

(Published in the Topeka Metro News September 28, 2009)

ORDINANCE NO. 19311

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning conditional use in each zoning district for nonresidential small wind energy systems, amending City of Topeka Code §§ 48.2.02, 48-3.02, 48-4.02, 48-5.02, 48-6.02, 48-7.02, 48-8.02, 48-8a.02, 48-9.02, 48-10.02, 48-11.02, 48-12.02, 48-13.02, 48-14.02, 48-15.02, 48-16.02, 48-17.02, 48-18.02, 48-19.02, 48-20.02, 48-22.02, 48-23.02, 48-23a.03, 48-23a.04, 48-23a.05, 48-24a.01, 48-24b.01, 48-24b.02, and 48-24b.03 and specifically repealing said original sections.

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

Section 1. That section 48-2.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Agricultural use of land for production, storage, processing, and associated activities for environmental and commercial purposes, all as defined by this chapter.

(2) Nurseries, greenhouses, orchards, tree farming, sawmills, and truck farms with road stands; however, any sales of products not raised or produced on the premises shall be clearly subordinate to sales of products raised or produced thereon.

(3) Detached single-family dwelling building for the purpose, use and occupancy of a family as defined herein.

(4) Group home.

(5) Public parks, playgrounds, trails, paths, recreational areas, golf

courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, maintenance structures and associated parking to the above uses.

(6) Private parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, common open space, and associated recreational and leisure facilities, including but not limited to, clubhouses, shelters, pools, court games, parking and maintenance structures, for use by members and guests only, provided such facilities are developed in conjunction with, and intended to serve, a residential community and are located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(7) Subdivision maintenance facilities and/or U.S. Postal Service receptacle pods and shelter, developed in conjunction with, and intended to serve, a residential community and which is located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(8) Public or private elementary and secondary school.

(9) Residential care facility, type I.

(10) Medical care facility, type I.

(b) *Provisional uses:*

(1) Day care facility, type I subject to the requirements of article XXVI.

(2) Religious assembly subject to the requirements of article XXVI.

(3) Golf course; country club subject to the requirements of article XXVI.

55 (c) *Uses permitted by conditional use permit:* The following uses may be
56 granted a conditional use permit by the governing body provided by article XXV:

57 (1) Cemetery subject to the requirements of article XXVI.

58 (2) Public use facility.

59 (3) Vehicle surface parking lot in association with a principal use.

60 (4) Television, radio and microwave transmission towers;
61 telecommunication equipment; and accessory facilities other than those provided
62 for elsewhere in this chapter as accessory to a permitted use or exempt as set
63 forth by definition; and subject to the requirements of article XXVI.

64 (5) Extraction, processing, storage, and sale of raw materials, including
65 ore, minerals, sand, rock, stone, gravel, topsoil, fill dirt, and other materials
66 delivered by quarry, mining, dredging, or stripping operations, subject to the
67 requirements of article XXVI.

68 (6) Cultural facility.

69 (7) Airport, heliport and landing strip.

70 (8) Recreation field, court, track, or range in which the principal use is
71 of an outdoor and unenclosed nature and which may include accessory and
72 support facilities as an incidental and ancillary use. Permitted uses shall include
73 the following activities:

74 a. Swimming.

75 b. Tennis.

76 c. Baseball and softball.

77 d. Batting cages.

- e. Golf driving range.
- f. Riding academy.
- g. Survival games.
- h. Court and field games.
- i. Horse, dog, and vehicle racing.
- j. Archery ranges.
- k. Gun target and practice shooting ranges.

(9) Retail sales of a nature clearly incidental and subordinate to and customary in connection with, a principal use.

(10) Food service facility, in which food and beverage is offered or prepared for sale with or without charge on the premises and clearly incidental and subordinate to a principal use.

(11) Private or public utility structures facilitating the transmission, distribution, and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses. Also a corporate office, or branch office together with an operation and maintenance equipment storage facility and other related equipment that is used exclusively by a private or public utility entity.

(12) Community center.

(13) Common open space.

(14) Bed and breakfast home subject to the requirements of article XXVI.

(15) Bed and breakfast inn subject to the requirements of article XXVI.

101 (16) Reception, conference and assembly facility subject to the
102 requirements of article XXVI.

103 (17) Demolition landfill subject to the requirements of article XXVI.

104 (18) Sanitary landfill; or commercial incinerator.

105 (19) Grain or agricultural storage facility (non-farm site).

106 (20) Storage and retail safes of fertilizers, chemicals, insecticides,
107 pesticides, and similar products used for the agricultural production of crops
108 and/or livestock.

109 (21) Game hunting and/or fishing preserve for commercial recreation
110 purposes.

111 (22) Commercial equine riding academies; training and boarding stable
112 facilities.

113 (23) Kennel and/or animal hospital (either large or small animal hospital
114 as defined); provided however, that all unenclosed structures containing animals,
115 including exercise pens and buildings which do not prevent the extension of
116 audible noise or odor, shall not be located closer than 750 feet to the boundary of
117 a designated dwelling district nor within 200 feet of a subject conditional use
118 boundary line.

119 (24) Recreational vehicle short term campgrounds.

120 (25) Youth campgrounds and facilities to accommodate retreats for
121 scouting, 4-H, and similar types of organizations.

122 (26) Oil or gas well drilling.

123 (27) Billboard and panel poster sign.

(28) Manufactured home with conventional siding and roofing materials.

(29) Group residence general, subject to article XXVI.

(30) Group residence limited, subject to article XXVI.

(31) Nonresidential small wind energy system, subject to Division 3 of

Article XXVI.

Section 2. That section 48-3.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Agricultural use of land for production, storage, processing, and associated activities for environmental and commercial purposes, all as defined by this chapter.

(2) Nurseries, greenhouses, orchards, tree farming, sawmills, and truck farms with road stands; however, any sales of products not raised or produced on the premises shall be clearly subordinate to sales of products raised or produced thereon.

(3) Detached single-family dwelling building, for the purpose, use and occupancy of a family as defined herein. The dimensional requirement applicable to a residential-design manufactured home may be appealable to the metro board of zoning appeals.

(4) Group home.

(5) Public parks, playgrounds, trails, paths, recreational areas, golf courses, scenic and historic sites, and associated recreational and leisure

147 facilities, including but not limited to shelters, pools, court games, maintenance
148 structures and associated parking to the above uses.

149 (6) Private parks, playgrounds, trails, paths, recreation areas, golf
150 courses, scenic and historic sites, common open space, and associated
151 recreational and leisure facilities, including but not limited to, clubhouses,
152 shelters, pools, court games, parking and maintenance structures, for use by
153 members and guests only, provided such facilities are developed in conjunction
154 with, and intended to serve, a residential community and are located and
155 designated on either the recorded plat of subdivision or on an approved planned
156 unit development.

157 (7) Subdivision maintenance facilities and/or U.S. Postal Service
158 receptacle pods and shelter, developed in conjunction with, and intended to
159 serve, a residential community and which is located and designated on either the
160 recorded plat of subdivision or on an approved planned unit development.

161 (8) Public or private elementary and secondary school.

162 (9) Residential care facility, type I.

163 (10) Medical care facility, type I.

164 (b) *Provisional uses:*

165 (1) Day care facility, type I subject to the requirements of article XXVI.

166 (2) Religious assembly subject to the requirements of article XXVI.

167 (3) Golf course; country club subject to the requirements of article
168 XXVI.

169 (c) *Uses permitted by conditional use permit:* The following uses may be

granted a conditional use permit by the governing body provided by article XXV:

(1) Cemetery subject to the requirements of article XXVI.

(2) Public use facility.

(3) Vehicle surface parking lot in association with a principal use.

(4) Television, radio and microwave transmission towers; telecommunication equipment; and accessory facilities other than those provided for elsewhere in this chapter as accessory to a permitted use or exempt as set forth by definition; and subject to the requirements of article XXVI.

(5) 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, subject to the requirements of article XXVI.

(6) Cultural facility.

(7) Private airport, heliport, and landing strip.

(8) Recreation field, court, tract, or range in which the principal use is of an outdoor and unenclosed nature and which may include accessory and support facilities as an incidental and ancillary use. Permitted uses shall include the following activities:

a. Swimming.

b. Tennis.

c. Baseball and softball.

d. Batting cages.

e. Golf driving range.

- f. Riding academy.
- g. Survival games.
- h. Court and field games.
- i. Horse, dog, and vehicle racing.

Specifically not permitted under the provisions of this article are:

- j. Archery ranges.
- k. Gun target and practice shooting ranges.
- l. Hunting preserves.

(9) Retail sales of a nature clearly incidental and subordinate to and customary in connection with, a principal use.

(10) Food service facility, in which food and beverage is offered or prepared for sale or for service with or without charge on the premises and clearly incidental and subordinate to a principal use.

(11) Private or public utility structures facilitating the transmission, distribution, and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses. Also a corporate office, or branch office together with an operation and maintenance equipment storage facility and other related equipment that is used exclusively by a private or public utility entity.

(12) Community center.

(13) Common open space.

(14) Bed and breakfast home subject to the requirements of article XXVI.

(15) Bed and breakfast inn subject to the requirements of article XXVI.

(16) Reception, conference and assembly facility subject to the requirements of article XXVI.

(17) Demolition landfill subject to the requirements of article XXVI.

(18) Sanitary landfill; or commercial incinerator.

(19) Grain or agricultural storage facility (non-farm site).

(20) Storage and retail sales of fertilizers, chemicals, insecticides, pesticides, and similar products used for the agricultural production of crops and/or livestock.

(21) Game hunting and/or fishing preserve for commercial recreation purposes.

(22) Commercial equine riding academies; training and boarding stable facilities.

(23) Kennel and/or animal hospital (either large or small animal hospital as defined); provided however, that all unenclosed structures containing animals, including exercise pens and buildings which do not prevent the extension of audible noise or odor, shall not be located closer than 750 feet to the boundary of a designated dwelling district nor within 200 feet of a subject conditional use boundary line.

(24) Recreational vehicle short term campgrounds.

(25) Youth campgrounds and facilities to accommodate retreats for scouting, 4-H, and similar types of organizations.

(26) Oil or gas well drilling.

- (27) Billboard and panel poster sign.
- (28) Group residence general, subject to article XXVI.
- (29) Group residence limited, subject to article XXVI.
- (30) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 3. That section 48-4.02, Use regulations, of The Code of the City of

Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Detached single-family dwelling buildings, for the purpose, use and occupancy of a family as defined herein. The dimensional requirement applicable to a residential design manufactured home may be appealable to the metro board of zoning appeals.

(2) Group home.

(3) Public parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, parking, and maintenance structures.

(4) Private parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, common open space, and associated recreational and leisure facilities, including but not limited to, clubhouses, shelters, pools, court games, maintenance structures and associated parking to the above uses for members and guests only, provided such facilities are

developed in conjunction with, and intended to serve, a residential community and are located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(5) Subdivision maintenance facilities and/or U.S. Postal Service receptacle pods and shelter, developed in conjunction with, and intended to serve, a residential community and which is located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(6) Public or private elementary and secondary school.

(7) Residential care facility, type I.

(8) Medical care facility, type I.

(b) *Provisional uses:*

(1) Day care facility, type I subject to the requirements of article XXVI.

