

(Published in the Topeka Metro News May 19, 2014)

ORDINANCE NO. 19904

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code Sections 18.240.010, 18.240.020 and 18.240.040 and specifically repealing said original sections all concerning bike parking. (ACZR 13/02)

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

Section 1. That section 18.240.010, Scope and application, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Scope and application.

In any zoning district, all structures built and all uses established after ~~the effective date of the ordinance codified in this chapter, and when an existing structure is expanded~~ February 25, 1992, off-street parking shall be provided in accordance with the following regulations.

(a) Scope of Regulations.

(1) New Construction and New Uses. For all buildings and structures erected, and all uses of land established after ~~the effective date of the ordinance codified in this chapter~~ February 25, 1992, accessory off-street parking facilities shall be provided in accordance with the provisions contained herein. ~~However, where a building permit has been issued prior to the effective date of the ordinance codified in this chapter; and provided, that construction has commenced within six months of such effective date and diligently prosecuted to completion, parking facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this chapter.~~

30 (2) Expansion of a Building or Use. When the intensity of use of any
31 building, structure, or premises shall be increased, additional parking facilities
32 shall be provided as follows:

33 (i) Whenever a building, structure or use existing prior to ~~the~~
34 ~~effective date of the ordinance codified in this chapter~~February 25, 1992,
35 is enlarged to the extent of less than 50 percent in floor area, the addition
36 or enlargement shall comply with the parking requirements set forth
37 herein.

38 (ii) Whenever a building, structure or use existing prior to ~~the~~
39 ~~effective date of the ordinance codified in this chapter~~February 25, 1992,
40 is enlarged by one or more additions, the sum total of which increases the
41 floor area to the extent of 50 percent or more, the uses contained within
42 the original building or structure and all enlargements shall thereafter
43 comply with the parking requirements set forth herein.

44 (iii) Whenever an existing single-family dwelling with more than
45 950 square feet in floor area has less than two parking spaces, it shall be
46 permitted to expand by not more than 25 percent in floor area without
47 having to comply with the off-street parking requirements set forth herein.

48 (3) Change of Use. Whenever a use existing prior to ~~the effective date~~
49 ~~of the ordinance codified in this chapter~~February 25, 1992, shall be changed to a
50 new use, parking facilities shall be provided as required for such new use.

51 (4) Exempt District. Notwithstanding any other provision of this chapter,
52 no parking facilities shall be required for any building or use as permitted in the
53 C-5 commercial district.

54 (b) Existing Parking Facilities. Accessory off-street parking facilities in
55 existence on ~~the effective date of the ordinance codified in this chapter~~February 25,
56 1992, and located on the same zoning lot as the building or use served, shall not
57 hereafter be reduced below, or if already less than, shall not be further reduced below
58 the requirements for a similar new building or use.

59 (c) Permissive Parking Facilities. Nothing in this chapter shall be deemed to
60 prevent the establishment of additional off-street parking facilities to serve any existing
61 building or use; provided, that all regulations herein governing the location, design, and
62 operation of such facilities are satisfied.

63 (d) Damage or Destruction. Whenever a building or use existing prior to ~~the~~
64 ~~effective date of the ordinance codified in this chapter~~February 25, 1992, and for which
65 the required number of parking spaces is not provided, is damaged or destroyed by fire,
66 tornado or other natural causes to the extent of 50 percent or more of its fair market
67 value, the building structure or use shall only be rebuilt or restored in compliance with
68 this chapter.

69 Section 2. That section 18.240.020, Off street parking requirements, of The
70 Code of the City of Topeka, Kansas, is hereby amended to read as follows:

71 **Off-street parking requirements.**

72 (a) General Requirements. The following requirements shall govern in the
73 design, location and number of off-street parking and stacking spaces.

74 (1) Computation. When determination of the number of off-street
75 parking and stacking spaces results in a requirement of a fractional space, the
76 fraction of one-half or less may be disregarded, and a fraction in excess of one-
77 half shall be counted as one space.

