-	-	-	-	-	C	C	●	●	-	-	-	-	-	-	-	-	-	-

Industrial

		APPROVAL LEVELS																									
		● = Allowed Use																									
		S = Allowed per Special Use Requirments under Chapter 18.225 TMB																									
		S/C = If unable to meet Special Use Requirements, may apply for CUP																									
		C = Conditional Use Poermit (CUP) approved by Governing Body																									
# = See Definition in Chapter 18.55 TMC		See Design Standards for X and D Districts																									
Use	Description	R-1R-2R-3 Single Family Dwelling	R-4 Manufactured Homes	M-1 Two Family Dwelling	M-1a Limited Multiple Family Dwelling	M-2 Multiple Family Dwelling	M-3 Multiple Family Dwelling	O&I-1 - Office And Institutional	O&I-2 - Office And Institutional	O&I-3 - Office And Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use	RR-1 Residential Reserve	OS-1 Open Space	
Industrial		Districts																									
Airport	including landing strips & heliports	C	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	C	-
Agriculture #	agricultural activity and the production, storage, processing of agricultural products	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●
Agricultural Product Sales & Storage	storage & retail sales of raw food material, fertilizers, pesticides, and similar products for crop/livestock production	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	-	-	-	C	-
Automobile Wrecking and/or Salvage Yards #	Refer to TMC 5.135	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-
Bottling Works		-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	●	-	-	-	-	-	●	-
Contractor Yards		-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	-	C	C	-	-	-	S	-	-
Heliport	heliport only	C	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-	●	-	-	-	-	-	-	-	C	-
Landfill, Demolition #		-	-	-	-	-	-	-	-	-	-	-	-	-	C	S	-	-	-	-	-	-	-	-	-	C	-
Landfill, Sanitary #		-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	C	-
Laundry, Commercial #; Dry- Cleaning, Dyeing		-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	-	-	-	-	-	-	-	-	-	-	-
Machinery and Equipment Repair and Restoration		-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	-	-	-	●	-	-	-	-	●	-	-
Manufacturing / Processing Type I #	few if any off-site impacts	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	●	-	-	-	●	-	-	-
Manufacturing / Processing Type II #	up to medium off-site impacts	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	C	-	-	-	-	●	-	-	-
Manufacturing / Processing Type III #	potential for significant off-site impacts	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-
Micro- Alcohol Production#	Refer to TMC 18.225.	-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	-	-	-	S	S	S	S	S	-	-	-
Publishing Establishments and Distribution		-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	-	-	-	-	-	-	-	-	-	-	-
Raw Material Extraction	extraction, processing, storage, and sale of these materials	C	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	C	-