(2) Religious assembly subject to the requirements of article XXVI.

(3) Golf course; country club subject to the requirements of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body provided by article XXV:

(1) Cemetery subject to the requirements of article XXVI.

(2) Public use facility.

(3) Vehicle surface parking lot in association with a principal use.

(4) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(5) 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, subject to the requirements of article XXVI.

(6) Cultural facility.

(7) Private airport, heliport, and landing strip.

(8) Recreation field, court, track, or range in which the principal use is of an outdoor and unenclosed nature and which may include accessory and support facilities as an incidental and ancillary use. Permitted uses shall include the following activities:

- a. Swimming.
- b. Tennis.
- c. Baseball and softball.
- d. Batting cages.
- e. Golf driving range.
- f. Riding academy.
- g. Survival games.
- h. Court and field games.
- i. Horse, dog, and vehicle racing.

Specifically not permitted under the provisions of this article are:

- j. Archery ranges.
- k. Gun target and practice shooting ranges.
- l. Hunting preserves.

(9) Retail sales of a nature clearly incidental and subordinate to and customary in connection with, a principal use.

(10) Food service facility, in which food and beverage is offered or prepared for sale or for service with or without charge on the premises and clearly incidental and subordinate to a principal use.

(11) Private or public utility structures facilitating the transmission, distribution, and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.

(12) Community center.

(13) Common open space.

(14) Bed and breakfast home subject to the requirements of article XXVI.

(15) Bed and breakfast inn subject to the requirements of article XXVI.

(16) Reception, conference and assembly facility subject to requirements of article XXVI.

(17) Demolition landfill subject to the requirements of article XXVI.

(18) Group residence limited, subject to article XXVI.

(19) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 4. That section 48-5.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Detached single-family dwelling building, for the purpose, use and occupancy of a family as defined herein. The dimensional requirement applicable to a residential-design manufactured home may be appealable to the metro board of zoning appeals.

(2) Group home.

(3) Public parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, maintenance structures and associated parking to the above uses.

(4) Private parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, common open space, and associated recreational and leisure facilities, including but not limited to, clubhouses, shelters, pools, court games, parking, and maintenance structures, for use by members and guests only, provided such facilities are developed in conjunction with, and intended to serve, a residential community and are located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(5) Subdivision maintenance facilities and/or U.S. Postal Service receptacle pods and shelter, developed in conjunction with, and intended to serve, a residential community and which is located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(6) Public or private elementary and secondary school.

(7) Residential care facility, type I.

(8) Medical care facility, type I.

(b) *Provisional uses:*

(1) Day care facility, type I, subject to the requirements of article XXVI.

(2) Religious assembly subject to the requirements of article XXVI.

(3) Golf course subject to the requirements of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body provided by article XXV:

(1) Public use facility.

(2) Vehicle surface parking lot in association with a principal use.

(3) Cultural facility.

(4) Community center.

(5) Common open space.

(6) Recreation field, court, tract, or range in which the principal use is of an outdoor and unenclosed nature and which may include accessory and support facilities as an incidental and ancillary use. Permitted uses shall include the following activities:

a. Swimming.

b. Tennis.

(7) Retail sales of a nature clearly incidental and subordinate to and customary in connection with, a principal use.

(8) Food service facility in which food and beverage is offered or prepared for sale or for service with or without charge on the premises and

clearly incidental and subordinate to a principal use.

(9) Private or public utility structures facilitating the transmission, distribution, and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment, buildings and similar such uses.

(10) Bed and breakfast home subject to the requirements of article XXVI.

(11) Bed and breakfast inn subject to the requirements of article XXVI.

(12) Reception, conference and assembly facility subject to requirements of article XXVI.

(13) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(14) Group residence limited, subject to article XXVI.

(15) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 5. That section 48-6.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Detached single-family dwelling building, for the purpose, use and occupancy of a family as defined herein. The dimensional requirement applicable to a residential-design manufactured home may be appealable to the metro

board of zoning appeals.

(2) Group home.

(3) Public parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, maintenance structures and associated parking to the above uses.

(4) Private parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, common open space, and associated recreational and leisure facilities, including but not limited to clubhouses, shelters, pools, court games, parking, and maintenance structures, for use by members and guests only, provided such facilities are developed in conjunction with, and intended to serve, a residential community and are located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(5) Subdivision maintenance facilities and/or U.S. Postal Service receptacle pods and shelter, developed in conjunction with, and intended to serve, a residential community and which is located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(6) Public or private elementary and secondary school.

(7) Residential care facility, type I.

(8) Medical care facility, type I.

(b) *Provisional uses:*

(1) Day care facility, type I subject to the requirements of article XXVI.

423 (2) Religious assembly subject to the requirements of article XXVI.

424 (3) Golf course subject to the requirements of article XXVI.

425 (c) *Uses permitted by conditional use permit:* The following uses may be
426 granted a conditional use permit by the governing body provided by article XXV:

427 (1) Public use facility.

428 (2) Vehicle surface parking lot in association with a principal use.

429 (3) Cultural facility.

430 (4) Recreation facility in which the principal use is of an outdoor and
431 unenclosed nature and which may include accessory and support facilities as an
432 incidental and ancillary use. Permitted uses shall include the following activities:

433 a. Swimming.

434 b. Tennis.

435 (5) Retail sales of a nature clearly incidental and subordinate to and
436 customary in connection with, a principal use.

437 (6) Food service facility in which food and beverage is offered or
438 prepared for sale or for service with or without charge on the premises and
439 clearly incidental and subordinate to a principal use.

440 (7) Private or public utility structure facilitating the transmission,
441 distribution, and/or collection systems, including substations, distribution stations,
442 pump stations, reservoirs, towers, transmission equipment buildings and similar
443 such uses.

444 (8) Community center.

445 (9) Common open space.

(10) Bed and breakfast home subject to the requirements of article XXVI.

(11) Bed and breakfast inn subject to the requirements of article XXVI.

(12) Reception, conference and assembly facility subject to requirements of article XXVI.

(13) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(14) Group residence limited, subject to article XXVI.

(15) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 6. That section 48-7.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Detached single-family dwelling district building, residential-design manufactured home, manufactured home, and/or ANSI certified mobile home, for the purpose, use and occupancy of a family as defined herein. The manufactured home shall meet the below-listed development requirement which may be appealable to the metro board of zoning appeals:

a. Have minimum dimensions of 14 body feet in width for the principal structure.

(2) Group home.

(3) Public parks, playgrounds, trails, paths, recreational areas, golf courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, maintenance structures and associated parking to the above uses.

(4) Private parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, common open space, and associated recreational and leisure facilities, including but not limited to clubhouses, shelters, pools, court games, parking and maintenance structures, for use by members and guests only, provided such facilities are developed in conjunction with, and intended to serve, a residential community and are located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(5) Subdivision maintenance facilities and/or U.S. Postal Service receptacle pods and shelter, developed in conjunction with, and intended to serve, a residential community and which is located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(6) Public or private elementary and secondary school.

(7) Residential care facility, type I.

(8) Medical care facility, type I.

(b) *Provisional uses:*

(1) Day care facility, type I subject to the requirements of article XXVI.

(2) Religious assembly subject to the requirements of article XXVI.

(3) Golf course subject to the requirements of article XXVI.

492 (c) *Uses permitted by conditional use permit:* The following uses may be
493 granted a conditional use permit by the governing body provided by article XXV:

494 (1) Public use facility.

495 (2) Vehicle surface parking lot in association with a principal use.

496 (3) Cultural facility.

497 (4) Recreation field, court, track, or range in which the principal use is
498 of an outdoor and unenclosed nature and which may include accessory and
499 support facilities as an incidental and ancillary use. Permitted uses shall include
500 the following activities:

501 a. Swimming.

502 b. Tennis.

503 (5) Retail sales of a nature clearly incidental and subordinate to and
504 customary in connection with, a principal use.

505 (6) Food service facility, in which food and beverage is offered or
506 prepared for sale or for service with or without charge on the premises and
507 clearly incidental and subordinate to a principal use.

508 (7) Private or public utility structures facilitating the transmission,
509 distribution, and/or collection systems, including substations, distribution stations,
510 pump stations, reservoirs, towers, transmission equipment buildings and similar
511 such uses.

512 (8) Community center.

513 (9) Common open space.

514 (10) Bed and breakfast home subject to the requirements of article

XXVI.

(11) Bed and breakfast inn subject to the requirements of article XXVI.

(12) Reception, conference and assembly facility subject to requirements of article XXVI.

(13) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(14) Group residence limited, subject to article XXVI.

(15) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 7. That section 48-8.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Detached single-family dwelling building, for the purpose, use and occupancy of a family as defined herein. The dimensional requirement applicable to a residential-design manufactured home may be appealable to the metro board of zoning appeals.

(2) Two-family dwelling building.

(3) Public parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, maintenance structures and associated parking to the above uses.

(4) Private parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, common open space, and associated recreational and leisure facilities, including but not limited to, clubhouses, shelters, pools, court games, parking, and maintenance structures, for use by members and guests only, provided such facilities are developed in conjunction with, and intended to serve, a residential community and are located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(5) Subdivision maintenance facilities and/or U.S. Postal Service receptacle pods and shelter, developed in conjunction with, and intended to serve, a residential community and which is located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(6) Public or private elementary and secondary schools.

(7) Residential care facility, type I.

(8) Medical care facility, type I.

(9) Group home.

(b) *Provisional uses:*

(1) Day care facility, type I, subject to the requirements of article XXVI.

(2) Religious assembly subject to the requirements of article XXVI.

(3) Golf course subject to the requirements of article XXVI.

(4) Management and leasing offices and maintenance facility subject to the requirements of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be

561 granted a conditional use permit by the governing body provided by article XXV:

562 (1) Bed and breakfast home subject to the requirements of article
563 XXVI.

564 (2) Bed and breakfast inn subject to the requirements of article XXVI.

565 (3) Common open space.

566 (4) Community center.

567 (5) Cultural facility.

568 (6) Food service facility including vending machines, in which food and
569 drink is offered or prepared for sale or for service with or without charge on the
570 premises and clearly incidental and subordinate to a principal use.

571 (7) Vehicle surface parking lot in association with a principal use.

572 (8) Private or public utility structures facilitating the transmission,
573 distribution, and/or collection systems, including substations, distribution stations,
574 pump stations, reservoirs, towers, transmission equipment buildings and similar
575 such uses.

576 (9) Public use facility.

577 (10) Reception, conference and assembly facility subject to the
578 requirements of article XXVI.

579 (11) Retail sales of a nature clearly incidental and subordinate to and
580 customary in connection with, a principal use.

581 (12) Communication towers, telecommunication equipment and
582 accessory facilities other than those provided for elsewhere in this chapter as
583 exempt as set forth by definition; and subject to the requirements of article XXVI.

(13) Recreational field, court, track, or range in which the principal use is of an outdoor and unenclosed nature and which may include accessory and support facilities as an incidental and ancillary use. Permitted uses shall include the following activities:

a. Swimming.

b. Tennis.

(14) Group residence limited, subject to article XXVI.

(15) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 8. That section 48-8a.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Detached single-family dwelling building, for the purpose, use and occupancy of a family as defined herein. The dimensional requirement applicable to a residential-design manufactured home may be appealable to the metro board of zoning appeals.

(2) Two-family dwelling building.

(3) Three-family dwelling building.

(4) Four-family dwelling building.

(5) Public parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, maintenance

607 structures and associated parking to the above uses.

608 (6) Private parks, playgrounds, trails, paths, recreation areas, golf
609 courses, scenic and historic sites, common open space, and associated
610 recreational and leisure facilities, including but not limited to, clubhouses,
611 shelters, pools, court games, parking, and maintenance structures, for use by
612 members and guests only, provided such facilities are developed in conjunction
613 with, and intended to serve, a residential community and are located and
614 designated on either the recorded plat of subdivision or on an approved planned
615 unit development.

616 (7) Subdivision maintenance facilities and/or U.S. Postal Service
617 receptacle pods and shelter, developed in conjunction with, and intended to
618 serve, a residential community and which is located and designated on either the
619 recorded plat of subdivision or on an approved planned unit development.

620 (8) Public or private elementary and secondary schools.

621 (9) Residential care facility, type I.

622 (10) Medical care facility, type I.

623 (11) Group home.

624 (b) *Provisional uses:*

625 (1) Day care facility, type I, subject to the requirements of article XXVI.

626 (2) Religious assembly subject to the requirements of article XXVI.

627 (3) Golf course subject to the requirements of article XXVI.

628 (c) *Uses permitted by conditional use permit:* The following uses may be
629 granted a conditional use permit by the governing body provided by article XXV:

- (1) Bed and breakfast home subject to the requirements of article XXVI.
- (2) Bed and breakfast inn subject to the requirements of article XXVI.
- (3) Common open space.
- (4) Community center.
- (5) Cultural facility.
- (6) Food service facility including vending machines, in which food and drink is offered or prepared for sale or for service with or without charge on the premises and clearly incidental and subordinate to a principal use.
- (7) Vehicle surface parking lot in association with a principal use.
- (8) Private or public utility structures facilitating the transmission, distribution, and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.
- (9) Public use facility.
- (10) Reception, conference and assembly facility subject to the requirements of article XXVI.
- (11) Retail sales of a nature clearly incidental and subordinate to and customary in connection with, a principal use.
- (12) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.
- (13) Recreational field, court, track, or range in which the principal use is

of an outdoor and unenclosed nature and which may include accessory and support facilities as an incidental and ancillary use. Permitted uses shall include the following activities:

a. Swimming.

b. Tennis.

(14) Group residence limited, subject to article XXVI.

(15) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 9. That section 48-9.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Detached single-family dwelling building, for the purpose, use and occupancy of a family as defined herein. The dimensional requirement applicable to a residential-design manufactured home may be appealable to the metro board of zoning appeals.

(2) Two-family dwelling building.

(3) Multiple-family dwelling building.

(4) Boarding and lodging house.

(5) Public parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, maintenance structures and associated parking to the above uses.

(6) Private parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, common open space, and associated recreational and leisure facilities, including but not limited to, clubhouses, shelters, pools, court games, parking, and maintenance structures, for use by members and guests only, provided such facilities are developed in conjunction with, and intended to serve, a recreational community and are located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(7) Subdivision maintenance facilities and/or U.S. Postal Service receptacle pods and shelter, developed in conjunction with, and intended to serve, a residential community and which is located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(8) Public or private elementary and secondary schools.

(9) Residential care facility, type II.

(10) Medical care facility, type I.

(11) Group home.

(12) Sorority or fraternity house.

(13) Group residence limited, subject to article XXVI.

(b) *Provisional uses:*

(1) Bed and breakfast home subject to the requirements of article XXVI.

(2) Bed and breakfast inn subject to the requirements of article XXVI.

(3) Day care facility, type I subject to the requirements of article XXVI.

699 (4) Day care facility, type II subject to the requirements of article XXVI.

700 (5) Religious assembly subject to the requirements of article XXVI.

701 (6) Golf course subject to the requirements of article XXVI.

702 (7) Vehicle surface parking lot in association with a principal use
703 subject to the requirements of article XXVI.

704 (c) *Uses permitted by conditional use permit:* The following uses may be
705 granted a conditional use permit by the governing body provided by article XXV:

706 (1) Community center.

707 (2) Cultural facility.

708 (3) Food service facility in which food and beverage is offered or
709 prepared for sale or for service with or without charge on the premises and
710 clearly incidental and subordinate to a principal use.

711 (4) Vehicle surface parking lot in association with a principal use.

712 (5) Private or public utility structures facilitating the transmission,
713 distribution, and/or collection systems, including substations, distribution stations,
714 pump stations, reservoirs, towers, transmissions equipment buildings and similar
715 such uses.

716 (6) Public use facility.

717 (7) Reception, conference and assembly facility subject to the
718 requirements of article XXVI.

719 (8) Recreation facility in which the principal use is of an outdoor and
720 unenclosed nature and which may include accessory and support facilities as an
721 incidental and ancillary use. Permitted uses shall include the following activities

and similar activities of like intensity:

a. Swimming.

b. Tennis.

(9) Residential care facility, type III.

(10) Medical care facility, type II.

(11) Retail sales of a nature clearly incidental and subordinate to and customary in connection with, a principal use.

(12) Bed and breakfast inn.

(13) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(14) Common open space.

(15) Correctional placement residence or facility limited, subject to the requirements of article XXVI.

(16) Group residence general, subject to the requirements of article XXVI.

(17) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 10. That section 48-10.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Detached single-family dwelling building, for the purpose, use and

occupancy of a family as defined herein. The dimensional requirement applicable to a residential-design manufactured home may be appealable to the metro board of zoning appeals.

(2) Two-family dwelling building.

(3) Multiple-family dwelling building.

(4) Boarding and lodging house.

(5) Public parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, parking, and maintenance structures.

(6) Private parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, common open space, and associated recreational and leisure facilities, including but not limited to, clubhouses, shelters, pools, court games, parking, and maintenance structures, for use by members and guests only, provided such facilities are developed in conjunction with, and intended to serve, a residential community and are located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(7) Subdivision maintenance facilities and/or U.S. Postal Service receptacle pods and shelter, developed in conjunction with, and intended to serve, a residential community and which is located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(8) Public or private elementary and secondary schools.

- 768 (9) Residential care facility, type III.
- 769 (10) Medical care facility, type I.
- 770 (11) Group home.
- 771 (12) Sorority or fraternity house.
- 772 (13) Group residence limited, subject to article XXVI.
- 773 (b) *Provisional uses:*
- 774 (1) Bed and breakfast home subject to the requirements of article
- 775 XXVI.
- 776 (2) Bed and breakfast inn subject to the requirements of article XXVI.
- 777 (3) Day care facility, type I, subject to the requirements of article XXVI.
- 778 (4) Day care facility, type II, subject to the requirements of article XXVI.
- 779 (5) Religious assembly subject to the requirements of article XXVI.
- 780 (6) Golf course subject to the requirements of article XXVI.
- 781 (7) Vehicle surface parking lot in association with a principal use
- 782 subject to the requirements of article XXVI.
- 783 (c) *Uses permitted by conditional use permit:* The following uses may be
- 784 granted a conditional use permit by the governing body provided by article XXV:
- 785 (1) Apartment hotel.
- 786 (2) Bed and breakfast inn.
- 787 (3) Community center.
- 788 (4) Cultural facility.
- 789 (5) Medical care facility, type II.
- 790 (6) Food service facility in which food and beverage is offered or

791 prepared for sale or for service with or without charge on the premises and
792 clearly incidental and subordinate to a principal use.

793 (7) Vehicle surface parking lot and/or multilevel parking structure as
794 specified by the application in association with a principal use.

795 (8) Private or public utility structures facilitating the transmission,
796 distribution, and/or collection systems, including substations, distribution stations,
797 pump stations, reservoirs, towers, transmission equipment buildings and similar
798 such uses.

799 (9) Public use facility.

800 (10) Reception, conference and assembly facility subject to the
801 requirements of article XXVI.

802 (11) Recreation facility in which the principal use is of an outdoor and
803 unenclosed nature and which may include accessory and support facilities as an
804 incidental and ancillary use. Permitted uses shall include the following activities
805 and similar activities of like intensity:

806 a. Swimming.

807 b. Tennis.

808 (12) Community living facility, type I.

809 (13) Retail sales of a nature clearly incidental and subordinate to and
810 customary in connection with, a principal use.

811 (14) Communication towers, telecommunication equipment and
812 accessory facilities other than those provided for elsewhere in this chapter as
813 exempt as set forth by definition; and subject to the requirements of article XXVI.

(15) Common open space.

(16) Correctional placement residence or facility general, subject to the requirements of article XXVI.

(17) Correctional placement residence or facility limited, subject to the requirements of article XXVI.

(18) Group residence general.

(19) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 11. That section 48-11.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Apartment hotel.

(2) Multiple-family dwelling building.

(3) Boarding and lodging house.

(4) Public parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, maintenance structures and associated parking to the above uses.

(5) Private parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, common open space, and associated recreational and leisure facilities, including but not limited to clubhouses, shelters, pools, court games, parking, and maintenance structures, for use by

members and guests only, provided such facilities are developed in conjunction with, and intended to serve, a residential community and are located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(6) Subdivision maintenance facilities and/or U.S. Postal Service receptacle pods and shelter, developed in conjunction with, and intended to serve, a residential community and which is located and designated on either the recorded plat of subdivision or on an approved planned unit development.

(7) Public or private elementary and secondary schools.

(8) Residential care facility, type III.

(9) Medical care facility, type I.

(10) Accessory uses in conjunction with a multiple-family building containing a minimum of fifty (50) dwelling units or a minimum of fifty (50) permanent residential occupants:

a. Barbershop.

b. Beauty shop.

c. Laundry--dry cleaning pick-up station.

d. Travel-tour agency.

e. Restaurant.

f. Gift shop.

g. Such accessory uses shall comply with the following:

1. Limited to the ground floor.

2. No separate outside entrances.

- 860 3. No external advertising of any type.
- 861 4.Established for the primary convenience of the occupants therein.
- 862 (11) Sorority or fraternity house.
- 863 (12) Group residence general, subject to the requirements of article
- 864 XXVI.
- 865 (13) Group residence limited, subject to the requirements of article
- 866 XXVI.
- 867 (b) *Provisional uses:*
- 868 (1) Bed and breakfast home subject to the requirements of article
- 869 XXVI.
- 870 (2) Bed and breakfast inn subject to the requirements of article XXVI.
- 871 (3) Day care facility, type I, subject to the requirements of article XXVI.
- 872 (4) Day care facility, type II, subject to the requirements of article XXVI.
- 873 (5) Religious assembly subject to the requirements of article XXVI.
- 874 (6) Golf course subject to the requirements of article XXVI.
- 875 (7) Vehicle surface parking lot in association with a principal use
- 876 subject to the requirements of article XXVI.
- 877 (c) *Uses permitted by conditional use permit:* The following uses may be
- 878 granted a conditional use permit by the governing body provided by article XXV:
- 879 (1) Bed and breakfast inn.
- 880 (2) Community center.
- 881 (3) Cultural facility.
- 882 (4) Medical care facility, type II.

883 (5) Food service facility in which food and beverage is offered or
884 prepared for sale or for service with or without charge on the premises and
885 clearly incidental and subordinate to a principal use.

886 (6) Vehicle surface parking lot and/or multilevel parking structure as
887 specified in the application in association with a principal use.

888 (7) Private or public utility structures facilitating the transmission,
889 distribution, and/or collection systems, including substations, distribution stations,
890 pump stations, reservoirs, towers, transmission equipment buildings and similar
891 such uses.

892 (8) Public use facility.

893 (9) Reception, conference and assembly facility subject to the
894 requirements of article XXVI.

895 (10) Recreation field, court, track, or range in which the principal use is
896 of an outdoor and unenclosed nature and which may include accessory and
897 support facilities as an incidental and ancillary use. Permitted uses shall include
898 the following activities and similar activities of like intensity:

899 a. Swimming.

900 b. Tennis.

901 (11) Retail sales of a nature clearly incidental and subordinate to and
902 customary in connection with, a principal use.

903 (12) Community living facility, type I.

904 (13) Communication towers, telecommunication equipment and
905 accessory facilities other than those provided for elsewhere in this chapter as

exempt as set forth by definition; and subject to the requirements of article XXVI.

(14) Common open space.

(15) Correctional placement residence or facility general, subject to the requirements of article XXVI.

(16) Correctional placement residence or facility limited, subject to the requirements of article XXVI.

(17) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 12. That section 48-12.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Offices for conducting affairs of business, profession, service, industry or government, including financial institutions and human health care clinics which may contain a pharmacy.

(2) Cultural facility.

(3) Radio and television broadcasting studio; recording studio.

(4) Public or private elementary and secondary school.

(5) Public parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, maintenance structures and associated parking to the above uses.

(6) Funeral home or mortuary including the indoor display and sale of

products associated with the ceremonies, burial or cremation of the deceased.

(b) *Provisional uses:*

(1) Religious assembly subject to the requirements of article XXVI.

(2) Dwelling units located above the ground floor.

(3) Day care facility, type II subject to the requirements of article XXVI.

(4) Vehicle surface parking lot in association with a principal use subject to the requirements of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body provided by article XXV:

(1) Bed and breakfast inn.

(2) Portrait or artist studio subject to the requirements of article XXVI.

(3) Public use facility.

(4) Small animal hospital or veterinary clinic for small domestic animals subject to the requirements of article XXVI.

(5) Retail sales of a nature clearly incidental and subordinate to and customary in connection with, a principal use.

(6) Food service facility in which food and beverage is offered or prepared for sale or for service with or without charge on the premises and clearly incidental and subordinate to a principal use.

(7) Private or public utility structures facilitating the transmission, distribution, and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.

(8) Community center.

(9) Reception, conference and assembly facility subject to requirements of article XXVI.

(10) Vehicle surface parking lot in association with a principal use.

(11) Medical care facility, type II.

(12) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(13) Group residence limited, subject to the requirements of article XXVI.

(14) Correctional placement residence or facility limited, subject to the requirements of article XXVI.

(15) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 13. That section 48-13.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Offices for conducting affairs of business, profession, service, industry or government, including financial institutions and human health care clinics which may contain a pharmacy.

(2) Cultural facility.

(3) Funeral home or mortuary including the display and sale of

products associated with the ceremonies, burial or cremation of the deceased.

(4) Radio and television broadcasting studio; recording studio.

(5) Public and private elementary and secondary school.

(6) Public parks, playgrounds, trails, paths, recreation areas, golf courses, scenic and historic sites, and associated recreational and leisure facilities, including but not limited to shelters, pools, court games, maintenance structures and associated parking to the above uses.

(7) Community living facility, type I.

(8) Business or vocational school; technical college; training academy; dance studio.

(9) Private membership association, club, lodge or fraternal organization and eligible as a class B private club subject to applicable licensing requirements.

(10) Medical care facility, type II.

(11) Crisis center, type I.

(b) *Provisional uses:*

(1) Religious assembly subject to the requirements of article XXVI.

(2) Dwelling unit other than medical care and community living facilities located above the ground floor.

(3) Portrait or artist studio subject to the requirements of article XXVI.

(4) Small animal hospital or veterinary clinic for small domestic animals subject to the requirements of article XXVI.

(5) Day care facility, type II subject to the requirements of article XXVI.

(6) Vehicle surface parking lot in association with a principal use subject to the requirements of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body provided by article XXV:

(1) Bed and breakfast inn.

(2) Hospital.

(3) Public use facility.

(4) Crematorium.

(5) Heliport.

(6) Commercial radio, television, broadcasting and/or receiving towers.

(7) Retail sales of a nature clearly incidental and subordinate to and customary in connection with, a principal use.

(8) Food service facility in which food and beverage is offered or prepared for sale or for service with or without charge on the premises and clearly incidental and subordinate to a principal use.

(9) Private or public utility structures facilitating the transmission, distribution, and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.

(10) Community center.

(11) Reception, conference and assembly facility subject to requirements of article XXVI.

(12) Vehicle surface parking lot and/or multilevel parking structure as

specified in the application in association with a principal use.

(13) Community living facility, type II.

(14) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(15) Correctional placement residence or facility limited, subject to the requirements of article XXVI.

(16) Correctional placement residence or facility general.

(17) Group residence general, subject to the requirements of article XXVI.

(18) Group residence limited, subject to the requirements of article XXVI.

(19) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 14. That section 48-14.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Business or vocational school; technical college; training academy, dance studio.

(2) Community center.

(3) Cultural facility.

(4) Community living facility, type I.

- 1044 (5) Community living facility, type II.
- 1045 (6) Funeral home or mortuary including the display and sale of
1046 products associated with the ceremonies, burial or cremation of the deceased;
1047 and crematorium.
- 1048 (7) Hospital which may contain a food service facility in which food and
1049 beverage is offered or prepared for sale or for service with or without charge on
1050 the premises, and retail sales, all of which are clearly incidental and subordinate
1051 to and customary in connection with the principal use.
- 1052 (8) Medical care facility, type II.
- 1053 (9) Offices for conducting affairs of business, profession, service,
1054 industry or government, including financial institutions and human health care
1055 clinics which may contain a pharmacy.
- 1056 (10) Portrait or artist studio.
- 1057 (11) Printing plant.
- 1058 (12) Private membership association, club, lodge or fraternal
1059 organization and eligible as a class B private club subject to applicable licensing
1060 requirement.
- 1061 (13) Public or private elementary and secondary school.
- 1062 (14) Public parks, playgrounds, trails, paths, recreation areas, golf
1063 courses, scenic and historic sites, and associated recreational and leisure
1064 facilities, including but not limited to shelters, pools, court games, maintenance
1065 structures and associated parking to the above uses.
- 1066 (15) Radio and television broadcasting studio; recording studio.

- 1067 (16) Reception, conference and assembly facility.
- 1068 (17) Research laboratory.
- 1069 (18) Crisis center, type I.
- 1070 (b) *Provisional uses:*
- 1071 (1) Day care facility, type II subject to the requirements of article XXVI.
- 1072 (2) Small animal hospital or veterinary clinic for small domestic animals
1073 subject to requirements of article XXVI.
- 1074 (3) Religious assembly subject to the requirements of article XXVI.
- 1075 (4) Dwelling units other than medical care and community living
1076 facilities, located above the ground floor.
- 1077 (5) Vehicle surface parking lot in association with a principal use
1078 subject to the requirements of article XXVI.
- 1079 (c) *Uses permitted by conditional use permit:* The following uses may be
1080 granted a conditional use permit by the governing body provided by article XXV:
- 1081 (1) Bed and breakfast inn.
- 1082 (2) Commercial radio, television, broadcasting and/or receiving towers.
- 1083 (3) Food service facility in which food and beverage is offered or
1084 prepared for sale or for service with or without charge on the premises and
1085 clearly incidental and subordinate to a principal use.
- 1086 (4) Heliport.
- 1087 (5) Private or public utility structures facilitating the transmission,
1088 distribution, and/or collection systems, including substations, distribution stations,
1089 pump stations, reservoirs, towers, transmission equipment buildings and similar

such uses.

(6) Public use facility.

(7) Restaurant.

(8) Retail sales of a nature clearly incidental and subordinate to and customary in connection with, a principal use.

(9) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(10) Vehicle surface parking lot and/or multilevel parking structure as specified by the application.

(11) Correctional placement residence or facility limited, subject to the requirements of article XXVI.

(12) Correctional placement residence or facility general, subject to the requirements of article XXVI.

(13) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 15. That section 48-15.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses when conforming to the provisions of section 48-15.03 relating to limitations and conditions:*

(1) Antique shop.

(2) Bed and breakfast inn.

- 1113 (3) Book, magazine, tobacco, card and stationery shop.
- 1114 (4) Candy shop.
- 1115 (5) Camera and film shop; photography and artist studio; frame shop.
- 1116 (6) Delicatessen.
- 1117 (7) Floral shop.
- 1118 (8) Gift shop.
- 1119 (9) Grocery, meat, dairy product and bakery sales.
- 1120 (10) Hardware shop.
- 1121 (11) Hobby, toy and game shop.
- 1122 (12) Home decorating shop.
- 1123 (13) Liquor sales, packaged goods.
- 1124 (14) Lock and key shop.
- 1125 (15) Offices for business, professional, and government services.
- 1126 (16) Patio/garden shop.
- 1127 (17) Personal and health care services including: beauty, cosmetic and
1128 barber shops; self-service laundromats; dry cleaning and laundry receiving
1129 stations with processing done elsewhere; tailor and shoe repair shops.
- 1130 (18) Pharmacy and drugstore.
- 1131 (19) Pet grooming studios, including accessory product sales only when
1132 clearly incidental and subordinate to the care and grooming of pets and further
1133 when no more than 20 percent of the total floor area of any establishment shall
1134 be used for any product sales and no boarding or kennel facilities may be
1135 provided.

- 1136 (20) Public and private elementary and secondary school.
- 1137 (21) Religious assembly.
- 1138 (22) Restaurant with maximum seating capacity of 50 persons.
- 1139 (23) Sewing, needlework and piece good shop.
- 1140 (24) Sporting goods shop.
- 1141 (25) Travel agency.
- 1142 (26) Variety shop.
- 1143 (27) Video/audio sales and/or rental.
- 1144 (28) Wearing apparel and accessory shops, including jewelry and shoe
- 1145 sales.
- 1146 (b) *Provisional uses:*
- 1147 (1) Dwellings units other than medical care and community living
- 1148 facilities, located above the ground floor.
- 1149 (c) *Uses permitted by conditional use permit:* The following uses may be
- 1150 granted a conditional use permit by the governing body provided by article XXV:
- 1151 (1) Automotive service station, type I, subject to the requirements of
- 1152 article XXVI.
- 1153 (2) Day care facility, type II subject to the requirements of article XXVI.
- 1154 (3) Vehicle surface parking lot and/or multilevel parking structure as
- 1155 specified by the application in association with a principal use.
- 1156 (4) Private or public utility structures facilitating the transmission,
- 1157 distribution, and/or collection systems, including substations, distribution stations,
- 1158 pump stations, reservoirs, towers, transmission equipment buildings and similar

such uses.

(5) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(6) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 16. That section 48-16.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Permitted uses in the "O&I-3" and "C-1" districts; and store, shop, or facility for the conduct of a retail business or service similar in use and nature to the types of activities provided for in less restricted districts.

(2) Art and school supply stores.

(3) Automobile accessory stores.

(4) Bicycle sales and service.

(5) Blueprinting and photocopying services.

(6) Business machine sales and service.

(7) Catering establishments.

(8) China, ceramic, and glassware stores.

(9) Commercial, indoor recreational facilities which are used primarily for physical exercise, recreation and/or health maintenance including fitness centers, spas, suntanning salons, swimming pools, gymnasiums, game courts,

- 1182 locker and training rooms.
- 1183 (10) Community centers.
- 1184 (11) Crisis center.
- 1185 (12) Department stores.
- 1186 (13) Electronic and telecommunications equipment, sales and service.
- 1187 (14) Furniture, household appliance, and home entertainment stores.
- 1188 (15) Furrier shops, including the incidental storage and conditioning of
- 1189 finished furs.
- 1190 (16) Hobby and craft shops.
- 1191 (17) Hotel, motel and apartment hotel.
- 1192 (18) Home decorating and interior improvement stores, including paint,
- 1193 wallpaper, carpet, window dressing, fabrics and glass, sales; and further,
- 1194 including upholstering and making of draperies, slipcovers, and other similar
- 1195 articles, when conducted as part of the retail operations and secondary to the
- 1196 principal use.
- 1197 (19) Leather goods and luggage stores.
- 1198 (20) Mail order, catalog facility.
- 1199 (21) Motor bicycle or motor scooter sales and service.
- 1200 (22) Musical instruments, supplies and equipment store.
- 1201 (23) Office supply and equipment store.
- 1202 (24) Orthopedic, medical appliance, and prosthesis stores, optician and
- 1203 the sale of eyeglasses; hearing aid evaluations, fitting and sales.
- 1204 (25) Pet grooming studios.

- 1205 (26) Pet shops.
- 1206 (27) Photo finishing lab.
- 1207 (28) Post office and postal substations.
- 1208 (29) Private class "A" and "B" clubs as licensed by the state alcohol
1209 beverage control board.
- 1210 (30) Repair and servicing of any article the sale of which is a permitted
1211 use in the district.
- 1212 (31) Restaurants.
- 1213 (32) Theater; nonadult.
- 1214 (33) Grave monument and marker sales/display; provided that there is
1215 no engraving, stone cutting, or assembly in conjunction therewith.
- 1216 (b) *Provisional uses:*
- 1217 (1) Automobile rental establishments subject to the requirements of
1218 article XXVI.
- 1219 (2) Automobile service stations, type[s] I and II subject to the
1220 requirements of article XXVI.
- 1221 (3) Automotive or vehicle carwash facility subject to the requirements
1222 of article XXVI.
- 1223 (4) Day care facility, type II.
- 1224 (5) Small animal hospital or veterinary clinic for small domestic animals
1225 subject to the requirements of article XXVI.
- 1226 (6) Dwelling units other than medical care and community living
1227 facilities located above the ground floor.

(7) Vehicle surface parking lot in association with a principal use subject to the requirements of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body provided by article XXV:

(1) Amusement indoor establishments, including dance, pool, and billiard halls; archery ranges, shooting galleries, pinball, electronic and video games arcade; taverns and similar establishments licensed by the city to sell and dispense cereal malt beverages for drink on premises.

(2) Automotive service station, type III, subject to the requirements of article XXVI.

(3) Commercial recreational facilities which are used primarily for physical exercise, recreation, and/or health maintenance including fitness centers, spas, suntanning salons, skating rinks, swimming pools, gymnasiums, game courts, golf courses, golf driving ranges, pitch and putt, miniature golf courses and similar activities, including locker and training areas.

(4) Public use facility.

(5) Private or public utility structures facilitating the transmission, distribution and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.

(6) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(7) Vehicle surface parking lot and/or multilevel parking structure as specified by the application, in association with a principal use.

(8) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 17. That section 48-17.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Permitted uses in the "C-2" commercial district; and store, shop, or facility for the conduct of a retail business or service similar in use and nature to the types of uses listed herein and specifically excepting those types of activities provided for in less restricted districts.

(2) Commercial recreational facilities which are used primarily for physical exercise, recreation, and/or health maintenance including fitness centers, spas, suntanning salons, skating rinks, swimming pools, gymnasiums, game courts, golf courses, golf driving ranges, pitch and putt, miniature golf courses and similar activities, including locker and training areas.

(3) Home improvement and building supply centers except as provided elsewhere within this district, all product display, inventory, processing, and servicing shall be within completely enclosed buildings.

(4) Motor vehicle sales area and service facility in conjunction thereto, including the sale or lease of new or used automobiles and light trucks with a gross vehicle weight of twelve thousand (12,000) pounds or less. Not permitted

1274 within this district are sale areas and service facilities relating to recreational
1275 vehicles, trucks with a gross vehicle weight greater than twelve thousand
1276 (12,000) pounds, agricultural and heavy equipment vehicles, and watercraft.

1277 (5) Billboards and panel posters not exceeding three hundred (300)
1278 square feet per single face area and which do not exceed a height of fifty-five
1279 (55) feet above grade.

1280 (6) Recreational vehicle short-term campgrounds.

1281 (7) Vehicle surface parking lot and/or multilevel parking structure.

1282 (b) *Provisional uses:*

1283 (1) Automotive service stations, type[s] I and II subject to the
1284 requirements of article XXVI.

1285 (2) Automotive or vehicle carwash facility subject to the requirements
1286 of article XXVI.

1287 (3) Small animal hospital or veterinary clinic for small domestic animals
1288 subject to the requirements of article XXVI.

1289 (4) Dwelling unit other than medical care and community living
1290 facilities, located above the ground floor.

1291 (5) Day care facility, type II, subject to the provisions of article XXVI.

1292 (c) *Uses permitted by conditional use permit:* The following uses may be
1293 granted a conditional use permit by the governing body provided by article XXV:

1294 (1) Amusement indoor establishments, including dance, pool, and
1295 billiard halls; archery ranges, shooting galleries, pinball, electronic and video
1296 games arcade; taverns and similar establishments licensed by the city to sell and

1297 dispense cereal malt beverages for drink on premises.

1298 (2) Automotive service station, type III, subject to the requirements of
1299 article XXVI.

1300 (3) Public use facility.

1301 (4) Private or public utility structures facilitating the transmission,
1302 distribution and/or collection systems, including substations, distribution stations,
1303 pump stations, reservoirs, towers, transmission equipment buildings and similar
1304 such uses.

1305 (5) Communication towers, telecommunication equipment and
1306 accessory facilities other than those provided for elsewhere in this chapter as
1307 exempt as set forth by definition; and subject to the requirements of article XXVI.

1308 (6) Correctional placement residence or facility general, subject to the
1309 requirements of article XXVI.

1310 (7) Nonresidential small wind energy system, subject to Division 3 of
1311 Article XXVI.

1312 Section 18. That section 48-18.02, Use regulations, of The Code of the City of
1313 Topeka, Kansas, is hereby amended to read as follows:

1314 **Use regulations.**

1315 (a) *Permitted uses:*

1316 (1) Permitted uses in the "C-3" commercial district; and store, shop or
1317 facility for the conduct of a retail business or service similar in use and nature to
1318 the types of uses listed herein and specifically excepting those types of activities
1319 provided for in less restricted districts.

(2) Agricultural machinery and equipment sales area and service facility.

(3) Amusement indoor establishments, including dance, pool, and billiard halls; archery ranges, shooting galleries, pinball, electronic and video games arcade; taverns and similar establishments licensed by the city to sell and dispense cereal malt beverages for drink on premises.

(4) Animal hospitals, either large or small, veterinary clinics and enclosed kennels.

(5) Auction house.

(6) Automotive service station type[s] I, II and III.

(7) Bakery, commercial which may include wholesale distribution facilities.

(8) Boat and boating equipment sales area and service; bait shop.

(9) Building, construction, and mechanical contractor office, showroom, shop and sales area, including plumbing, heating and air conditioning, electrical, mechanical and sheet metal work, provided that on the premises there is no unenclosed storage of material, machinery, vehicles, or equipment; and no storage of any vehicle, machinery, or equipment with a net weight exceeding three (3) tons.

(10) Commercial and industrial products, photography studios, portrait photographing being clearly accessory to the photographing of products.

(11) Commercial laundry, dry cleaning and dyeing facility.

(12) Flea market and swap meet.

- 1343 (13) Grave monuments and marker sales area, display and engraving.
- 1344 (14) Home improvement and building supply/material establishments,
1345 including sales and display areas, storage and yards. Outdoor display and
1346 storage yards shall be paved, hard surface and dust-free.
- 1347 (15) Lawn/garden centers including the display and sales of landscape
1348 materials, lawn and garden equipment, and supplies; and holiday/seasonal
1349 ornamentations and decorating sales and service. Outdoor storage and supply
1350 yards shall be paved, hard surface and dust-free.
- 1351 (16) Manufactured housing and accessory structure sales and display
1352 area.
- 1353 (17) Motor vehicle sales area and service facility, including the sale or
1354 lease of new or used automobiles, trucks, recreational vehicles, agricultural and
1355 heavy equipment.
- 1356 (18) Newspaper and magazine distribution agencies.
- 1357 (19) Publishing establishments.
- 1358 (20) Rental establishments for domestic and general equipment, lease
1359 area and display. Outdoor display, storage, loading and parking areas shall be
1360 paved; hard surface, and dust free.
- 1361 (21) Repair, restoration of vehicles, machinery and equipment.
- 1362 (22) Taxidermists.
- 1363 (23) Theater; non-adult drive-in.
- 1364 (24) Vehicle repair, restoration and towing service, not including
1365 automotive wrecking or long-term disabled vehicle outdoor storage.

(b) *Provisional uses:*

(1) Dwelling unit other than medical care and community living facilities located above the ground floor.

(2) Theater; adult motion picture, subject to the requirements of article XXVI.

(3) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(4) Automotive or vehicle car wash facility subject to the requirements of article XXVI.

(5) Day care facility, type II, subject to the provisions of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit provided by article XXV:

(1) Amusement parks, including: permanent carnival, kiddie parks and similar outdoor amusement facilities.

(2) Commercial radio, TV, broadcasting or receiving towers.

(3) Fairgrounds.

(4) Public use facility.

(5) Private or public utility structures facilitating the transmission, distribution, and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.

(6) Race track.

- 1389 (7) Sports stadiums and arenas.
- 1390 (8) Relocation, remodeling or rebuilding of legal non-conforming
- 1391 billboards presently located within the "C-4" Commercial District subject to the
- 1392 requirements of article XXVI.
- 1393 (9) Correctional placement residence or facility general, subject to the
- 1394 requirements of article XXVI.
- 1395 (10) Nonresidential small wind energy system, subject to Division 3 of
- 1396 Article XXVI.
- 1397 Section 19. That section 19.02, Use regulations, of The Code of the City of
- 1398 Topeka, Kansas, is hereby amended to read as follows:
- 1399 **Use regulations.**
- 1400 (a) *Permitted uses:*
- 1401 (1) Permitted uses in the "C-3" commercial district.
- 1402 (2) Parking lot and/or multistory garage.
- 1403 (3) Television, radio and microwave transmission towers;
- 1404 telecommunication equipment; and accessory facilities other than those provided
- 1405 for elsewhere in this chapter as accessory to a permitted use or exempt as set
- 1406 forth by definition.
- 1407 (4) Auction house.
- 1408 (5) Commercial and industrial products, photography studios, portrait
- 1409 photography being clearly accessory to the photography of products.
- 1410 (6) Newspaper and magazine distribution agencies.
- 1411 (7) Publishing establishments.

(8) Billboards and panel posters not exceeding 300 square feet per single face area and which do not exceed a height of 55 feet above grade.

(9) Commercial laundry, dry cleaning and dyeing facility.

(10) Building, construction, and mechanical contractor office, showroom, shop and sales area, including plumbing, heating and air conditioning, electrical, mechanical and sheet metal work, provided that on the premises there is no unenclosed storage of material, machinery, vehicles, or equipment; and no storage of any vehicle, machinery, or equipment with a net weight exceeding three tons.

(11) Bus terminal or station.

(b) *Provisional uses:*

(1) Automotive service stations, type[s] I and II subject to the requirements of article XXVI.

(2) Automotive or vehicle carwash facility subject to the requirements of article XXVI.

(3) Small animal hospital and veterinary clinic for small domestic animals subject to the requirements of article XXVI.

(4) Dwelling unit other than medical care and community living facilities, located above or below the ground floor.

(5) Restaurants and establishments of the "drive-in" and/or "carry-out" type, except theaters, offering goods or services directly to customers in motor vehicles shall be permitted subject to the requirements of article XXVI.

(6) Communication towers, telecommunication equipment and

accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(7) Day care facility, type II, subject to the provisions of article XXVI.

(8) Dwelling units on any floor where the structure was originally built for use as dwelling units and dwelling units in hospitals and hotels converted for residential occupancy.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body provided by article XXV:

(1) Amusement indoor establishments, including dance, pool, and billiard halls; archery ranges, shooting galleries, pinball, electronic and video games arcade; taverns and similar establishments licensed by the city to sell and dispense cereal malt beverages for drink on premises.

(2) Automotive service station, type III, subject to the requirements of article XXVI.

(3) Public use facility.

(4) Private or public utility structures facilitating the transmission, distribution and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.

(5) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 20. That section 48-20.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Permitted uses in the "C-4" commercial district, except residential dwellings. The only residential dwellings permitted in this district are for onsite caretakers or watchmen or correctional placement residence or facility limited or general only shall be permitted.

(2) Bottling works.

(3) Building materials sales and storage.

(4) Construction equipment storage.

(5) Dairy products processing.

(6) Demolition landfill.

(7) Express and shipment facilities.

(8) Laboratories--research and testing.

(9) Manufacturers' supply and wholesale trade establishments.

(10) Manufacture, processing storage and/or warehousing of any product, equipment, or material; except any activities involving the following:

a. Acetylene, gas manufacture or storage.

b. Acid; alcohol; ammonia, bleaching powder, chlorine, cement, lime, gypsum, plaster of Paris, disinfectant, dyestuff, glue, fertilizer, size, gelatin, oilcloth, linoleum, oiled rubber goods, paint, oil, shellac, turpentine, varnish, paper, pulp, shoe polish, soap (other than liquid), tallow grease, lard, refining of animal fat, tar distillation, tar roofing, waterproofing products, vinegar and yeast manufacture.

- 1481 c. Arsenal; high explosives (other than armory).
- 1482 d. Asphalt; cement or other paving materials manufacture or
1483 central mixing plant.
- 1484 e. Vehicular wrecking or dismantling for salvage purposes.
- 1485 f. Blast furnace, coke oven, boiler works, forge plant, ore
1486 reduction, smelting of tin, copper, zinc or iron ores, iron, steel, brass or
1487 copper foundry or fabrication plant.
- 1488 g. Brick, tile, pottery or terracotta manufacture (other than the
1489 manufacture of handcraft products only).
- 1490 h. Creosote manufacture or treatment.
- 1491 i. Distillation of bones, coal or wood.
- 1492 j. Explosives or fireworks manufacture or storage.
- 1493 k. Fat rendering.
- 1494 l. Garbage, offal or dead animals reduction or disposal.
- 1495 m. Junk, iron or rags or paper storage or bailing except as
1496 provided elsewhere in these regulations.
- 1497 n. Petroleum or its products, refining or wholesale storage.
- 1498 o. Planing mills; rock crusher; rolling mill.
- 1499 p. Rubber or gutta-percha manufacture or treatment.
- 1500 q. Stockyard or slaughter of animals or fowls.
- 1501 r. Stone mill.
- 1502 s. Tanning, curing or storage of raw hides or skins.
- 1503 t. Wool pulling or scouring.

1504 u. And in general, those uses which may be obnoxious or
1505 offensive by reason of emission of odor, dust, smoke, gas or noise.

1506 (11) Railroad facilities.

1507 (12) Private or public utility structures facilitating the transmission,
1508 distribution, and/or collection systems, including substations, distribution stations,
1509 pump stations, reservoirs, towers, transmission equipment buildings and similar
1510 such uses.

1511 (13) Warehousing, storage, and distribution facilities, including
1512 wholesaling.

1513 (14) Welding, tinsmithing and machine shop.

1514 (15) Television, radio, and microwave transmission towers;
1515 telecommunication equipment; and accessory facilities other than those provided
1516 for elsewhere in this chapter as accessory to a permitted use or exempt as set
1517 forth by definition.

1518 (16) Billboards and panel posters not exceeding six hundred seventy-
1519 two (672) square feet per single face area. Billboards and panel posters which
1520 exceed three hundred (300) square feet shall not exceed a height of thirty-five
1521 (35) feet above grade.

1522 (b) *Provisional uses:*

1523 (1) Theater; adult motion picture subject to the requirements of article
1524 XXVI.

1525 (2) Recycling depot subject to the requirements of article XXVI.

1526 (3) Communication towers, telecommunication equipment and

accessory facilities other than those provided for elsewhere in this chapter as exempt as set forth by definition; and subject to the requirements of article XXVI.

(c) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body as provided by article XXV:

(1) Airport and landing field.

(2) Amusement parks, including: permanent carnivals, kiddie parks and similar outdoor amusement facilities.

(3) Commercial radio, TV, broadcasting or receiving towers.

(4) Fairgrounds.

(5) Public use facility.

(6) Racetrack.

(7) Sports stadiums and arenas.

(8) Day care facility, type II, subject to the provisions of article XXVI.

(9) Correctional placement residence or facility general, subject to the requirements of article XXVI.

(10) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 21. That section 48-21.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:*

(1) Permitted uses in the "I-1" light industrial district and any other lawful use not in conflict with any other applicable resolution or ordinance, except

those provisional or conditional uses set forth by this article. Residential dwellings are not permitted in this district except for onsite caretakers or watchman or correctional placement residence or facility limited or general.

(b) *Provisional uses:*

(1) Theater; adult motion picture subject to the requirements of article XXVI.

(2) The following uses are subject to the approval by the governing body with respect to the location and applicable safety provisions and compatibility with adjacent properties, following a report by the applicable fire department and health agency. The governing body may establish reasonable restrictions or conditions upon such use or facility as may be deemed appropriate:

- a. Acid manufacture.
- b. Cement, lime, gypsum or plaster of Paris manufacture.
- c. Distillation of bones.
- d. Explosives manufacture or storage.
- e. Fat rendering.
- f. Fertilizer manufacture.
- g. Gas manufacture.
- h. Petroleum or its products, refining of.
- i. Smelting of tin, copper, zinc or iron ores.
- j. Stockyards or slaughter of animals.
- k. Wholesale storage of gasoline.

1573 l. Ammonia, bleaching powder or chlorine manufacture.

1574 m. Arsenal; storage of explosives.

1575 n. Central mixing plant for asphalt, cement, mortar, plaster or

1576 paving material.

1577 o. Pyroxylin manufacture, use or storage.

1578 p. Pickling works.

1579 q. Dehydrating plants.

1580 r. Soybean processing plants.

1581 s. Junk, iron or rags or paper storage or bailing and including

1582 the wrecking or dismantling of vehicles.

1583 (3) Communication towers, telecommunication equipment and

1584 accessory facilities other than those provided for elsewhere in this chapter as

1585 exempt as set forth by definition; and subject to the requirements of article XXVI.

1586 (c) *Uses permitted by conditional use permit:* The following uses may be

1587 granted a conditional use permit by the governing body provided by article XXV:

1588 (1) Extraction, processing, storage, and sale of raw materials, including

1589 sand, rock, stone, gravel and other materials derived by quarry operations.

1590 (2) Sanitary landfill and/or refuse processing and disposal.

1591 (3) Correctional placement residence or facility general, subject to the

1592 requirements of article XXVI.

1593 (4) Nonresidential small wind energy system, subject to Division 3 of

1594 Article XXVI.

1595 Section 22. That section 48-22.02, Use regulations, of The Code of the City of

Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted uses:* A building or premises shall be used only for the purposes of a college or university, offering higher education to the public, including the following uses:

- (1) Alumni center.
- (2) Buildings or land used for athletic or recreational purposes and concessions connected therewith.
- (3) Buildings used for educational and administrative purposes.
- (4) Buildings used for student or faculty housing.
- (5) Religious assembly.
- (6) Data processing center.
- (7) Day care facility, type II.
- (8) Hospital or medical center.
- (9) Monument or memorial.
- (10) Parking lot and/or parking garage in conjunction with a principal use within the confines of the immediate "U-1" university district boundary.
- (11) Physical plant.
- (12) Public transportation facility.
- (13) Sorority and fraternity housing.
- (14) Student union.
- (15) U.S. post office facility.
- (16) Any other use consistent with the uses specifically set forth in this

section, reasonable and desirable to the usual operation of such educational institutions.

(b) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit provided by article XXV:

(1) Television, radio and microwave transmission towers; telecommunication equipment; and accessory facilities other than those provided for elsewhere in this chapter as accessory to a permitted use or exempt as set forth by definition; and subject to the requirements of article XXVI.

(2) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 23. That section 48-23.02, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations.

(a) *Permitted principal uses:*

(1) Human health care related facilities including the following:

a. Health care facility, health service establishment and hospital as defined by this ordinance.

b. Health care education, training and administrative facility.

c. Health care office, clinic, laboratory and treatment facility.

d. Health care testing and research.

e. Indoor facilities which are used primarily for physical exercise and therapy; health maintenance including fitness centers, spas, swimming pools, gymnasiums, game courts, lockers and training rooms.

- 1642 f. Public health agency.
- 1643 g. Pharmacy and drug sales.
- 1644 h. Orthopedic, medical appliance, equipment, prosthesis and
1645 supply sales and fitting.
- 1646 i. Optician and eyeglass sales.
- 1647 j. Hearing aid evaluation, fitting and sales.
- 1648 (2) Associated uses to health care facilities as set forth below:
- 1649 a. Funeral home or mortuary including the display and sale of
1650 products associated with the ceremonies, burial or cremation of the
1651 deceased; and crematorium.
- 1652 b. Parking lot and/or parking garage.
- 1653 c. Public parks, playgrounds, trails, paths, recreational areas,
1654 golf courses, scenic and historic sites, and associated recreational and
1655 leisure facilities, including but not limited to shelters, pools, court games,
1656 maintenance structures and associated parking to the above uses.
- 1657 d. Public or private elementary and secondary schools.
- 1658 e. Reception, conference and assembly facility.
- 1659 f. Religious assembly.
- 1660 g. Crisis center, type I.
- 1661 (3) Human habitation and dwelling facilities as set forth below:
- 1662 a. Detached single-family dwelling building, for the purpose,
1663 use and occupancy of a family as defined herein. The dimensional
1664 requirement applicable to a residential-design manufactured home may be

1665 appealable to the metro board of zoning appeals.

1666 b. Two-family dwelling building.

1667 c. Multiple-family dwelling building.

1668 d. Boarding and/or lodging house.

1669 e. Residential care facility, type III.

1670 f. Building used for student or faculty housing.

1671 g. Medical care facility, type I.

1672 h. Medical care facility, type II.

1673 i. Apartment hotel.

1674 j. Community living facility, type I.

1675 k. Group home.

1676 l. Bed and breakfast inn.

1677 (4) Group residence general.

1678 (5) Group residence limited.

1679 (b) *Permitted incidental and subordinate uses:*

1680 (1) Heliports, ambulance station, emergency transportation facility and
1681 terminal provided such facilities are on-site with and ancillary in nature to a
1682 hospital.

1683 (2) Retail sales and/or service of a nature clearly incidental and
1684 subordinate to and customary in association with a principal use as provided in
1685 the human health care related facilities of the permitted principal uses of this
1686 district. Such incidental and subordinate uses shall only be permitted and located
1687 within a structure containing a recognized principal use; and may include the

following:

- a. Food and beverage preparation and sale.
- b. Floral and gift shop.
- c. Magazine, card and stationary shop.
- d. Beauty and barber shops.

(c) *Provisional uses:*

(1) Day care facility, type II subject to the requirements of article XXVI.

(2) Vehicle surface parking lot in association with a principal use subject to the requirements of article XXVI, Additional Regulations.

(d) *Uses permitted by conditional use permit:* The following uses may be granted a conditional use permit by the governing body provided by article XXV:

(1) Bed and breakfast home subject to the requirements of article XXVI.

(2) Bed and breakfast inn subject to the requirements of article XXVI.

(3) Ambulance station, emergency transportation facility and terminal as a principal use.

(4) Commercial radio, television, broadcasting and/or receiving towers.

(5) Community living facility, type II.

(6) Private or public utility structures facilitating the transmission, distribution and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.

(7) Public use facility.

(8) Television, radio and microwave transmission towers; telecommunication equipment; and accessory facilities other than those provided for elsewhere in this chapter as accessory to a permitted use or exempt as set forth by definition; and subject to the requirements of article XXVI.

(9) Vehicle surface parking lot and/or multilevel parking structure as specified by the application.

(10) Correctional placement residence or facility general, subject to the requirements of article XXVI.

(11) Correctional placement residence or facility limited, subject to the requirements of article XXVI.

(12) Nonresidential small wind energy system, subject to Division 3 of Article XXVI.

Section 24. That section 48-23a.03, Use regulations for X-1 mixed use district, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations for X-1 mixed use district.

1. Permitted principal uses.
 - a. Single and two-family dwellings.
 - b. Three and four-family dwellings.
 - c. Dwelling units as primary or accessory use.
 - d. Residential design manufactured home. e. Group home.
 - f. Churches, places of worship or assembly.
 - g. Schools.
 - h. Community facilities.

- 1734 i. Parks, recreation, and open space.
- 1735 j. Residential care facility, type I.
- 1736 k. Artisan and photography galleries, studios.
- 1737 l. Automobile service station, type I.
- 1738 m. Bed and breakfast establishments.
- 1739 n. Child care centers.
- 1740 o. Clubs and lodges.
- 1741 p. Funeral homes.
- 1742 q. Health clubs.
- 1743 r. Offices, financial services, medical clinics.
- 1744 s. Pet shops/small animal clinics.
- 1745 t. Indoor recreation facilities.
- 1746 u. Restaurants.
- 1747 v. Retail establishments.
- 1748 w. [Reserved.]
- 1749 x. Service shops--Personal/business.
- 1750 2. Uses permitted by conditional use permit.
- 1751 a. Multi-family dwellings, more than four units per building and/or
- 1752 more than 12 units per acre.
- 1753 b. Boarding and lodging houses.
- 1754 c. Public use facilities.
- 1755 d. Residential care facility, type II.
- 1756 e. Indoor amusement.

- 1757 f. Automobile service station, type II.
- 1758 g. Automobile service station, type III.
- 1759 h. Bars and taverns.
- 1760 i. Entertainment facilities/theatres (non-adult).
- 1761 j. Farmer's markets.
- 1762 k. Parking lots/garages (principal use).
- 1763 l. Motor vehicle sales.
- 1764 m. Research and development.
- 1765 n. Group residence limited, subject to article XXVI.
- 1766 o. Nonresidential small wind energy system, subject to Division 3 of

1767 Article XXVI.

1768 Section 25. That section 48-23a.04, Same--X-2 mixed use district, of The Code
1769 of the City of Topeka, Kansas, is hereby amended to read as follows:

1770 **Same--X-2 mixed use district.**

- 1771 1. Permitted principal uses.
- 1772 a. Single and two-family dwellings.
- 1773 b. Three and four-family dwellings.
- 1774 c. Dwelling units as primary or accessory use.
- 1775 d. Residential design manufactured home.
- 1776 e. Mobile homes (single).
- 1777 f. Schools.
- 1778 g. Community facilities.
- 1779 h. Parks, recreation, and open space.

- 1780 i. Artisan and photography galleries, studios.
- 1781 j. Automobile service station, type I.
- 1782 k. Automobile service station, type II.
- 1783 l. Child care centers.
- 1784 m. Clubs and lodges.
- 1785 n. Funeral homes.
- 1786 o. Health clubs.
- 1787 p. Motor vehicle sales (size restrictions).
- 1788 q. Offices, financial services, medical clinics.
- 1789 r. Indoor recreation facilities.
- 1790 s. Restaurants.
- 1791 t. Retail establishments.
- 1792 u. Service shops--Personal/business.
- 1793 v. Assembly without fabrication.
- 1794 w. Fabrication of products allowed under "I-1" light industrial district.
- 1795 x. Distribution and processing.
- 1796 y. Research and development.
- 1797 z. Warehousing.
- 1798 2. Uses permitted by conditional use permit. The following uses may be
- 1799 granted a conditional use permit by the governing body as provided by article XXV.
- 1800 a. Multi-family dwellings, more than four units per building and/or
- 1801 more than 12 units per acre.
- 1802 b. Group homes.

- 1803 c. Boarding and lodging houses.
- 1804 d. Crisis centers.
- 1805 e. Churches, places of worship or assembly.
- 1806 f. Conference/convention center.
- 1807 g. Public use facilities.
- 1808 h. Residential care facility, type I.
- 1809 i. Residential care facility, type II.
- 1810 j. Amusement parks.
- 1811 k. Automobile service station, type III.
- 1812 l. Bars and taverns.
- 1813 m. Bed and breakfast establishments.
- 1814 n. Farmer's markets.
- 1815 o. Hotel, motel.
- 1816 p. Parking lots/garages (principal use).
- 1817 q. Pet shops/small animal clinics.
- 1818 r. Unenclosed, outdoor equipment/product storage.
- 1819 s. Correctional placement residence or facility limited, subject to article XXVI.
- 1820 t. Nonresidential small wind energy system, subject to Division 3 of
- 1821 Article XXVI.
- 1822 Section 26. That section 48-23a.05, Same--X-3 mixed use district, of The Code
- 1823 of the City of Topeka, Kansas, is hereby amended to read as follows:
- 1824 **Same--X-3 mixed use district.**
- 1825 1. *Permitted principal uses.*

1826	a.	Single and two-family dwellings.
1827	b.	Three and four-family dwellings.
1828	c.	Multi-family dwellings, more than four units.
1829	d.	Dwelling units as primary or accessory use.
1830	e.	Residential design manufactured home.
1831	f.	Schools.
1832	g.	Community facilities.
1833	h.	Parks, recreation, and open space.
1834	i.	Indoor amusement.
1835	j.	Artisan and photography galleries, studios.
1836	k.	Automobile service station, type I.
1837	l.	Bars and taverns.
1838	m.	Bed and breakfast establishments.
1839	n.	Child care centers.
1840	o.	Clubs and lodges.
1841	p.	Entertainment facilities/theatres (non-adult).
1842	q.	Farmer's markets.
1843	r.	Health clubs.
1844	s.	Night clubs.
1845	t.	Offices, financial services, medical clinics.
1846	u.	Indoor recreation facilities.
1847	v.	Restaurants.
1848	w.	Retail establishments.

- 1849 x. Service shops personal/business.
- 1850 2. *Uses permitted by conditional use permit.*
- 1851 a. Group homes.
- 1852 b. Boarding and lodging houses.
- 1853 c. Churches, places of worship or assembly.
- 1854 d. Conference/convention center.
- 1855 e. Public use facilities.
- 1856 f. Residential care facility, type I.
- 1857 g. Residential care facility, type II.
- 1858 h. Amusement parks.
- 1859 i. Hotel/motel.
- 1860 j. Parking lots/garages (principle use).
- 1861 k. Pet shops/small animal clinics.
- 1862 l. Unenclosed, outdoor equipment/product storage.
- 1863 m. Research and development.
- 1864 n. Warehousing.
- 1865 o. Nonresidential small wind energy system, subject to Division 3 of

1866 Article XXVI.

1867 Section 27. That section 48-24a.01, Use regulations for OS-1 open space
1868 district, of The Code of the City of Topeka, Kansas, is hereby amended to read as
1869 follows:

1870 **Use Regulations for OS-1 open space district.**

- 1871 1. *Permitted uses.*

- 1872 a. Agricultural uses.
- 1873 b. Common open space.
- 1874 c. Detached single-family dwellings.
- 1875 d. Drainage or flood prevention facilities.
- 1876 e. Golf course.
- 1877 f. Private park.
- 1878 g. Public park.
- 1879 h. Trails.
- 1880 2. *Uses permitted by conditional use permit.*
- 1881 a. Campgrounds.
- 1882 b. Cemetery.
- 1883 c. Commercial equine riding academies.
- 1884 d. Cultural facility.
- 1885 e. Fairgrounds.
- 1886 f. Farmer's markets.
- 1887 g. Hunting/fishing preserve (outside city limits).
- 1888 h. Public use facility.
- 1889 i. Recreational field, court, or track.
- 1890 j. Utility structure (private or public).
- 1891 k. Nonresidential small wind energy system, subject to Division 3 of
- 1892 Article XXVI.
- 1893 Section 28. That section 48-24b.01, Use regulations for D-1 district, of The
- 1894 Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use regulations for D-1 district.

1. *Permitted principal uses.*

- a. Permitted uses in the "C-3" commercial district
- b. Single- and two-family dwellings
- c. Three- and four-family dwellings
- d. Multi-family dwellings
- e. Group homes
- f. Dwelling units as primary or accessory use
- g. Residential design manufactured home
- h. Amusement indoor establishments, including dance, pool, and
billiard halls; archery ranges, shooting galleries, pinball, electronic and video
games arcade; taverns and similar establishments licensed by the city to sell and
dispense cereal malt beverages for drink on premises
- i. Churches, places of worship or assembly
- j. Schools
- k. Community facilities
- l. Conference/convention center
- m. Cultural facility
- n. Public use facilities
- o. Parks, recreation, and open space
- p. Amusement parks
- q. Camera and film shop; photography and artist studio; frame shop
- r. Automobile service station, type I and type II

1918	s.	Bed and breakfast establishments
1919	t.	Child care centers
1920	u.	Clubs and lodges
1921	v.	Farmer's markets
1922	w.	Funeral homes
1923	x.	Health clubs
1924	y.	Hotel, motel
1925	z.	Theatre, non-adult
1926	aa.	Offices for conducting affairs of business, profession, service,
1927		industry or government, including financial institutions and human health care
1928		clinics which may contain a pharmacy
1929	bb.	Orthopedic, medical appliance, and prosthesis stores, optician and
1930		the sale of eyeglasses; hearing aid evaluations, fitting and sales
1931	cc.	Pet shops/small animal clinics
1932	dd.	Commercial recreational facilities which are used primarily for
1933		physical exercise, recreation, and/or health maintenance including fitness
1934		centers, spas, suntanning salons, skating rinks, swimming pools, gymnasiums,
1935		game courts, golf courses, golf driving ranges, pitch and putt, miniature golf
1936		courses and similar activities, including locker and training areas
1937	ee.	Personal service shops
1938	ff.	Parking lot and/or multi-story parking garage
1939	gg.	Communication towers or telecommunication equipment attached
1940		to a building and which must meet the criteria of article XXVI

- 1941 hh. Boarding and lodging houses
- 1942 ii. Crisis centers
- 1943 jj. Residential care facility, type I
- 1944 kk. Residential care facility, type II
- 1945 ll. Child care centers
- 1946 mm. Parking lots/garages (principle use)
- 1947 32. *Uses permitted by conditional use permit.*
- 1948 a. Private or public utility structures facilitating the transmission,
- 1949 distribution and/or collection systems, including substations, distributions
- 1950 stations, pump stations, reservoirs, towers, transmission equipment buildings and
- 1951 similar such uses
- 1952 b. Freestanding communication towers or telecommunication
- 1953 equipment which must meet the criteria of article XXVI
- 1954 c. Billboards and panel posters not exceeding 300 square foot per
- 1955 single face area and which do not exceed a height of 55 feet above grade
- 1956 d. Automobile service station, type III
- 1957 e. Nonresidential small wind energy system, subject to Division 3 of
- 1958 Article XXVI.
- 1959 Section 29. That section 48-24b.02, Use regulations for D-2 district, of The
- 1960 Code of the City of Topeka, Kansas, is hereby amended to read as follows:
- 1961 **Use regulations for D-2 district.**
- 1962 1. *Permitted principal uses.*
- 1963 a. Single- and two-family dwellings

- 1964 b. Multi-family dwellings
- 1965 c. Group homes
- 1966 d. Residential design manufactured home
- 1967 e. Churches, places of worship or assembly
- 1968 f. Schools
- 1969 g. Personal service shop less than 10,000 square feet
- 1970 h. Community facilities
- 1971 i. Public use facilities
- 1972 j. Parks, recreation, and open space
- 1973 k. Amusement parks
- 1974 l. Camera and film shop; photography and artist studio; frame shop
- 1975 m. Bed and breakfast establishments
- 1976 n. Retail uses less than ten thousand (10,000) gross square feet
- 1977 o. Dwelling units as accessory use
- 1978 2. *Uses permitted by conditional use permit.*
- 1979 a. Private or public utility structures facilitating the transmission,
- 1980 distribution and/or collection systems, including substations, distributions
- 1981 stations, pump stations, reservoirs, towers, transmission equipment buildings and
- 1982 similar such uses
- 1983 b. Communication towers or telecommunication equipment which
- 1984 must meet the criteria of article XXVI with the exception that all towers must be
- 1985 attached to an existing building or structure, and may exceed 20 feet in height
- 1986 c. Boarding and lodging houses

1987	d.	Crisis centers
1988	e.	Conference/convention center
1989	f.	Cultural facility
1990	g.	Residential care facility, type I
1991	h.	Residential care facility, type II
1992	i.	Amusement indoor establishments, including dance, pool, and
1993		billiard halls; archery ranges, shooting galleries, pinball, electronic and video
1994		games arcade; taverns and similar establishments licensed by the city to sell and
1995		dispense cereal malt beverages for drink on premises
1996	j.	Child care centers
1997	k.	Farmer's markets
1998	l.	Funeral homes
1999	m.	Health clubs
2000	n.	Hotel, motel
2001	o.	Offices for conducting affairs of business, profession, service,
2002		industry or government, including financial institutions and human health care
2003		clinics which may contain a pharmacy
2004	p.	Parking lots/garages as a principle use
2005	q.	Recreation--Indoor
2006	r.	Restaurants
2007	s.	Retail establishments greater than 10,000 gross square feet
2008	t.	Personal service shop greater than 10,000 gross square feet
2009	u.	Automobile service station, type I

- 2010 v. Clubs and lodges
- 2011 w. Entertainment facilities/theatres (non-adult)
- 2012 x. Small animal clinics
- 2013 y. Nonresidential small wind energy system, subject to Division 3 of
- 2014 Article XXVI.
- 2015 Section 30. That section 48-24b.03, Use regulations for D-3 district, of The
- 2016 Code of the City of Topeka, Kansas, is hereby amended to read as follows:
- 2017 **Use regulations for D-3 district.**
- 2018 1. *Permitted principal uses.*
- 2019 a. Single- and two-family dwellings
- 2020 b. Three- and four-family dwellings
- 2021 c. Multi-family dwellings
- 2022 d. Reserved.
- 2023 e. Group homes
- 2024 f. Dwelling units as an accessory use
- 2025 g. Parks, recreation, and open space
- 2026 h. Amusement indoor establishments, including dance, pool, and
- 2027 billiard halls; archery ranges, shooting galleries, pinball, electronic and video
- 2028 games arcade; taverns and similar establishments licensed by the city to sell and
- 2029 dispense cereal malt beverages for drink on premises
- 2030 i. Amusement parks
- 2031 j. Camera and film shop; photography and artist studio; frame shop
- 2032 k. Automobile service station, type II

- 2033 l. Cultural facility
- 2034 m. Entertainment facilities/theatres
- 2035 n. Offices for conducting affairs of business, profession, service,
- 2036 industry or government, including financial institutions and human health care
- 2037 clinics which may contain a pharmacy
- 2038 o. Manufacture, processing storage and/or warehousing of any
- 2039 product, equipment, or material; except any activities involving the following:
- 2040 1. Acetylene, gas manufacture or storage
- 2041 2. Acid; alcohol; ammonia, bleaching powder, chlorine, cement,
- 2042 lime, gypsum, plaster of paris, disinfectant, dyestuff, glue, fertilizer, size,
- 2043 gelatin, oilcloth, linoleum, oiled rubber goods, paint, oil, shellac, turpentine,
- 2044 varnish, paper, pulp, shoe polish, soap (other than liquid), tallow grease,
- 2045 lard, refining of animal fat, tar distillation, tar roofing, waterproofing
- 2046 products, vinegar and yeast manufacture
- 2047 3. Arsenal; high explosives (other than armory)
- 2048 4. Asphalt; cement or other paving materials manufacture or
- 2049 central mixing plant
- 2050 5. Vehicular wrecking or dismantling for salvage purposes
- 2051 6. Blast furnace, coke oven, boiler works, forge plant, ore
- 2052 reduction, smelting of tin, copper, zinc or iron ores, iron, steel, brass or
- 2053 copper foundry or fabrication plant
- 2054 7. Brick, tile, pottery or terracotta manufacture (other than the
- 2055 manufacture of handcraft products only)

- 2056 8. Creosote manufacture or treatment
- 2057 9. Distillation of bones, coal or wood
- 2058 10. Explosives or fireworks manufacture or storage
- 2059 11. Fat rendering
- 2060 12. Garbage, offal or dead animals reduction or disposal
- 2061 13. Junk, iron or rags or paper storage or bailing except as
- 2062 provided elsewhere in these regulations
- 2063 14. Petroleum or its products, refining or wholesale storage.
- 2064 15. Planing mills; rock crusher; rolling mill
- 2065 16. Rubber or gutta-percha manufacture or treatment
- 2066 17. Stockyard or slaughter of animals or fowls
- 2067 18. Stone mill
- 2068 19. Tanning, curing or storage of raw hides or skins
- 2069 20. Wool pulling or scouring
- 2070 21. And in general, those uses which may be obnoxious or
- 2071 offensive by reason of emission of odor, dust, smoke, gas or noise
- 2072 o. Recreation--Indoor
- 2073 p. Restaurants
- 2074 q. Retail establishments less than 30,000 gross square feet
- 2075 r. Theatre--Non-adult
- 2076 s. Churches, places of worship or assembly
- 2077 t. Schools
- 2078 u. Automobile service station, type I

2079 2. *Uses permitted by conditional use permit.*

2080 a. Private or public utility structures facilitating the transmission,
2081 distribution and/or collection systems, including substations, distributions
2082 stations, pump stations, reservoirs, towers, transmission equipment buildings and
2083 similar such uses

2084 b. Communication towers or telecommunication equipment which
2085 must meet the criteria of article XXVI with the exception that all towers must be
2086 attached to an existing building or structure, and may exceed 20 feet in height

2087 c. Billboards and panel posters not exceeding 300 square feet per
2088 single face area and which do not exceed a height of 55 feet above grade

2089 d. Community facilities

2090 e. Conference/convention center

2091 f. Public use facilities

2092 g. Automobile service station, type III

2093 h. Bed and breakfast establishments

2094 i. Child care centers

2095 j. Clubs and lodges

2096 k. Farmer's markets

2097 l. Health clubs

2098 m. Hotel, motel

2099 n. Parking lots/garages principle use

2100 o. Pet shops/small animal clinics

2101 p. Retail establishments less than 30,000 square feet

2102 q. Personal service facility

2103 r. Nonresidential small wind energy system, subject to Division 3 of

2104 Article XXVI.

2105 Section 31. That sections 48.2.02, 48-3.02, 48-4.02, 48-5.02, 48-6.02, 48-7.02,

2106 48-8.02, 48-8a.02, 48-9.02, 48-10.02, 48-11.02, 48-12.02, 48-13.02, 48.14.02, 48-

2107 15.02, 48-16.02, 48-17.02, 48-18.02, 48-19.02, 48-20.02, 48-22.02, 48-23.02, 48-

2108 23a.03, 48-23a.04, 48-23a.05, 48-24a.01, 48-24b.01, 48-24b.02, and 48-24b.03 of The

2109 Code of the City of Topeka, Kansas, are hereby specifically repealed.

2110 Section 32. This ordinance shall take effect and be in force from and after its

2111 passage, approval and publication in the official City newspaper.

2112 PASSED AND APPROVED by the City Council September 22, 2009.

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2114 CITY OF TOPEKA, KANSAS

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2120 William W. Bunten, Mayor

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ATTEST:

Brenda Younger, City Clerk