78 (2) Utilization. Off-street parking and stacking facilities provided for the
79 uses hereinafter listed shall be reserved exclusively for the parking of bicycles
80 and ~~motor passenger~~ vehicles, in operating condition, of patrons, occupants,
81 visitors or employees of such uses.

82 (3) Computing Off-Street Parking. In computing the floor area to
83 determine the requirement for off-street parking, such computations for a
84 structure shall exclude:

- 85 (i) The exterior wall width of the structure;
- 86 (ii) Elevator shafts;
- 87 (iii) Common courts or lobby areas;
- 88 (iv) Mechanical equipment rooms;
- 89 (v) Stairways;
- 90 (vi) Restrooms;
- 91 (vii) Basements, except those portions not used exclusively for
92 service to the structure;
- 93 (viii) Balconies;
- 94 (ix) Incidental storage areas including but not limited to janitorial
95 rooms, supply rooms, etc.

96 The ~~appropriate city or county~~ building official shall determine the net floor
97 area of the structure and shall require off-street parking as specified for the
98 use set forth in the applicable district regulations.

99 (4) Shared Parking Provisions. In the case of mixed uses, the off-street
100 parking and stacking spaces required shall equal the sum of the requirements of
101 the various uses computed separately, provided all regulations governing the
102 location of accessory off-street parking and stacking spaces in relation to the
103 uses served are adhered to.

104 (b) Specific Requirements.

105 (1) Open and Enclosed Parking. Accessory off-street parking and
106 stacking spaces may be open to the sky or enclosed within a garage.

107 (2) Surfacing. All off-street parking and stacking spaces, aisles and
108 drives shall be surfaced in accordance with the standards and specifications of
109 the city or county.

110 (3) Location. Off-street parking, and stacking spaces, aisles and drives
111 shall be located as follows:

112 (i) General.

113 (A) ~~All required~~ Bicycle parking, off-street parking and
114 stacking spaces, aisles and drives shall be located on the same
115 zoning lot as the use served.

116 (B) Protective curbs shall be required to be installed three
117 feet from public sidewalks to protect pedestrians a minimum of two
118 feet from adjacent property lines, and at other places on the parking

lot as may be required by the code enforcement director or
~~Shawnee County zoning administrator;~~ or the applicable city or
~~county~~ engineer to protect the adjacent property.

(C) Aisles and drives shall not be considered in
determining whether off-street parking and stacking requirements
have been met except in the instance of single-family dwellings and
duplexes.

(ii) Bicycle parking. Bicycle parking shall be located in
designated areas which minimize pedestrian and vehicle conflict. Bicycle
parking shall be located within 120 feet of a main building entrance in an
area that is visible and well-lighted. Well-lighted means a brightness level
of at least one foot-candle. Where multiple buildings exist, bicycle parking
shall be distributed in a manner that serves all of the buildings in areas
that are visible and well-lighted.

(4) Design. Except for single-family dwellings and duplexes, all bicycle
parking, off-street parking, and stacking spaces, aisles and drives shall comply
with the following prescribed standards:

(i) Area. ~~Off-street~~Vehicular parking and stacking spaces shall
comply with the minimum dimensions illustrated in Figure I.

(ii) Access. (a) Vehicular. Each ~~off-street~~vehicular parking
space shall open directly upon an aisle of such width and design as
illustrated in Figure I. The greatest aisle width shown in Figure I shall be
provided when combining different parking space configurations on the

142 same aisle. All off-street parking facilities shall be designed with
143 appropriate means of vehicular access to a street or alley in a manner
144 which will least interfere with traffic movement; and all such points of
145 access must be approved by the ~~city or county~~ public works department
146 ~~as appropriate~~. Aisles designed for two-way traffic shall have a minimum
147 width of 24 feet.