Industrial

		APPROVAL LEVELS																									
		● = Allowed Use																									
		S = Allowed per Special Use Requirments under Chapter 18.225 TMB																									
		S/C = If unable to meet Special Use Requirements, may apply for CUP																									
		C = Conditional Use Poermit (CUP) approved by Governing Body																									
# = See Definition in Chapter 18.55 TMC		See Design Standards for X and D Districts																									
Use	Description	R-1/R-2/R-3 Single Family Dwelling	R-4 Manufactured Homes	M-1 Two Family Dwelling	M-1a Limited Multiple Family Dwelling	M-2 Multiple Family Dwelling	M-3 Multiple Family Dwelling	O&I-1 - Office And Institutional	O&I-2 - Office And Institutional	O&I-3 - Office And Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use	RR-1 Residential Reserve	OS-1 Open Space	
Industrial		Districts																									
Recycling Depot	collection, storage, & processing of recyclables	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	-	-	-	-	-	-	-	-	
Research Lab #, Testing or Development Laboratory	facility for scientific investigation or engineering & development	-	-	-	-	-	-	-	-	●	-	●	●	●	●	●	-	-	C	●	C	●	-	●	-	-	
Railroad Facilities		-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	-	-	-	-	
Self-Storage, type I #	Indoor storage with indoor access	-	-	-	-	-	-	-	-	-	-	C	S	S	●	●	-	-	C	S	-	-	-	pg	-	-	
Self-Storage, type II (allows boat/RVs) #	Indoor and outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	C	-	-	-	-	C	-	-	
Small Wind Energy System	Non-residential use only	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Storage of non-merchandise, outdoor	See 18.225 Outdoor storage of non-merchandise.	-	-	-	-	-	-	-	-	-	-	-	-	-	S/C	S/C	-	-	C	C	-	-	-	-	-	-	
Tower, Communication #, Transmission Tower #	ground-mounted free-standing structure transmitting or receiving tv, radio, & microwave frequencies Refer to TMC 18.20	C	C	C	C	C	C	C	C	C	C	C	C	S	S	S	C	C	-	-	-	C	C	C	C	-	
Small Cell Wireless Facilities	Refer to Chapter 18.225 TMC	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Towers, Receiving and Commeral Broadcasting	For radio and television Refer to TMC 18.20	-	-	-	-	-	-	-	C	C	-	-	-	C	C	-	-	C	-	-	-	-	-	-	-	-	
Truck/Freight Terminal		-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	-	-	-	-	
Bus Terminal		-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	●	●	-	-	-	
Warehouse #, Storage #, Distribution Facilities;	structure for storing goods, wares, and merchandise. For accessory cargo containers refer to TMC18.210.20 Accessory Uses.	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	●	C	-	S/C	-	-	-	
Welding, Tinsmithing & Machine Shop		-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	●	-	-	-	●	-	-	

Section 6. That section 18.60.020, Density/dimensional standards, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Density/dimensional standards.

The density/dimensional matrix tables establish the density and dimensional standards for the zoning districts identified in the tables below.

Density and Dimensional Standards – Residential Districts

		RR-1 Residential Reserve District	R-1 Single-Family Dwelling District	R-2 Single-Family Dwelling District	R-3 Single-Family Dwelling District	R-4 Manufactured Home District	M-1 Two-Family Dwelling District	M-1a Limited Multiple-Family Dwelling District	M-2 Multiple-Family Dwelling District	M-3 Multiple-Family Dwelling District
Standards	Notes	Districts								
Lot Standards										
Minimum Lot Area (sq. ft.)	New Lots [3][7][14]	20 acs	6,500	5,000	4,000	30,000	4,500	4,500	7,500	7,500
Maximum Building Coverage	% of lot area	10	45	50	50	50	50	50	60	60
Minimum Lot Width (ft.)	2 – 4 units per lot	300	60	40	40	40	50	50	50	50
Maximum Density	Dwelling units/acre	–	–	–	–	–	6	10	15	30
Principal Buildings										
Minimum Setbacks (ft.) [1][2]	Front [4]	30	30	25	4; 15	25	25	25	25	25
	Side [5][6]	7	7	5	0	5	5	5	5	5
	Rear	30	30	25	10	25	25	25	25	25
Maximum Height (ft.)		42	42	42	42	42	42	45	50	160
Minimum Number of Lots in District		–	–	–	–	10	–	–	–	–
Accessory Buildings (Detached)										

Minimum Setbacks (ft.) [1][2] [12][13]	Front [8]	30	30	25	15	25	25	25	25	25
	Side [5][9]	3	3	3	3	3	3	3	3	3
	Rear	5	5	5	5	5	5	5	5	5
	From other buildings [10]	6	6	6	6	6	6	6	6	6
Maximum Accessory Building Coverage Ratio	% of principal building coverage	90	90	90	90	90	90	90	90	90
Maximum Height (ft.)	[11]	15 – 20	15 – 20	15 – 20	15 – 20	15 – 20	15 – 20	15 – 20	15 – 20	15 – 20
Minimum Garage Entry Setback (ft.)	Front entry	20	20	20	20	20	20	20	20	20
Minimum Garage Entry Setback (ft.)	Rear entry (from alley)	10	10	10	10	10	10	10	10	10
Minimum Garage Entry Setback (ft.)	Side entry (from alley)	5	5	5	5	5	5	5	5	5
Maintenance Accessory Building	Maximum size (sq. ft.)	–	–	–	–	–	–	–	400	400
	Maximum #	–	–	–	–	–	–	–	1	1

NOTES:

[1] If the recorded plat of subdivision provides greater setbacks, the provisions of the plat shall prevail.