148 (b) Bicycle. Each bicycle parking space shall comply with the
149 minimum dimensions as illustrated in Figure 2.

150 (iii) Exiting a Parking Facility. No off-street parking facility shall
151 be designed in such a manner that when exiting a parking facility it would
152 require backing into a public street.

153 (iv) Curbing. Protective curbing shall be installed a minimum of
154 three feet from a public sidewalk and two feet from adjacent property lines.

155 (v) Markings. The parking spaces in all off-street parking areas
156 shall be visibly delineated on the surface by painted or marked stripes.

157 (vi) Bicycle rack design. Examples of approved bicycle racks
158 are illustrated in Figure 3. Bicycle parking racks shall meet all of the
159 following requirements:

160 (A) Located on paved, impervious, or approved pervious
161 surfaces and securely anchored to the ground;

162 (B) Support the bicycle in at least two places;

163 (C) Enable the frame and at least one wheel to be
164 secured; and

(D) Installed according to the manufacturer's specifications.

(vii) Public right-of-way. Bicycle racks may be installed on public rights-of-way where there are no setbacks and the public works director has determined that interference with pedestrian traffic is minimal.

(5) Screening. All open, off-street parking facilities containing eight or more parking spaces shall be effectively screened on each side adjoining residential property (including single-family, duplex and multiple-family) or institutional property with a continuous, view-reducing wood fence, masonry wall, compact evergreen hedge or other landscape screening material which, when planted, will constitute an immediate view-reducing barrier. Such view-reducing screen shall be at least four feet but not more than eight feet in height. The requirement for screening may be waived with written approval from the adjacent property owner.

(6) Lighting. Any lighting used to illuminate off-street parking facilities shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three foot candles measured at the lot line.

(7) Drainage. All stormwater runoff shall be collected, transported and disposed of in a manner as approved by the city ~~or county engineer as~~ appropriate.

(8) Accessible Parking. Where a use is required to provide accessibility for persons with disabilities, the required parking spaces shall be located and

designed in accordance with standards as set by the Americans with Disabilities Act (ADA).

(9) Bicycle Parking. New off-street parking constructed after June 1, 2014, shall include additional parking for bicycles. The additional parking area shall be equivalent to 5% of the number of vehicular parking spaces required in TMC 18.240.030, with a minimum of two. Parking facilities that are expanded after June 1, 2014, shall include additional parking for bicycles in the expanded area that is equal to 5% of the number of vehicular parking spaces required in TMC 18.240.030 in the expanded area, with a minimum of two.

(910) Modification of Parking Requirements.

(i) Reduction of Parking Spaces. Where it can be demonstrated by the property owner that a specific use has such characteristics that the number of parking or stacking spaces required is too restrictive, the planning director, ~~and appropriate city or county traffic engineer and building official~~ may, upon request, grant up to a 25-percent reduction in the number of required spaces. Such request shall be filed with the ~~city or county building official, as appropriate~~ planning director on forms as may be provided. Should a reduction greater than 25 percent be requested, the applicant may request a variance ~~will need to be granted by from~~ the ~~metro~~ board of zoning appeals in accordance with the procedures set forth in Chapter 2.45 TMC. Where a reduction of 25 percent or less is requested, the applicant shall be required to reserve an area of land on the site of the use served equal in size to the area of land

needed to provide the spaces for which a reduction is granted. Such land reserved shall be suitable for development of a parking facility and conform with the parking requirements.

(ii) Bicycle Parking Substitution. In addition to the bicycle parking required in subsection (b)(9), up to 10% of the number of vehicular parking spaces required in TMC 18.240.030 may be substituted with bicycle parking.

(11) Condition of Off-Street Parking Facility. Any parking facility which does not meet the standards of this division and which shall create a nuisance to the public from any cause shall meet the requirements as recommended by the city or county traffic engineer, city or county engineer, planning director and city or county building official, pertaining to screening, surfacing or entrances or exits.

FIGURE I
PARKING CONFIGURATIONS and DIMENSIONS

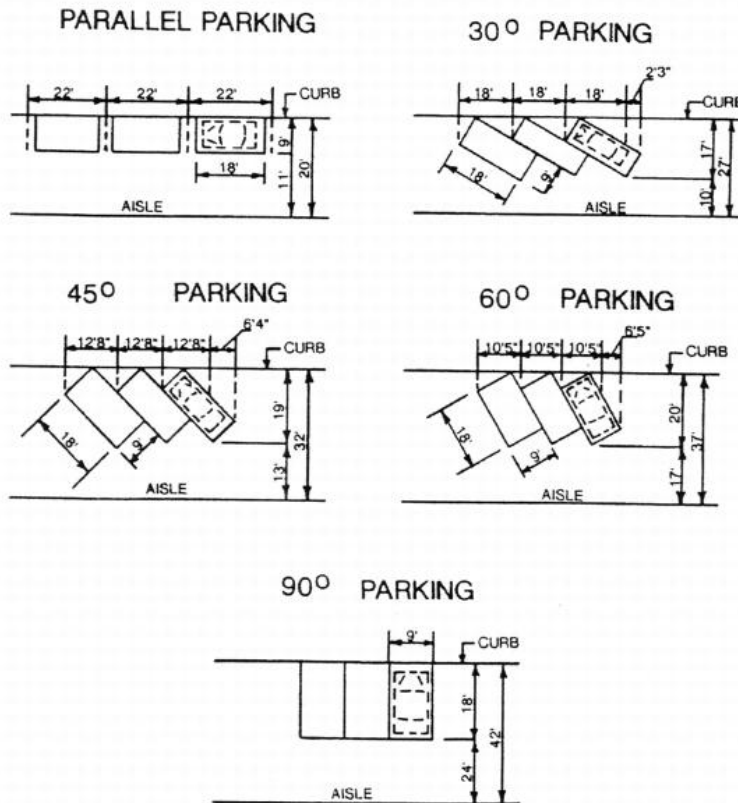