[2] The side yard of a corner lot and rear yard of a double frontage lot shall conform to the minimum front yard requirements of its district.

[3] In RR-1 district, the minimum lot size is 20 acres unless the lot meets minimum compliance with subdivision regulations.

[4] In R-3 district: First number represents front setback when an attached garage is designed for side entry. Second number represents front setback when attached garage is designed for front entry.

[5] In R-3 district: District allows zero-foot side yard setback on one side; 10-foot on other side with a minimum of 10 feet between principal buildings. Accessory buildings for a zero lot line dwelling shall not be located in the required 10-foot side yard.

[6] For single-family attached dwellings in M districts, a zero-foot side yard setback is allowed along the lot line separating the two units; a five-foot setback is required on the other lot line.

[7] In M-1 and M-1a districts, the minimum lot area of 4,500 square feet is “per unit.”

[8] Accessory structures shall not be located within a required front yard or beyond the front face of the principal structure, whichever is more restrictive. However, a minimum setback of 20 feet from all street rights-of-way shall be provided for roadside stands, garages and carports. If, in the judgment of the Planning Director, construction of a roadside stand, garage or carport is compatible with the neighborhood, in respect to availability of land for public sidewalks, right-of-way needs, and the location of structures within the block, then such construction may occur with revised minimum setback(s) as determined by the Planning Director.

[9] An unenclosed carport located less than six feet from the principal building may extend to within three feet of a side property line.

[10] Setback from Principal Building. No portion of an accessory building, except for a carport, shall be located closer than six feet to the principal building or another accessory building on the same lot. However, an unenclosed breezeway may be extended between the principal structure and the accessory structure for the purpose of providing a covered walkway. In no event shall the construction of a covered walkway or a detached carport located next to another building be deemed to join the principal and accessory structures into one principal structure.

[11] Maximum Height. Accessory buildings and structures shall not exceed 15 feet when the principal building is one story or 20 feet when the principal building is two stories or more.

[12] Reversed Corner Lot. On a reversed corner lot in a residential district, and within 15 feet of any adjacent property to the rear in a residential district, no detached accessory building or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than a distance equal to the least depth which would be required under this division for the front yard on such adjacent property to the rear. Further, in the above instance, all such accessory buildings shall meet the minimum side yard requirements of such adjacent property which coincides with the side lot line or portion thereof of property in any residential district.

[13] Attached Accessory Buildings. Attached accessory buildings, except for side yards for carports as outlined above, shall be located pursuant to the requirements for principal buildings. Attached garages and carports shall be located on a lot so that a minimum 20-foot-length "aisle" between the building and the street right-of-way line is provided.

[14] The minimum lot area in the R-4 district is the combined area needed for 10 contiguous lots.

Density and Dimensional Standards – Office/Institutional Districts and Commercial Districts

		O&I-1 Office & Institutional District	O&I-2 Office & Institutional District	O&I-3 Office & Institutional District	C-1 Commercial District	C-2 Commercial District	C-3 Commercial District	C-4 Commercial District
Standards	Notes	Districts						
Lot Standards								
Minimum Lot Area (sq. ft.)		7,500	7,500	7,500	7,500	10,000	10,000	10,000
Maximum Building Coverage	% of lot area	40	50	60	40	50	60	60
Minimum Lot Width (ft.)		50	50	50	50	50	50	50
Principal Buildings								
Setbacks (ft.) [1][2][3]	Front	25	25	25	25	25	25	25
	Side	7	7	10	10	10	10	10
	Rear	25	25	25	25	25	25	25