FIGURE 2

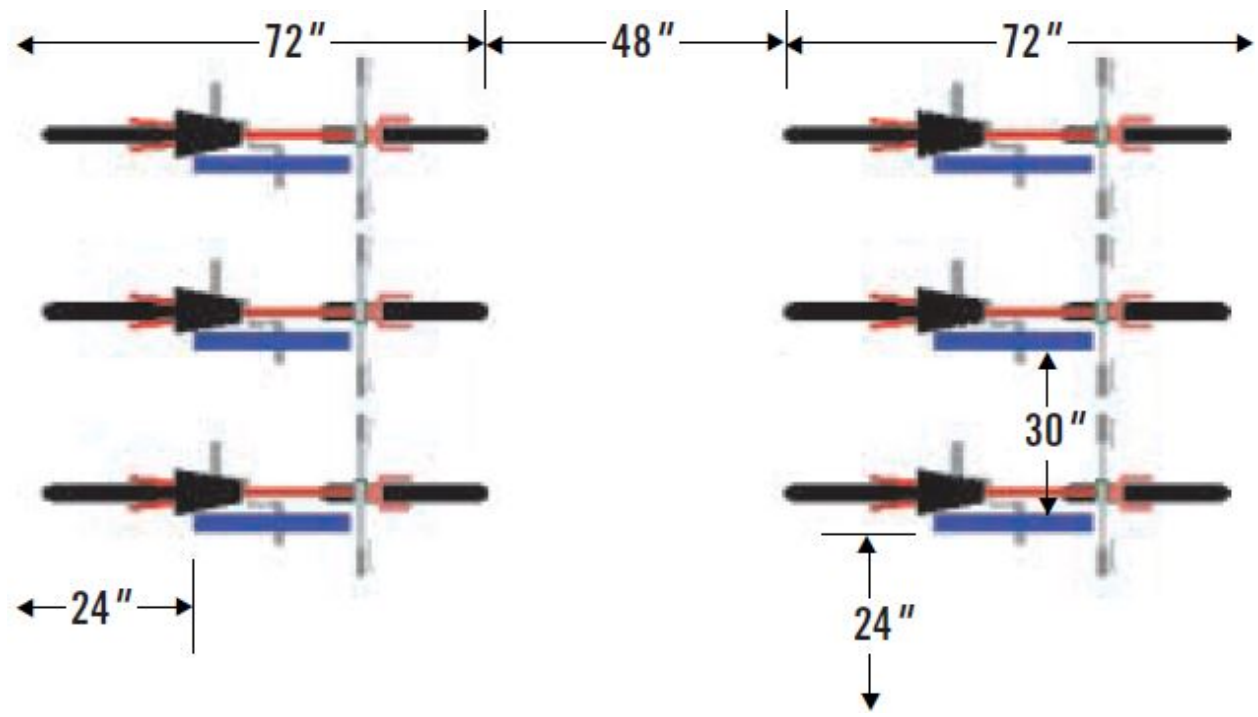
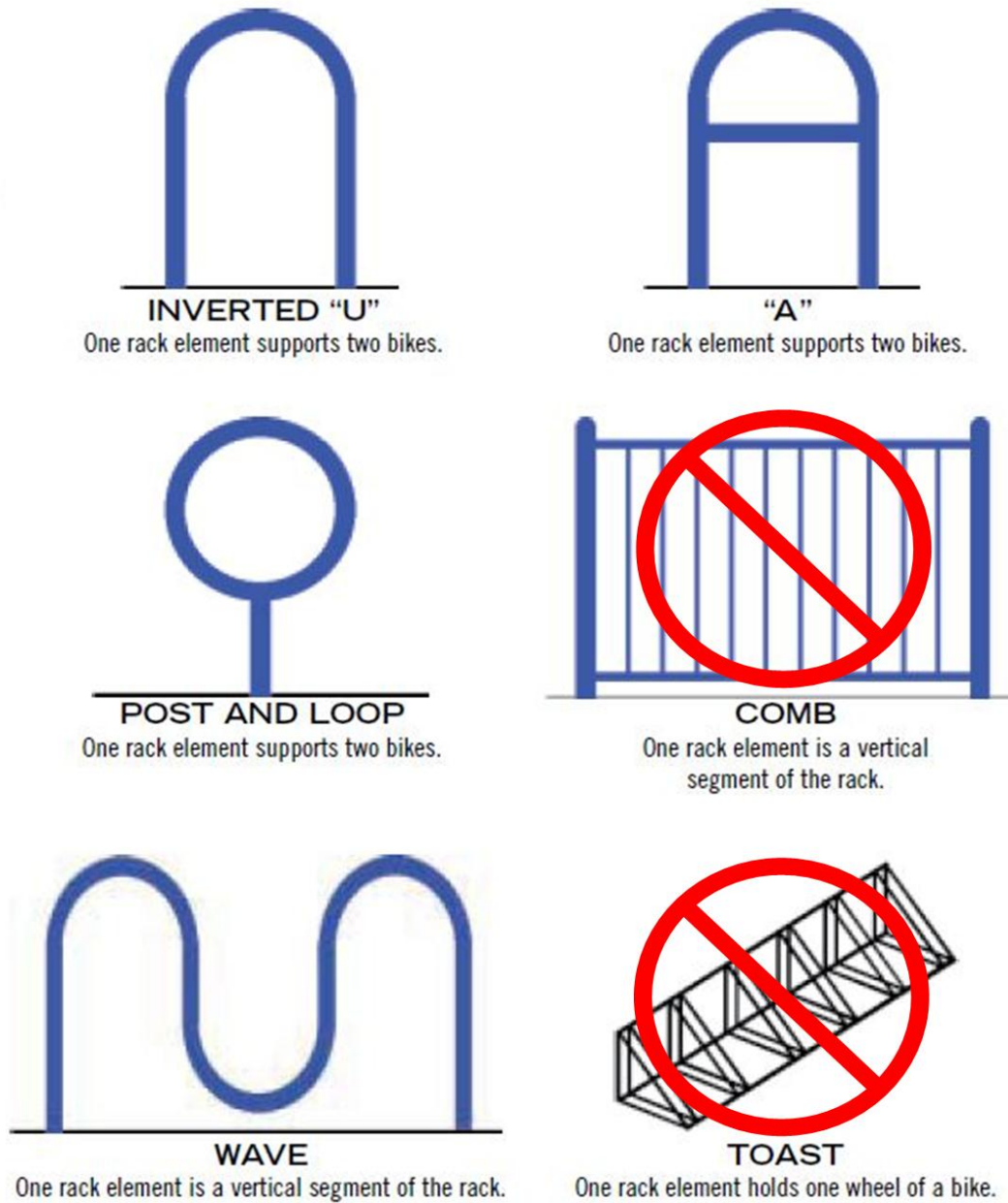