Maximum Building Size (sq. ft.)	Ground floor area	7,500	20,000	–	10,000	50,000	–	–
Maximum Height (ft.) [5][6]		42	60	75	35	50	70	70
Accessory Buildings (Detached)								
Setbacks (ft.) [1][2]	Front [4]	25	25	25	25	25	25	25
	From other buildings	6	6	6	6	6	6	6
Minimum Garage Entry Setback (ft.)	Rear entry (from alley)	10	10	10	10	10	10	10
Minimum Garage Entry Setback (ft.)	Side entry (from alley)	5	5	5	5	5	5	5
Maximum Height (ft.) [6]		–	–	–	–	–	–	–
Maintenance Accessory Building	Maximum size (sq. ft.)	400	400	400	400	600	600	600

NOTES:

[1] If the recorded plat of subdivision provides greater setbacks, the provisions of the plat shall prevail.

[2] The side yard of a corner lot and rear yard of a double frontage lot shall conform to the minimum front yard requirements of the district.

[3] During site plan review, side yard setbacks may be reduced to zero feet where the buildings are attached along a common lot line.

[4] Accessory structures shall not be located within a required front yard or beyond the front face of the principal structure, whichever is more restrictive. However, a minimum setback of 20 feet from all street rights-of-way shall be provided for garages and carports. If, in the judgment of the Planning Director, construction of a garage or carport is compatible with the neighborhood, in respect to availability of land for public sidewalks, right-of-way needs, and the location of structures within the block, then such construction may occur with revised minimum setback(s) as determined by the Planning Director.

[5] Height restrictions of airport overlay district may be more restrictive.

[6] Height shall not exceed the height of its principal structure.

Density and Dimensional Standards – All Other Districts

		I-1 Light Industrial District	I-2 Heavy Industrial District	U-1 University District	MS-1 Medical Services District	X-1 Mixed Use District	X-2 Mixed Use District	X-3 Mixed Use District	D-1 Downtown District * See [17]	D-2 Downtown District	D-3 Downtown District
Standards	Notes	Districts									
Lot Standards											
Minimum Lot Area (sq. ft.)	New lots	10,000	10,000	None	None	None	None	None	None	None	None
Maximum Density	Dwelling	–	–	–	15	12	12	29	–	–	–

	units/acre										
Maximum Building Coverage	% of lot area	85	85	–	80	75	75	100	100	75	100
Minimum Lot Width (ft.)		50	50	–	50	50	50	25	250	500	500
Setbacks (ft.) [1][2][7][10]	Front [5]	0	0	–	25	0 – 15	0 – 25	0 – 10	0	0	0
	Side [4][7][10]	0	0	–	5; 10	0 – 8	10	0	0	0	0
	Rear [4][10]	0	0	–	25	0 – 25	25	10	0	0	0
Maximum Height (ft.) [3][6][8] [16]		70	None	–	160	40	50	50	See [16]	50	60
Accessory Buildings (Detached)											
Maximum Accessory Building Coverage Ratio	% of principal building coverage	–	–	–	90	90	90	90	–	–	–
Setbacks (ft.) [1][2]	Front [9][11]	–	–	–	25	0 – 15	0 – 25	0 – 10	–	–	–
	Side [10][14][15]	–	–	–	3	3	3	3	–	–	–
	Rear [10][14]	–	–	–	5	5	5	5	–	–	–
	From other buildings [12]	–	–	–	6	6	6	6	–	–	–
Minimum Garage Entry Setback (ft.)	Front entry [9]	–	–	–	20	20	20	20	–	–	–
Minimum Garage Entry Setback (ft.)	Rear entry (from alley)	–	–	–	10	10	10	10	–	–	–
Minimum Garage Entry Setback (ft.)	Side entry (from alley)	–	–	–	5	5	5	5	–	–	–
Maximum Height (ft.) [3][13]		–	–	–	15 – 20	15 – 20	15 – 20	15 – 20	–	–	–

NOTES:

[1] If the recorded plat of subdivision provides greater setbacks, the provisions of the plat shall prevail.

[2] The side yard of a corner lot and rear yard of a double frontage lot shall conform to the minimum front yard requirements of the district.

[3] Height restrictions of airport overlay district may be more restrictive.

[4] I districts: 10-foot rear or seven-foot side yard setback where that yard abuts any residential dwelling district.

- [5] I districts: Where the frontage along one side of the street in that block abuts a residential district, then the front yard requirements of the residential district shall apply.
- [6] U-1 district: Minimum yard requirements and maximum height shall be in accordance with the approved master development plan.
- [7] MS-1 district: The side setbacks are five feet for buildings up to 50 feet in height and 10 feet for buildings taller than 50 feet in height.
- [8] MS-1 district: Any other building or structure that is not a hospital shall not exceed a height of 100 feet; however, if located within 150 feet of the boundary of the district, it shall not exceed a height of 50 feet.
- [9] X districts: Setbacks within a range are determined at the discretion of the Planning Director.
- [10] X-2 district: Side and rear yard setbacks may be reduced if not abutting residential uses, as determined at the discretion of the Planning Director.
- [11] Accessory structures shall not be located within a required front yard or beyond the front face of the principal structure, whichever is more restrictive. However, a minimum setback of 20 feet from all street rights-of-way shall be provided for roadside stands, garages and carports. If, in the judgment of the Planning Director, construction of a roadside stand, garage or carport is compatible with the neighborhood, in respect to availability of land for public sidewalks, right-of-way needs, and the location of structures within the block, then such construction may occur with revised minimum setback(s) as determined by the Planning Director. If more restrictive than provided above, setbacks as set forth by plats of subdivision shall apply to any and all accessory structures.
- [12] Setback from Principal Building. No portion of an accessory building, except for a carport, shall be located closer than six feet to the principal building or another accessory building on the same lot. However, an unenclosed breezeway may be extended between the principal structure and the accessory structure for the purpose of providing a covered walkway. In no event shall the construction of a covered walkway or a detached carport located next to another building be deemed to join the principal and accessory structures into one principal structure.
- [13] Maximum Height. In the MS-1, X, and D-2 districts, accessory buildings and structures shall not exceed 15 feet when the principal building is one story or 20 feet when the principal building is two stories or more.
- [14] The accessory building (detached) side and rear setbacks only apply to residential uses in the X and MS-1 districts.
- [15] An unenclosed carport located less than six feet from the principal building may extend to within three feet of a side property line.
- [16] (i) In D-1 district, no building hereafter erected or structurally altered shall exceed a height at the street line which is greater than the width of the street right-of-way times a factor of three. On corner lots, and where the widths of the two intersecting streets are varied, the larger street width shall be used to determine the height of any building or structure.
- (ii) Exception. Within the State zoning area, as defined by K.S.A. 75-3620, the height of structures and buildings shall be regulated in accordance with the following provisions: no building shall exceed a height at the street line of six stories or 75 feet, but above the height permitted at the street line three feet may be added to the height of the building for each one foot that the building or portion thereof is set back from all sides of the lot, except that the cubical contents of such building shall not exceed the cubical contents of a prism having a base equal to the area of the lot and a height equal to two times the width of the street; provided, however, that a tower with a base not to exceed 20 percent of lot area, nor to have any side greater than 60 feet, nor to have any wall closer than 20 feet to any lot line, may be constructed without reference to the above limitations. Any applicable provisions of Chapter 18.225 TMC shall apply to buildings erected in this district.
- [17] D-1 district: Refer to Downtown Topeka Urban Design Guidelines.

Section 7. That original § 18.200.010, § 18.200.020, § 18.200.090, § 18.225.010, § 18.60.010 and § 18.60.020 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 8. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 9. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 10. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body on February 1, 2022.

CITY OF TOPEKA, KANSAS

ATTEST:

Michael A. Padilla, Mayor

Brenda Younger, City Clerk