FIGURE 3



225 Section 3. That section 18.240.040, Approval of off-street parking facilities, of
226 The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

227 **Approval of off-street parking facilities.**

228 The design of all off-street parking facilities shall be subject to the approval of the
229 ~~city or county building official as appropriate~~ prior to issuance of a building and/or
230 parking lot permit, or for any certificate of occupancy where no building permit is
231 required. Before approving any off-street parking plan, the ~~appropriate governmental~~
232 official shall find the spaces, aisles and drives provided are usable as designed and
233 meet the requirements as set forth herein.

234 (a) Submission of Site Plan. Any application for a parking lot and/or building
235 permit, or for any certificate of occupancy where no building permit is required, shall
236 include therewith a site plan drawn to scale and fully dimensioned. Said plan shall show
237 the full extent of the area to be used for off-street parking including angle and dimension
238 of vehicular parking and stacking spaces, aisles and drives; type of surfacing; radius of
239 curb return; width of curb opening; identify protective curbing; direction of traffic flow;
240 drainage pattern and method of collection; sidewalks, bicycle parking, and type and
241 height of screening and parking area trees. Bicycle racks may be installed on public
242 rights-of-way where there are no setbacks and the public works director has determined
243 that interference with pedestrian traffic is minimal.

244 (b) Temporary Permit. Prior to issuance of a certificate of occupancy, all
245 parking and stacking spaces, aisles and drives shall be properly constructed and
246 surfaced; except that the ~~appropriate city or county building official~~ may issue a
247 temporary certificate of occupancy in those instances where the building official finds

that the surfacing cannot reasonably be completed due to adverse weather conditions or settling of land on the site after demolition or filling. A temporary certificate of occupancy shall be effective only to a date specified.

(c) Enforcement. If the applicant fails to construct the parking facility in conformity with the requirements of this chapter or other prescribed requirements, the ~~appropriate~~ governing body may order the removal or replacement of the nonconforming parking facility or portion thereof. The cost of removal or replacement and any necessary reconstruction shall be levied as a special assessment against the property.

(d) Public right-of-way shall not be utilized for internal traffic circulation or stacking for drive-up window facilities and similar such car-service features.

(e) All facilities proposing “drive-in” and/or “carry-out” service features shall be reviewed and considered by the ~~applicable~~ traffic engineer or designee in respect to: ingress/egress to public right-of-way; the impact upon street side parking; adequacy of on-site vehicle storage, parking and traffic patterns; and pedestrian safety. The traffic engineer or designee shall not approve the proposal if the public safety and welfare are negatively impacted.

Section 4. That original § 18.240.010, § 18.240.020 and § 18.240.040 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

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

Section 6. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 7. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body on May 13, 2014.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk