

1 (Published in the Topeka Metro News \_\_\_\_\_)

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3 ORDINANCE NO. \_\_\_\_\_

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5 AN ORDINANCE introduced by City Manager Jim Colson, reorganizing zoning  
6 regulations, amending several sections of the zoning code in Title  
7 18 of the Topeka Municipal Code and repealing several sections in  
8 their entirety.

9  
10 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

11  
12 Section 1. That section 18.20.020, District regulations, of The Code of the City  
13 of Topeka, Kansas, is hereby amended to read as follows:

14 **District regulations.**

15 All signs listed hereafter are regarded as accessory structures as distinguished  
16 from off-premises billboard or poster panel signs which are regarded as a principal use  
17 in the districts in which allowed. All signs shall be located upon a lot, parcel or tract of  
18 land so as not to encroach upon a recorded easement or public dedicated right-of-way,  
19 except as may be provided by Chapters 5.150, 18.10, 18.15 and 18.25 TMC.

20 (a) Agricultural and Residential Districts. The following types of signs are  
21 permitted in the RR, R and M districts:

22 (1) Church or public building identification signs, not exceeding five feet in  
23 height and 40 square feet per sign face and meeting the requirements of  
24 this subsection.

25 (i) Electronic Message Center Signs (EMCs) – Number. EMCs are  
26 limited to one per street frontage.

27 (ii) Internal Illumination. Church and public building identification signs  
28 may be internally illuminated if the area to be illuminated does not

29 exceed 10 square feet. The portion of the sign face consisting of the  
30 EMC shall not be considered internally illuminated.

31 (iii) EMC Size. The EMC area is limited in size based upon street  
32 designation, as determined by the planning director, pursuant to the  
33 street classification system in the long-range transportation plan  
34 adopted by the Metropolitan Topeka Planning Organization. Size  
35 limitations of the EMC area are as follows:

36 (A) Nine square feet per sign face where placement would abut a  
37 local street.

38 (B) Twelve square feet per sign face where placement would abut  
39 a collector street.

40 (C) Fifteen square feet per sign face where placement would abut  
41 an arterial street.

42 (D) If placement is at an intersection of two streets and the sign  
43 face is visible to motorists on both streets, size of the EMC area  
44 shall be based upon the lower classified street.

45 (2) Monument signs limited to the identification of a multifamily building or  
46 complex, or residential subdivision. Such sign shall be limited to a maximum  
47 sign area of 40 square feet and not more than five feet in height. Monument  
48 signs shall be limited to two per public street, or designated private drive, or  
49 entrance into the subject development.

50 (3) Wall signs (in the M-2 district), nonilluminated, on the face of the  
51 building. Only one sign shall be permitted per building street frontage.

(4) Wall sign (in the M-3 and M-4 districts) may be permitted where mounted on the face of the building. Such sign may be interior illuminated, limited to a maximum sign area of 40 square feet.

(5) Nameplate, flat wall sign, monument or pole sign in the RR, R and M zoning districts recognizing the property's designation on either the National Register of Historic Places, the Register of Historic Kansas Places, or as a locally designated historic landmark. Only one such sign shall be permitted per property, and shall be limited to a maximum of four square feet per sign face and not more than four feet in height. Such sign shall contain information only about the historic nature of the property, and shall not be illuminated.

(b) Office and Commercial Districts. The following types of signs are permitted in the O&I and C districts:

(1) Monument signs (in the O&I-1, O&I-2, O&I-3 and C-1 districts) limited to a maximum sign area of two square feet per foot of lot frontage, not to exceed a total of 100 square feet or 50 square feet per sign face, and limited to a maximum height of five feet.

(2) Wall sign where mounted on the face of the building. Such sign may be interior illuminated, limited to a maximum sign area of 40 square feet.

(3) Signs (in the C-2 district) relating to either the name of the business and/or products sold therein. Such signs shall not contain more than 200 square feet per single sign face, and shall not exceed a height of 35 feet; provided, however, that where such signs are within a 700-foot radius of the

intersection of the centerline of an interstate highway with any major street or thoroughfare, as designated on the current adopted transportation plan, such signs shall not exceed a height of 55 feet.

(4) Signs (in the C-3, C-4 and C-5 districts) shall not contain more than 300 square feet per single sign face and shall not exceed a height of 55 feet.

(5) One EMC sign with up to two sign faces per street frontage; provided that the size is limited to 50 percent of the allowable sign area for the zoning district. A sign may be comprised entirely of an EMC.

(c) Industrial Districts. The following types of signs are permitted in the I districts:

(1) Signs relating to the name of the business and/or products sold therein. Such sign shall not contain more than 300 square feet per single sign face, and shall not exceed a height of 55 feet.

(2) One EMC sign with up to two sign faces per street frontage; provided, that the size is limited to 50 percent of the allowable sign area for the zoning district. A sign may be comprised entirely of an EMC.

(d) University and Medical Service Districts. The following types of signs are permitted in the U-1 and MS-1 districts:

(1) Wall signs, illuminated or nonilluminated, on the face of the building.

(2) Monument signs limited to a maximum sign area of 100 square feet or 50 square feet per sign face, and limited to a height of ~~five~~ten (10) feet.

(3) One EMC sign with up to two sign faces per street frontage; provided, that the size is limited to 50 percent of the allowable sign area for the zoning district. A sign may be comprised entirely of an EMC.

(4) Off-premise directional signs are permitted for the purpose of guiding visitors to institutional facilities.

(e) Mixed Use Districts. The following types of signs are permitted in the X districts:

(1) Permanent Signs.

(i) A nonresidential property is permitted any combination of wall sign and/or projecting sign totaling 100 square feet per building face except in no case shall any individual wall sign exceed 70 square feet, nor projecting sign exceed 15 square feet in size. An exception to these size limitations may be made by the planning director in cases where it can be demonstrated that any proposed wall or projecting sign supports or restores the historical significance of a building. Wall signs shall not cover or obstruct any architectural features deemed integral to the historic appearance or character of the building. Such features shall include, but are not limited to, transom windows, detailed brick, tile, or shingles.

(ii) Properties are permitted one double-faced ground sign, which shall include portable signs, not to exceed 40 square feet per sign face, nor seven feet in height above grade.

(iii) One EMC sign with up to two sign faces per street frontage is allowable in X-1 and X-2 districts; provided, that the size is limited to 50 percent of the allowable sign area for the zoning district. A sign may be comprised entirely of an EMC.

(f) Conditional Use Permits. Uses permitted by conditional use permit shall be subject to the sign regulations of the district where permitted, or specifically reviewed and considered as part of the conditional use permit.

Section 2. That section 18.55.010, “A” definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**“A” definitions.**

“Abandonment” means the relinquishment of property, or a cessation of the use of the property, for a period of one year (365 calendar days) or longer by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

“Abutting” means having property or district lines in common; e.g., two lots are abutting if they have at least one property line in common.

“Accessory building coverage ratio” means the cumulative area for the footprints of all accessory buildings compared to the footprint of the principal building.

“Accessory building or use” means a building or use which: (1) is subordinate to and serves a principal building or principal use; (2) is subordinate in area, extent, or purpose to the principal building or principal use served; (3) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and (4) is located on the same zoning lot as the principal building or principal use.

141           “Addition” means any construction which increases the size of a building such as  
142 a porch, attached garage or carport or a new room or wing.

143           “Adjacent” means nearby, but not necessarily touching.

144           “Adult motion picture theater” means an enclosed building used for presenting  
145 filmed material distinguished or characterized by an emphasis on matter depicting,  
146 describing or relating to “specified sexual activities” or “specified anatomical areas” (as  
147 defined herein) for observation by patrons therein.

148           “Agriculture” means land devoted to the production of plants, animals, fish, or  
149 horticultural products, including but not limited to: forages, grains and feed crops; dairy  
150 animals and dairy products; poultry and poultry products; beef, cattle, sheep, swine and  
151 horses; aquaculture; trees and forest products; fruits, nuts and berries; vegetables; or  
152 nursery, floral, ornamental and greenhouse products. Land devoted to agricultural use  
153 shall not include those lands which are used for recreational purposes; suburban  
154 residential acreages, rural homesites or farm homesites and yard plots whose primary  
155 function is for residential or recreational purposes even though such properties may  
156 produce or maintain some of those plants or animals listed in the foregoing definition.

157           “Alley” means a public thoroughfare which affords only a secondary means of  
158 access to abutting property.

159           “Alteration” means any change or rearrangement in the supporting members of  
160 an existing building, such as bearing walls, columns, beams, girders or interior  
161 partitions, as well as any change in doors or windows, or any enlargement to or  
162 diminution of a building or structure, whether horizontally or vertically, or the moving of a  
163 building or structure from one location to another.

164 ~~“Animal hospital (large)” means a premises where small and large animals are~~  
165 ~~admitted principally for examination, treatment, board, or care, by a doctor of veterinary~~  
166 ~~medicine.~~

167 ~~“Animal hospital (small)” means a building for the medical or surgical treatment of~~  
168 ~~only domestic animals.~~

169 “Animal care and services, type I” means a facility where medical and/or pet  
170 grooming services are provided within an enclosed building to common household pets.

171 “Animal care and services, type II” means a facility where the following services  
172 are provided for animals: (1) medical services within an enclosed building; (2) pet day  
173 care; and (3) indoor kenneling for overnight stays.

174 “Antenna” means an exterior apparatus designed for transmitting or receiving  
175 television, AM/FM radio, digital, microwave, cellular, telephone or similar forms of  
176 electronic communication.

177 “Apartment hotel” means a building designed for or containing both apartments  
178 or suites of rooms, which caters primarily to tenants with flexible occupancy duration  
179 needs. Incidental businesses may be conducted only as a service for persons residing  
180 therein, provided there is no entrance to such place(s) of business except from the  
181 interior of the building.

182 Area. See “tract.”

183 “Assisted living facility” means a facility caring for six or more individuals  
184 unrelated to the administrator, operator or owner who, by choice or due to functional  
185 impairment, may need personal care and/or supervised nursing care to compensate for  
186 activities of daily living limitations. The facility includes individual living units or



apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care on a 24-hour-a-day basis for the support of resident independence. Skilled nursing services are typically provided on an intermittent or limited term basis, or if limited in scope, on a regular basis.

“Automobile or vehicle car wash” means a facility for the washing of motor vehicles.

“Automobile wrecking yard” means an area outside of a building where motor vehicles are disassembled, dismantled, junked or wrecked, or where motor vehicles not in operable condition or used parts of motor vehicles are stored.

Automotive Service Station.

“Type 1” means a facility which dispenses automotive fuels and oil together with the retail sales of incidental merchandise such as packaged beer, nonalcoholic beverages, ice, candy, cigarettes, snacks and convenience packaged foods. (Also known as “convenience stores with gas pumps.”)

“Type 2” means a facility which dispenses automotive fuels and oil together with replacement automotive parts such as fan belts, hoses, sparkplugs, tires and tubes, ignition parts, batteries, shock absorbers, fuses, etc., including incidental merchandise as defined above. Minor automotive services shall be permitted, which includes minor repair and replacement.

(i) Lubrication.

(ii) Tire repair.

(iii) Brake repair and wheel balancing.

(iv) Muffler and exhaust system repair.

(v) Shock absorber replacement.

(vi) Engine adjustment (tune-up).

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

(viii) Radio repair.

(ix) Glass replacement.

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

“Type 3” means a facility which may include those uses defined in types 1 and 2, and specifically includes repair, rebuilding and replacement of drive train units of automobiles, pickup trucks, street vans, motorcycles and racing vehicles.

“Awning” means a roof-like cover that is temporary in nature and projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Section 3. That section 18.55.020, “B” definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**“B” definitions.**

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

“Bed and breakfast home” means a private, owner-occupied single-family dwelling where no more than four guestrooms are provided for overnight paying guests

for not more than seven consecutive nights. The dwelling shall be the primary residence of the owner with no employees permitted, other than permanent residents of the dwelling. Food service may be provided for guests.

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

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

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

“Brew pub” means an eating and drinking establishment that includes a microbrewery as an accessory use.

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

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

“Building code” means regulations governing building design, construction and maintenance to protect the health, safety and welfare of the public.

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

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

260           Building Line. See “building setback line.”

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

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

265           “Bulk” is the term used to describe the size of buildings or other structures, and  
266 their relationships to each other and to open areas and lot lines, and therefore includes:  
267 (1) the size of buildings or other structures, (2) the area of the zoning lot upon which a  
268 residential building is located, and the number of dwelling units or rooms within such  
269 building in relation to the area of the zoning lot, (3) the shape of buildings or other  
270 structures, (4) the location of exterior walls of buildings or other structures in relation to  
271 lot lines, to other walls of the same building, to legally required windows, or to other  
272 buildings or other structures, and (5) all open areas relating to buildings or other  
273 structures and their relationship thereto.

274           “Bulk regulations” means the combination of controls which established the  
275 maximum size of a building and its location on the lot. Components of bulk regulations  
276 include: size and height of building; location of exterior walls at all levels with respect to  
277 lot lines, streets, or other buildings; building coverage; gross floor area of buildings in

relation to lot area (floor area ratio); open space (yard) requirements; and amount of lot area provided per dwelling unit.

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

Section 4. That section 18.55.030, “C” definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**“C” definitions.**

“Cargo container” means any portable, weather-resistant receptacle, container or other structure that is designed or used for the storage or shipment of household goods, commodities, building materials, furniture, or merchandise. A cargo container is typically rented for temporary use, and is delivered and removed from the property via truck.

“Carport” means a roofed structure intended for the storage of motor vehicles and enclosed on not more than two sides by walls.

“Cemetery” means property used for the interring of the dead.

“Certificate of occupancy” means official certification that a premises conforms to provisions of the zoning ordinance (and building code) and may be used or occupied.

“Class A club” means a premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veteran’s club, as determined by the state of Kansas, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members), and their families and guests accompanying them.

301           “Class B club” means a premises operated for profit by a corporation, partnership  
302 or individual, to which members of such club may resort for the consumption of food or  
303 alcoholic beverages and for entertainment.

304           “Classification” means: (1) division of uses or activities into groups or subgroups  
305 for regulatory purposes; (2) the process of deciding what uses should be permitted in  
306 what zoning districts; and (3) the zone requirements imposed on a particular piece of  
307 property. A subsequent change in a classification is called a reclassification.

308           “Clinic” means an establishment where patients are admitted for examination and  
309 treatment by one or more physicians, dentists, psychologists or social workers and  
310 where patients are not usually lodged overnight.

311           “Club or lodge, private” means a building and facilities owned, leased or operated  
312 by a corporation, association, person, or persons for a social, educational or  
313 recreational purpose; but not primarily for profit or to render a service which is  
314 customarily carried on as a business; and shall not include or be construed as a class A  
315 or class B club.

316           “Commercial equipment” means any equipment or machinery used in a business,  
317 trade or industry, including liquid storage tanks exceeding 100 gallons, earth-moving  
318 equipment, trenching or pipe-laying equipment, landscaping equipment, spools of  
319 wiring/cable, portable pumps, portable generators, portable air compressors, pipes, pool  
320 cleaning equipment and supplies, and any other equipment or machinery similar in  
321 design or function. However, equipment and machinery for business use kept within an  
322 enclosed pickup truck or van; ladders, PVC pipe, or conduit attached to a truck or van

via a rack; or equipment and machinery solely for personal residential use are not included.

“Commercial vehicle” means any vehicle, excluding pickup trucks, used for a business that has a height (including ladder racks and other items attached thereto) exceeding 10 and one-half feet or width (excluding mirrors) exceeding eight feet or length exceeding 25 feet or manufacturer’s rating exceeding 12,000 pounds of gross vehicle weight. Additionally, the following types of vehicles shall all be considered commercial vehicles: flatbed or stake-bed trucks except those that are pickup trucks, buses, semi-trailers or tractor-trailers, dump trucks, cement mixers, wreckers, and trailers loaded with any commercial equipment or construction materials. Additionally, any vehicles, including pickup trucks, with any of the following exterior modifications shall be considered commercial vehicles: liquid storage tanks exceeding 100 gallons, aerial buckets or platforms, welding equipment, or mechanical lifts or arms for loading and unloading materials/equipment. Vehicles for transferring passengers and their personal luggage/cargo for churches, nonprofit agencies, nursing homes, retirement communities, and other similar facilities shall not be considered commercial vehicles. Recreational vehicles are not considered commercial vehicles unless used for business purposes.

“Common open space” means ~~a parcel of land, an area of water, or a combination of land and water~~ground area and the space above, which is unimpeded by any enclosed building, and located within a development which is designed for and designated ~~as space~~ for the use and enjoyment of ~~residents~~occupants of the development. Common open space areas ~~may contain landscaping and such~~

~~recreational improvements as are necessary for the benefit and enjoyment of the~~  
~~residents, such as swimming pools, tennis courts, etc~~be used for: landscaping, water  
bodies, stormwater management systems, sidewalks, walking trails, courtyards, and  
passive recreational purposes. Parking lots and storage areas for vehicles, equipment,  
and material shall not be considered as open space.

“Communication antenna” means an antenna or array of antennas at one location intended to broadcast and receive signals as part of a wide-area communication system such as cellular telephone systems, pager systems or wireless computer networks, but excluding short-wave radio antennas operated primarily as a hobby.

“Communication tower” means a ground-mounted guyed, monopole or self-supporting tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication. Not included in this definition are towers which are held, used or controlled exclusively for public purposes by any department or branch of government. Such towers are defined as a “public use facility” and regulated accordingly.

“Community center” means a building open to the public, together with lawful accessory buildings and uses, used for recreational and cultural activities and usually not operated for profit. ~~Membership may be restricted to persons living in a specific geographical area.~~



“Community facilities” means public or privately owned facilities used by the public, such as streets, schools, libraries, parks and playgrounds; also facilities owned and operated by nonprofit private agencies such as churches, settlement houses and neighborhood associations.

“Community living facility, type I” means a dwelling building or portion thereof, and premises other than a hospital, operated and licensed in accordance with any and all applicable state and local requirements, in which short-term residential care for profit or not-for-profit is provided as well as supportive programs which assist or train the recipients to address or improve their living skills relative to chemical dependency, behavioral modification, domestic abuse, mental illness, economic recovery, job training, emergency shelter, and similar such physical, economic, or social reintegration programs. Although recipients do not require intensive treatment or secure environment, structured programs often include individual and group counseling, recreational and social activities, milieu therapy and individual work therapies designed to provide a transition and reentry into society, gainful employment, and sustained welfare upon leaving the facility. Residents are not in need of acute medical or psychiatric care and the facility is operated on a 24-hour basis. “Community living facility, type I” does not include a correctional placement residence or facility.

“Community living facility, type II” means a dwelling building or portion thereof, and premises other than a hospital, operated and licensed in accordance with any and all applicable state and local requirements, in which residential care for profit or not-for-profit is provided; intermediate treatment programs in a therapeutic setting for diagnostic and primary treatment environment relative to chemical dependency, behavioral

modification, and mental illness and similar such physical and social treatment programs may be provided. Residents are not in need of acute medical or psychiatric care and the facility is operated on a 24-hour basis and may be operated as a secure facility. "Community living facility, type II" does not include a correctional placement residence or facility.

"Community service organization" means an organization, group or association formed for the single purpose of providing a philanthropic service for the community, but not to include any use which provides social or physical entertainment, except as a part of the philanthropic services.

"Compatibility" means the characteristics of different uses or activities that permit them to be located near each other in harmony and without conflict.

"Comprehensive plan" means a plan intended to guide the growth and development of a community or region and one that includes analysis, recommendations and proposals for the community's population, economy, housing, transportation, community facilities and land use.

"Conditional use" means a use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in a zoning ordinance and authorized by the governing body.

"Condominium" means the legal arrangement in which a dwelling unit in an apartment building or residential development or a retail or office unit in a commercial building or commercial development is individually owned but in which the common

413 areas are owned, controlled and maintained through an organization consisting of all  
414 the individual owners.

415 “Construction and demolition waste” means waste building materials and rubble  
416 resulting from construction, remodeling, repair or demolition operations on houses,  
417 commercial buildings, other structures and pavements.

418 “Contractor’s Office” means a building or portion of a building used for conducting  
419 business related to construction, including interior shops with minor fabrication and  
420 assembly processes that have minimal off-site impacts.

421 “Contractor’s Yard” means an outdoor storage area operated by a contractor for  
422 the storage of equipment, vehicles, and materials commonly used in the contractor’s  
423 type of business.

424 “Conversion” means the change of the use of an existing building into another  
425 use.

426 “Correctional facility” means a public use facility providing housing and care for  
427 individuals confined for violations of law. Typical uses include jails, prisons, and juvenile  
428 detention centers. A correctional facility does not include a correctional placement  
429 residence or facility, general, or a correctional placement residence or facility, limited.

430 “Correctional placement residence or facility” means a facility for individuals or  
431 offenders that provides residential and/or rehabilitation services for those who reside or  
432 have been placed in such facilities due to any one of the following situations: (1) prior to,  
433 or instead of, being sent to prison; (2) received a conditional release prior to a hearing;  
434 (3) as a part of a local sentence of not more than one year; (4) at or near the end of a  
435 prison sentence, such as a state-operated or franchised work release program, or a

privately operated facility housing parolees; or (5) received a deferred sentence and placed in a facility operated by community corrections. Such facilities will comply with the regulatory requirements of a federal, state or local government agency; and if such facilities are not directly operated by a unit of government they will meet licensure requirements that further specify minimum service standards.

“Correctional placement residence or facility, general” means a facility occupied by more than 15 individuals, including staff members who may reside there.

“Correctional placement residence or facility, limited” means a facility occupied by three to 15 individuals, including staff members who may reside there.

“Country club” means a land use consisting of both a golf course and a clubhouse building for social assembly, food and beverage preparation/service, pro shop, club office, recreational and physical exercise facilities including fitness center, spa, swimming pool, court games, locker and shower facilities; and vehicle parking areas and drives. Country club facilities are open to members and their guests for a membership fee.

“Court” means an open space which may or may not have street access, and around which is arranged a single building or group of related buildings.

“Court, inner” means that portion of a lot unoccupied by any part of a building, surrounded on all sides by walls or by walls and a lot line.

“Court, outer” means that portion of a lot unoccupied by any part of a building, opening onto a street, alley, or yard.

“Crisis center, type I” means a facility or portion thereof and premises which is used for purposes of emergency shelter, crisis intervention, including counseling,

referral, hotline response, and similar human social service functions. Said facility shall not include meal preparation, except for residents of the center, distribution, or service; merchandise distribution; or shelter, including boarding, lodging, or residential care.

“Crisis center, type II” means a facility or portion thereof and premises which is used for purposes of emergency shelter, crisis intervention, including counseling, referral, hotline response, and similar human social service functions; meal preparation, distribution, and service; merchandise distribution; and temporary and/or transient shelter, including boarding and lodging facilities.

“Cultural facilities” means establishments such as museums, libraries, art galleries, botanical and zoological gardens of a historic, educational or cultural interest which are not operated commercially.

Section 5. That section 18.55.040, “D” definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**“D” definitions.**

“Day care” means providing various levels of some or all of the following care as well as those services generally so associated, to individuals for less than 24 hours a day: food and dietetic services; transportation, social, recreational, educational and activity arrangements; watchful and protective oversight; and supervision.

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

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

Demolition Landfill. See “landfill, demolition.”

“Density” means the ~~average number of families, persons, or housing dwelling units per unit of land; usually density is expressed “per acre.”~~

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

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

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

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

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

(3) Being regarded as having such an impairment.

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

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

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

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

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

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

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

“Dwelling” means a building or portion thereof, used exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings, but not

including hotels, motels, lodginghouses, boardinghouses, tourist homes, nor house trailers and mobile homes as defined by this chapter.

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

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

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

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

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

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

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



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

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

555 Section 6. That section 18.55.070, “G” definitions, of The Code of the City of  
556 Topeka, Kansas, is hereby amended to read as follows:

557 **“G” definitions.**

558 “Garage” means a building or structure, or part thereof, used, or intended to be  
559 used, for the parking and storage of vehicles.

560 “Garage, attached” means a private garage which has a roof or wall, or major  
561 portion of a roof or wall, in common with a dwelling. Where the garage is attached to a  
562 dwelling in this manner, it shall be subject to all yard requirements of the main building.

563 “Garage, private” means an accessory building designed or used for the storage  
564 of motor vehicles owned and used by the occupants of the building to which it is an  
565 accessory use.

566 “Garage, public” means a building, or portion thereof, other than a private  
567 customer and employee garage or private residential garage, used primarily for the  
568 parking and storage of vehicles and available to the general public.

569 “Garden, community” means an area of land managed and maintained by an  
570 individual or group of individuals for growing and harvesting, farming, community

gardening, or any other use, which contributes to the production of agricultural, floricultural, or horticultural products for beautification, education, recreation, consumption, community or personal use, sale, or donation. This definition includes community gardens, private gardens, and community supported agriculture (CSA) uses under the blanket term “community garden.”

“Gardens, community (type I)” means a community garden no greater than two acres of cultivated area which permits sales of a temporary nature.

“Gardens, community (type II)” means a community garden with permanent produce sales structures or larger accessory structures than permitted in Type I Gardens.

“Golf course” means a tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include drives, vehicle parking and shelters.

“Governing body” means the mayor and city council of Topeka, Kansas.

Grade.

(1) For buildings having walls adjoining one street, the grade is the elevation of the sidewalk at the center of the building wall adjoining the street.

(2) For buildings having walls adjoining more than one street, the grade is the average of the elevation of the sidewalk, at the centers of the building walls adjoining the streets.

(3) For buildings having no wall adjoining the street, the grade is the average level of the finished surface of the ground adjacent to the exterior building walls. Any wall approximately parallel to and not more than five feet from a street line is to be

considered as adjoining the street. Where no sidewalk exists the grade shall be established by the city engineer.

“Ground floor” means the first floor of a building other than a cellar or basement.

“Ground floor area” means the square foot area of a building within the largest outside dimensions, inclusive of the width of the outside walls but exclusive of open porches, breezeways, terraces, garages, exterior stairways, and secondary stairways.

“Group home” means a dwelling occupied by not more than 10 persons, including eight or fewer persons with a disability who need not be related by blood or marriage and not to exceed two staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of this state. “Group home” does not include “group residence, general” or “group residence, limited.”

“Group residence, general” means a residential dwelling that is occupied by nine to 15 persons, including more than eight persons each with a disability, none of whom needs to be related by blood or marriage, that is not a “group home” as defined herein.

“Group residence, limited” means a residential dwelling that is occupied by not more than 10 10 persons, including a maximum of eight persons each with a disability and a maximum of two staff residents, none of whom needs to be related by blood or marriage, that is not a “group home” as defined herein.

Section 7. That section 18.55.120, “L” definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**“L” definitions.**

615           “Laboratory” means an establishment devoted to the testing and analysis of any  
616 product or animal (including humans). No manufacturing is conducted on the premises  
617 except for experimental or testing purposes.

618           “Laboratory, medical” means an establishment which provides bacteriological,  
619 biological, medical, X-ray, pathological and other similar analytical or diagnostic  
620 services. Fabrication is limited to the custom fabrication of dentures, optical lenses,  
621 braces or other orthopedic appliances.

622           “Labor pool” means an agency that provides manual laborers who work by the  
623 day for daily wages.

624           “Landfill, demolition” means a facility for the disposition of construction/demolition  
625 wastes which are transported to a permitted disposal area from an off-site source, and  
626 disposing of said wastes without creating nuisances or hazards to the public health or  
627 safety of the environment.

628           “Landfill, sanitary” means a method of disposing of refuse/solid wastes on land  
629 without creating nuisances or hazards to the public health or safety of the environment  
630 at a permitted solid waste disposal area which meets the standards prescribed by the  
631 state or local unit of government.

632           “Landscaped area” means an area that is permanently devoted and maintained  
633 for the growing of trees, shrubbery, grass and/or other plant material.

634           “Landscaping” means the improvement of land by planting or installing living  
635 materials such as trees, shrubs, and ground cover; nonliving materials such as rocks,  
636 pebbles, bark, mulches, brick pavers, and earthen mounds (excluding pavement); and  
637 items of a decorative or embellishment nature such as fountains, pools, fencing, park

benches, and sculptures. Landscaping provides screening between adjoining land uses and shade, softens building lines, and produces a visual pleasing effect of the premises.

“Land use plan” means a basic element of a comprehensive plan; it designates the future use or reuse of the land within a given jurisdiction’s planning area, and the policies and reasoning used in arriving at the decisions in the plan.

“Lattice tower” means a guyed or self-supporting three- or four-sided, open, steel frame structure used to support telecommunications equipment.

“Laundromat (self-service)” means an establishment providing washing, drying and/or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

“Laundry (commercial)” means an establishment where commercial laundry and/or dry cleaning work is undertaken.

“Library” means a place in which books, manuscripts, musical scores or other literary and artistic materials are kept for use and only incidentally for sale.

“Loading space” means an off-street space for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

~~“Lodginghouse” means a building where lodging only is provided for compensation to three or more but not exceeding 20 persons, in contradistinction to hotels open to transients.~~

“Lot” means an area of land delineated on a subdivision plat as a separate and distinct parcel of land intended for the purpose of transfer of ownership and for an individual building or use.

“Lot area” means the total horizontal area within the lot lines of a lot.

“Lot-by-lot development” means the conventional approach to development in which each lot is treated as a separate development unit conforming to all land use, density, and bulk requirements.

“Lot, corner” means a lot abutting upon two or more streets at their intersection.

“Lot coverage” means the percentage of a lot covered by parking lots, paved areas used for storing equipment or materials, loading/unloading areas, and buildings excluding their projecting roof eaves. Lot coverage does not include sidewalks, courtyards, landscaped areas, water bodies, and outdoor recreational areas such as pools and tennis courts.

“Lot depth” means the mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

“Lot, double frontage” means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

“Lot frontage” means the length of the front lot line measured at the street right-of-way line.

“Lot, interior” means any lot other than a corner lot or a double-frontage lot.

“Lot line, front” means the line separating the lot from the street.

“Lot line, rear” means the line that is opposite from the front lot line; or in the case of a corner lot it shall be the line opposite from one of the two front lot lines as determined pursuant to TMC 18.230.030 and shall be indicated on the site plan submitted by the property owner or general contractor for a building permit. Where the lot is irregularly shaped, the rear lot line shall be a line perpendicular to the mean direction of the side lot lines.

684 “Lot line, side” means any lot line other than a front lot line or a rear lot line.

685 “Lot lines” means the lines bounding a lot.

686 “Lot of record” means a lot which is part of a recorded subdivision plat or a parcel  
687 of land which has been recorded in the office of the Shawnee County register of deeds  
688 in accordance with the city of Topeka subdivision regulations in effect at the time of the  
689 lot’s creation.

690 “Lot, reversed corner” means a corner lot, the rear of which abuts the side of  
691 another lot.

692 “Lot width” means the distance between the side lot lines, measured along the  
693 setback line as established by this division or, if no setback line is established, the  
694 distance between the side lot lines measured along the street line.

695 Section 8. That section 18.55.130, “M” definitions, of The Code of the City of  
696 Topeka, Kansas, is hereby amended to read as follows:

697 **“M” definitions.**

698 “Manufacture” means to engage in the mechanical or chemical transformation of  
699 materials or substances into new products including the assembling of component  
700 parts, the manufacturing of products, and the blending of materials such as lubricating  
701 oils, plastics, resins or liquors.

702 “Manufactured home” means a structure which is subject to the Federal  
703 Manufactured Home Construction and Safety Standards established pursuant to 42  
704 U.S.C. Section 5403.

705 “Manufacturing/Processing, type I” means a business engaged in the  
706 manufacturing of finished parts or products, primarily from previously prepared

707 materials. Typical uses include: food manufacturing (excluding slaughterhouses and  
708 rendering); computer and electronic product manufacturing/assembly; electrical  
709 equipment, small appliance, component manufacturing/assembly; upholstery shops;  
710 ceramic shops; candle-making; custom jewelry manufacturing; production of  
711 instruments and lenses for medical, dental, optical, scientific and other professional  
712 purposes; musical instrument manufacturing; sign production; millwork and cabinet  
713 shops; and furniture and related product manufacturing/assembly.

714 “Manufacturing/Processing, type II” means a business engaged in the  
715 manufacture, predominantly from previously prepared materials or from lightweight  
716 nonferrous materials, of finished products or parts, including processing, fabrication,  
717 assembly, treatment and packaging of such products; and incidental storage, sales and  
718 distribution of such products. Typical uses include: apparel and garment factories, large  
719 appliance manufacturing and assembly, beverage manufacturing and bottling (excluding  
720 microbreweries), glass and clay products manufacturing, boat building, jewelry  
721 manufacturing, laundry and dry cleaning plants, leather products manufacturing, meat  
722 cutting and wholesale storage, fabrication of metal products, transportation and large  
723 equipment manufacturing, pharmaceutical and toiletries manufacturing, monument and  
724 grave marker manufacturing, rubber and plastics products manufacturing, chemical  
725 manufacturing (excluding those considered type III), repair and servicing of industrial  
726 and large commercial equipment, tobacco products manufacturing, and toy  
727 manufacturing.

728 “Manufacturing/Processing, type III” means a business engaged in the basic  
729 processing and manufacturing of products or materials predominately from raw or



extracted materials, or a use involved in storage or manufacturing processes that may have an adverse impact on surrounding properties. Typical uses include: fat rendering plants; poultry and animal dressing; tanneries; stockyards; slaughterhouses; distillation of bones; garbage or dead animal incineration, reduction or dumping; glue manufacturing; pulp processing; manufacturing; steel works; metal smelting; acid, ammonia, chlorine, insecticides, poisons, or arsenal manufacturing or wholesale storage; central mixing plant for concrete, cement or asphalt; cement, lime, or gypsum manufacturing; fertilizer manufacturing; gas manufacturing; explosive manufacturing or wholesale storage; and petroleum refineries or wholesale storage of gasoline.

“Market, farmer’s” means an occasional or periodic market held in an open area or in a structure where groups of individual sellers offer the retail sale of fresh produce, seasonal fruits, meats, dairy products, prepared foods and beverages, fresh flowers, arts and crafts items (but not to include second-hand goods) dispensed from booths or vehicles.

“Medical care facility, type I” means a dwelling or portion thereof, and premises, operated and licensed in accordance with any and all applicable state and local requirements, in which reception, accommodation, board, residential and personal care, nursing care (simple, supervised, or skilled) and treatment for profit or not-for-profit, is provided to a maximum of two individuals who are not acutely ill and not in need of hospital care, but who may require nursing care and domiciliary care; and who are unrelated by blood, adoption, or marriage to the caregivers, administrator or owner. Said facility may be staffed with licensed nursing personnel and other staff as required, and operate on a 24-hour-a-day basis.

753 “Medical care facility, type II” means a dwelling or portion thereof, and premises,  
754 operated and licensed in accordance with any and all applicable state and local  
755 requirements, where accommodation, board, residential and personal care, nursing  
756 care (simple, supervised, or skilled) is provided to three or more individuals who are not  
757 acutely ill and not in need of hospital care, but who may require nursing care and  
758 domiciliary care due to functional impairments typically caused by aging, mental  
759 retardation, or mental health issues; and who are unrelated by blood, adoption, or  
760 marriage to the caregivers, administrator or owner. Said facility may be staffed with  
761 licensed nursing personnel and other staff as required, and operated on a 24-hour-a-  
762 day basis.

763 “Metes and bounds” means a system of describing and identifying land by  
764 measures (metes) and direction (bounds) from an identifiable point of reference.

765 “Microbrewery” means a facility licensed by the state for the production,  
766 packaging of malt beverages with low alcoholic content for distribution, retail, or  
767 wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year.

768 “Mobile home” means a manufactured structure constructed for dwelling  
769 purposes and which is not subject to the Federal Manufactured Home Construction and  
770 Safety Standards as established pursuant to 42 U.S.C. Section 5403. “Mobile homes”  
771 refer to manufactured units built before June 15, 1976.

772 “Mobile home, ANSI certified” means a mobile home which has certification as  
773 being in compliance with Parts B to E, inclusive, of the standard for mobile homes as  
774 developed by the American National Standards Committee on Mobile Homes and

Recreational Vehicles and designated as ANSI No. A119.1 1975, all pursuant to the provisions of K.S.A. 75-1220.

“Mobile home park” means a parcel or tract of land under single ownership which has been planned and improved for the placement of mobile homes for dwelling purposes.

“Monopole tower” means a communication tower consisting of a single pole, constructed without guy wires and ground anchors.

“Mortuary” means a place for the storage of human bodies prior to burial or cremation.

“Motel” means a building or group of buildings offering transient lodging accommodations normally on a daily rate to the general public, where access to each room is provided directly by an exterior door, and with or without accessory uses, such as restaurants, meeting rooms, or recreational facilities.

“Museum” means an establishment operated as a repository or a collection of nature, scientific, or literary curiosities or objects of interest or works of art, not including the regular sale or distribution of the objects collected.

Section 9. That section 18.55.150, “O” definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**O” definitions.**

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

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

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

799 “Open space” means ground area and the space above which is unimpeded with  
800 any enclosed building ~~(excluding its projecting roof eaves) or structure (except for~~  
801 ~~outdoor recreational facilities)~~. Open space areas may be used for landscaping, water  
802 bodies, stormwater management systems, sidewalks, walking trails, courtyards, and  
803 passive recreational purposes ~~such as for swimming or tennis~~. Parking lots and storage  
804 areas for vehicles, equipment, and material shall not be considered as open space.  
805 Open space is the area remaining on a lot or land after subtracting ~~the area defined in~~  
806 ~~TMC 18.55.120 as “lot coverage.”~~ as defined at TMC 18.55.120

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

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

813 Section 10. That section 18.55.160, “P” definitions, of The Code of the City of  
814 Topeka, Kansas, is hereby amended to read as follows:

815 **“P” definitions.**

816 “Parcel” means a lot, or contiguous group of lots in single ownership or under  
817 single control and usually considered a unit for purposes of development.

818 “Park” means a tract of land owned by or controlled by a governmental entity  
819 ~~designated~~ and used by the public for open space, cultural activities, or active and

passive recreational purposes. It may include the following accessory uses: swimming pools, spray parks, court and field games, shelters, preserve and natural areas, historic sites, museums, botanical gardens, arboretums, performing art or live theaters, aquariums, planetariums, wildlife preserves, dog parks, boat ramps, fishing piers, zoos, and similar facilities, including related maintenance and support facilities.

“Parking aisle” means a paved surface which is connected directly to a parking space and designated to permit ingress or egress of a vehicle to or from the parking space. In no case can a parking aisle be a driveway.

“Parking lot” means an off-street, ground-level area, surfaced in accordance with the standards and specifications of the city of Topeka for the temporary storage of motor vehicles.

“Parking space” means a paved surface, exclusive of an aisle, which is intended for off-street vehicular parking.

“Performance standards” means specific criteria limiting the operations of certain industries, land uses, and buildings to acceptable levels of noise, air pollution emissions, odors, vibration, dust, dirt, glare, heat, fire hazards, wastes, traffic generation and visual impact.

“Permitted use” means any use authorized in a particular zoning district.

“Person” means a corporation, company, association, society, firm, partnership or joint stock company as well as an individual, a state and all political subdivisions of a state or any agency or instrumentality thereof.

“Personal care” means protective care with or without watchful oversight of a resident who does not have an illness or a condition which requires chronic or

convalescent medical or nursing care with a 24-hour responsibility for the safety of the resident when in the building.

“Personal services” means establishments primarily engaged in providing services involving the care of a person and his or her apparel. These include beauty, cosmetic and barber shops; self-service laundromats; dry cleaning and laundry receiving stations with processing elsewhere; tanning salons, and tailor and shoe repair shops.

“Pharmacy” means a place where drugs, prostheses, rehabilitation equipment and medicines are prepared and dispensed.

“Pickup truck” means a motor vehicle not exceeding 15,000 pounds gross vehicle weight manufactured with a cab for passengers, and an open-top rear cargo area (bed) of four to eight feet in length, with low sides along the bed, and a rear tailgate, or a flat or stake bed not exceeding seven and one-half feet in width and nine feet in length.

“Planned unit development (PUD)” means a form of development characterized by a unified site design for a number of housing units, clustering buildings and providing common open space, density increases, and a mix of building types and land uses.

“Planning commission” means the Topeka planning commission.

“Plat of a subdivision” means a plan or map prepared in accordance with the provisions of applicable subdivision regulations.

Platting. Whenever the term “platting” or “platted” is used within these zoning regulations it shall refer to the process established by the subdivision regulations of the city of Topeka, Kansas (Division 3 of this title).

“Porch, open” means a roof partially supported by columns or wall sections.

866           “Preapplication conference” means discussions held between developers and  
867 public officials, usually members of the planning staff, before formal submission of an  
868 application for a permit or for subdivision plat approval.

869           “Premises” means any lot or tract, or combination of contiguous lots or tracts of  
870 land held in single ownership, together with the improvements thereon; a condominium  
871 complex constitutes one premises.

872           “Principal use” means the main use of land or structures as distinguished from a  
873 secondary or accessory use.

874           “Professional office” means the office of a person engaged in any occupation,  
875 vocation, or calling, not purely commercial, mechanical, or agricultural, in which a  
876 professed knowledge or skill in some department of science or learning is used by its  
877 practical application to the affairs of others, either advising or guiding them in serving  
878 their interest or welfare through the practice of an act found thereon.

879           “Provisional use” means a principal use which is allowed in the zone in which  
880 listed, provided it complies with the additional regulations listed for the use and all other  
881 dimensional and special (if any) requirements of the zone in which listed.

882           “Public or private educational facility” means a public elementary, secondary, or  
883 high school and private schools with curricula equivalent to that of a public elementary,  
884 secondary or high school.

885           “Public use facility” means any building, structure, utility, or land held, used, or  
886 controlled exclusively for public purposes by any department or branch of government:  
887 federal, state, county, or municipal or subdivision thereof.

888           “Public utility” means any business or enterprise which furnishes the general  
889 public telephone, cable, electric, Internet, natural gas, water, or sewer service, and is  
890 subject to supervision or regulation by an agency of the state or federal government.

891           ~~“Public utility facilities” means telephone, electric and cable television lines,~~  
892 ~~poles, equipment and structures; water or gas pipes, mains, valves or structures; sewer~~  
893 ~~pipes, valves or structures; pumping stations; telephone exchanges and repeater~~  
894 ~~stations; and all other equipment and structures necessary for providing these services~~  
895 ~~by a government or a public utility.~~

896           “Public utility facilities, type I” means water lines, sewer lines, poles, wires,  
897 cables, conduits, vaults, laterals, pipes, mains, valves, hydrants, and small unenclosed  
898 booster or pump stations, and other similar facilities located on public rights-of-way,  
899 public property, or public easements and operated by a public utility.

900           “Public utility facilities, type II” means substations, medium and large booster or  
901 pump stations, distribution stations, treatment plants, transmission equipment buildings,  
902 towers or reservoirs, and similar uses facilitating utility transmission, distribution, and  
903 collection systems located on public rights-of-way, public property, or public easements  
904 and operated by a public utility.

905           “Public way” means any sidewalk, street, alley, highway or other thoroughfare  
906 dedicated for public use.

907           Section 11. That section 18.55.180, “R” definitions, of The Code of the City of  
908 Topeka, Kansas, is hereby amended to read as follows:

909           **“R” definitions.**



910           “Railroad right-of-way” means a strip of land with tracks and auxiliary facilities for  
911 track operation, but not including freight depots or stations, loading platforms, train  
912 sheds, warehouses, car or locomotive shops, or car yards.

913           “Reclassification” means a form of rezoning in which the zone designation of an  
914 area or particular property is changed by changing the zoning map.

915           “Recreation, indoor (type I)” means lower intensity recreational activities  
916 including: swimming pools, racquetball courts, gymnasiums, health and fitness clubs,  
917 athletic clubs, roller and ice skating rinks, ice hockey, bingo parlor, laser tag, yoga  
918 studio, martial arts training, and similar activities.

919           “Recreation, indoor (type II)” means higher intensity recreational uses including:  
920 pool and billiard halls, bowling alleys, arcades, indoor amusement parks, and similar  
921 activities.

922           “Recreation, outdoor (type I)” means low intensity activities including:  
923 shuffleboard and bocci ball courts, tennis and basketball courts, swimming pools, horse  
924 shoe pits, golf courses including their associated driving/putting ranges, clubhouses,  
925 and similar activities.

926           “Recreation, outdoor (type II)” means medium intensity activities including:  
927 batting cages, dog parks, miniature golf, driving ranges, model airplane flying areas,  
928 and similar activities.

929           “Recreation, outdoor (type III)” means high intensity activities including: go kart  
930 tracks, horse and auto race tracks, drag strips, motorized kiddie parks, amusement  
931 parks, sport stadiums/complexes and arenas, and similar activities.

932           “Recreational vehicle campground” means a plot of ground upon which 24 or  
933 more campsites are located, established or maintained for occupancy by camping units  
934 of the general public as temporary living quarters for recreation, education or vacation  
935 purposes.

936           “Refuse/solid waste” means garbage and other discarded materials including, but  
937 not limited to, solid, semisolid, sludges, liquid and contained gaseous waste materials  
938 resulting from industrial, commercial, agricultural and domestic activities. Such term  
939 shall not include hazardous wastes.

940           “Religious assembly” means a structure or place in which worship, ceremonies,  
941 rituals, interment of the human dead, and education pertaining to a particular system of  
942 beliefs are held.

943           “Research laboratory” means an establishment for investigation in the natural,  
944 physical or social sciences, or engineering and development as an extension of  
945 investigation with the objective of creating products.

946           “Residence” means a home, dwelling or place where an individual is actually  
947 living at a specific point in time.

948           “Residential board and care facility” means a building or part thereof that is used  
949 for the lodging and boarding of nine or more residents not related by blood or marriage  
950 to the owners or operators to provide personal care and/or counseling services, but not  
951 to provide nursing care.

952           “Residential care” means providing various levels of some or all of the following  
953 care and assistance as well as these services generally so associated to permit  
954 individuals to live and function as independently as possible all on a 24-hour-a-day

basis: food and dietetic services; transportation, social, educational, recreational, and activity arrangements; personal services, personal care and domiciliary assistance; watchful and protective oversight; simple nursing care; and supervision.

“Residential care facility, type I” means a nonsecure dwelling building or portion thereof, and premises, operated and licensed in accordance with any and all applicable state and local requirements, functioning as one dwelling unit in which residential care for profit or not-for-profit is provided to children and/or adults unrelated by blood, adoption, or marriage to the caregivers, administrator or owner, on a 24-hour-a-day basis to a maximum of four persons.

“Residential care facility, type II” means a nonsecure dwelling building or portion thereof, and premises, operated and licensed in accordance with any and all applicable state and local requirements, functioning as one dwelling unit in which residential care for profit or not-for-profit is provided to children and/or adults unrelated by blood, adoption, or marriage to the caregivers, administrator or owner, on a 24-hour-a-day basis to a maximum of 10 persons.

“Residential care facility, type III” means a nonsecure dwelling building or portion thereof, and premises, operated and licensed in accordance with any and all applicable state and local requirements, in which residential care for profit or not-for-profit is provided to children and/or adults unrelated by blood, adoption or marriage to the caregivers, administrator or owner, on a 24-hour-a-day basis.

“Residential-design manufactured home” means a manufactured home on a permanent foundation which has: (1) minimum dimensions of 22 body feet in width, (2)

a pitched roof, and (3) siding and roofing materials which are customarily used on site-built homes.

“Restaurant” means a public eating establishment in which the primary function is the preparation and serving of food and beverage; and which may be family dining, carry-out, drive-in or fast food type.

“Restaurant, carry-out” means an establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared ready-to-eat food and beverage intended primarily to be consumed off the premises, and where the consumption of food and beverage in motor vehicles on the premises is not permitted or not encouraged.

“Restaurant, drive-in” means a building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building, often in a motor vehicle on the site.

“Restaurant, family dining” means a public eating establishment in which the primary function is the preparation and serving of food and beverage for consumption on the premises.

“Restaurant, fast-food” means an establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises with significant off- premise sales typically being accomplished via a drive-through window.

“Retail sales/service” means merchandising and repair activities of products having minimal impacts on nearby residents, specifically including shops for: apparel

and accessories, bicycles, blueprinting, books, cards, cameras, computers, cosmetics,  
crafts, electronics, florists, food, gifts, home furnishings, jewelry, locksmith, music/video,  
musical instruments, office supplies, picture framing, small home appliances, sporting  
goods (excluding gun and ammunition sales/service), toys, travel agency, variety, and  
similar services.

“Retail store” means any building or structure in which one or more articles of merchandise or commerce are sold at retail, including department stores.

“Retail trade” means establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

“Rezoning” means an amendment to or a change in the district map provided by an ordinance or resolution, as applicable to the subject jurisdiction.

“Riding academy” means an establishment where horses are boarded and cared for and where instruction in riding, jumping and showing is offered and the general public may, for a fee, hire horses for riding.

“Room” means any enclosed division of a building containing over 70 square feet of floor space and commonly used for living purposes, not including lobbies, halls, closets, storage space, bathrooms, utility rooms, and unfinished attics, cellars or basements. An “enclosed division” is an area in a structure bounded along more than 75 percent of its perimeter by vertical walls or partitions, or by other types of dividers which serve to define the boundaries of the division.

~~“Roominghouse” means any dwelling where for compensation and by prearrangement lodging is provided for three or more persons but not exceeding 20~~

persons. ~~A dormitory, when not accessory to any institutional, educational, social or medical use, shall be deemed a roominghouse.~~

“Rural home, suburban home” means a residence located in the urban fringe or rural area that is occupied or intended to be occupied by a family or persons who are not engaged in agricultural pursuits on the premises or zoning lot.

Section 12. That section 18.55.190, “S” definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**“S” definitions.**

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

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

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

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

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

1045           “Self-storage, type I” means a low intensity indoor facility serving the temporary  
1046 storage needs for individuals and small businesses. Individual units have indoor  
1047 accesses only via hallways and no business activities shall occur on the premises  
1048 except for the leasing of the units.

1049           “Self-storage, type II” means an indoor and/or outdoor facility to meet the  
1050 temporary storage needs for individuals and small businesses. Individual units may  
1051 have their own exterior access; the outdoor storage of recreational vehicles, boats, and  
1052 motor vehicles are permitted; and no business activities shall occur on the premises  
1053 except for the leasing of the units.

1054           “Setback” means the minimum required distance between a building and the lot  
1055 line or street right-of-way line, whichever is applicable.

1056           “Setback line” means that line that is the required minimum distance from the  
1057 street right-of-way line or any other lot line that establishes the area within which the  
1058 principal structure must be erected or placed.

1059           “Setback regulations” means the requirements of building laws that a building be  
1060 set back a certain distance from the street or lot line either on the street level or at a  
1061 prescribed height.

1062           “Sewage system” means a facility designed for the collection, removal, treatment  
1063 and disposal of waterborne sewage generated within a given service area.

1064           “Shop” means a use devoted primarily to the sale of a service or a product or  
1065 products, but the service is performed or the product to be sold is prepared in its  
1066 finished form on the premises.

1067 “Shopping center” means a group of retail stores, originally planned and  
1068 developed as a single unit, with immediate adjoining off-street parking facilities.

1069 “Sign” means any outdoor device, structure, fixture or placard using graphics,  
1070 symbols, and/or written copy designated for the purpose of advertising or identifying any  
1071 establishment, product, goods, services, activities, or uses.

1072 “Sign, animation” means the use of movement or some element thereof, to depict  
1073 action or create a special effect or scene.

1074 “Sign area” means the total area of the space to be used for advertising  
1075 purposes, including the spaces between open-type letters and figures, including the  
1076 background structure or other decoration or addition which is an integral part of the sign.  
1077 Sign supports shall be excluded in determining the area of a sign. A double-faced sign  
1078 shall have twice the total area of a single-faced sign.

1079 “Sign, billboard” or “panel poster” means any sign used as an outdoor display for  
1080 off-premises advertising.

1081 “Sign, business” means a sign which identifies a business, product, service or  
1082 activity conducted or sold on the premises where the sign is displayed.

1083 “Sign, dwell time” means the interval of time between individual messages on an  
1084 electronic message center sign.

1085 “Sign, electronic message center” (EMC) means an electrically activated  
1086 changeable sign whose variable message and/or graphic presentation capability can be  
1087 electronically programmed by computer from a remote location. EMCs typically use light  
1088 emitting diodes (LEDs) as a lighting source.



1089           “Sign, flashing” means a pattern of changing light illumination where the sign  
1090 illumination alternates suddenly between fully illuminated and fully nonilluminated or  
1091 fully illuminated in one color to fully illuminated in another color in a period of less than  
1092 one second for the purpose of drawing attention to the sign. Chasing/running lights,  
1093 spinning, strobing, and frame effects are included.

1094           “Sign, frame effects” means a visual effect on an electronic message center sign  
1095 applied to a single frame to transition from one message to the next.

1096           “Sign, illuminated” means a sign designed to give forth any artificial light or reflect  
1097 such light from an artificial source.

1098           “Sign, off-premises directional” means a small off-premises sign intended to allow  
1099 for the safe and efficient flow of vehicular traffic to the site.

1100           “Sign, real estate” means a sign pertaining to the sale or lease of the lot or tract  
1101 of land on which the sign is located or to the sale or lease of one or more structures or a  
1102 portion thereof located on such lot or tract of land.

1103           “Sign, scrolling” means a mode of message transition on an EMC sign in which  
1104 the message appears to move vertically or horizontally across the display surface.

1105           “Site” means a specific location for the placement, erection or construction of a  
1106 building, facility or establishment.

1107           “Site-built home” means a home on a permanent foundation erected by the  
1108 process of assembling individual building materials or members on site and subject to  
1109 adopted construction codes and safety standards.

1110           “Site plan” means a plan to scale, showing accurately and with complete  
1111 dimensioning the boundaries of a site and the location of all buildings, structures, uses,

drives, parking, drainage, landscaping, and other principal site development improvements for a specific parcel of land.

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

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

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

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

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

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

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

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

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

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

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

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

Subdivision Plat. See “plat of a subdivision.”

Section 13. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 18.60.010, which said section reads as follows:

**Use Tables.**

The use matrix table establishes the land uses for the zoning districts identified in the table below.

		Approval Levels																											
		● = Allowed Use S = Allowed per Special Use Requirements under Chapter 18.225 S/C = If unable to meet Special Use Requirements, may apply for CUP. C = Conditional Use Permit (CUP) approved by Governing Body																											
Use	Description	R-1/R-2/R-3 Single Family Dwelling	R-4 Manufactured Homes	M-1 Two Family Dwelling	M-1a Limited Multiple Family Dwelling	M-2 Multiple Family Dwelling	M-3 Multiple Family Dwelling	O&I-1 - Office And Institutional	O&I-2 - Office And Institutional	O&I-3 - Office And Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	C-5 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	See Design Standards for "X" & "D" Districts						RR-1 Residential Reserve	OS-1 Open Space		
																				X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use				
Residential																													
Assisted Living Facility #	has individual living units where at least 6 persons receive personal/nursing care	C	C	C	C	●	●	●	●	●	-	-	-	-	-	-	-	-	-	●	C	C	C	●	C	-	C	-	
Bed & Breakfast Home #	owner-occupied home with up to 4 guest rooms	C	-	C	C	S	S	-	-	-	-	-	-	-	-	-	-	-	-	C	●	C	●	●	●	C	C	-	
Bed & Breakfast Inn #	single-family dwelling for up to 10 guests	C	-	C	C	S/C	S/C	C	C	C	●	●	●	●	●	●	●	●	-	C	●	C	●	●	●	C	C	-	
Boarding House #	dwelling where lodging, with or without food, for 3 - 20 persons is provided	-	-	-	-	C	●	-	-	-	-	-	-	-	-	-	-	-	-	●	C	C	C	●	C	-	-	-	
Caretaker's Residence		-	-	-	-	-	-	-	-	-	-	-	●	●	-	●	●	-	-	-	-	-	-	-	-	-	-	-	
Community Living Facility, Type I #	dwelling operation for short-term residential care for improving living skills	-	-	-	-	-	C	-	●	●	-	●	●	●	●	-	-	-	-	●	-	-	-	●	-	-	-	-	
Community Living Facility, Type II #	dwelling operation for residential care providing an intermediate and primary treatment setting	-	-	-	-	-	-	-	C	●	-	●	●	●	●	-	-	-	-	C	-	-	-	●	-	-	-	-	
Correctional Placement Residence or Facility General #	residential/rehabilitation facility occupied by more than 15 individuals	-	-	-	-	-	C	-	C	C	-	-	C	C	-	C	C	-	C	-	-	-	-	-	-	-	-	-	
Correctional Placement Residence or Facility Limited #	residential/rehabilitation facility occupied by 3 to 15 individuals	-	-	-	-	C	C	C	C	C	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-	
Crisis Center, Type I #	may include meals and merchandise to residents	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	-	C	-	●	C	-	-	-	
Crisis Center, Type II #	facility used for immediate human social service functions including meals, merchandise or shelter	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	●	C	-	-	-	
Dwelling, Detached Single-Family #		●	-	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	●	-	●	●	
Dwelling, Attached Single-Family #		-	-	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	●	-	-	-	
Dwelling, Two-Family # (Duplex)		-	-	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	●	-	-	-	
Dwelling, Three/Four-Family	includes 3-4 unit row or town houses #	-	-	-	●	●	●	-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	●	-	-	-	
Dwelling, Multiple-Family #	structure with at least 5 units	-	-	-	-	●	●	-	-	-	-	-	-	-	●	-	-	-	-	●	C	C	●	●	●	●	-	-	
Dwelling Units Above Ground Floor or Basement	other than medical care & community living facility	-	-	-	-	-	-	●	●	●	●	●	●	●	●	-	-	-	-	●	●	●	●	●	●	●	-	-	
Dwelling Units on main floor	subordinate to principal non-residential uses	-	-	-	-	-	-	S	S	S	S	S	S	S	S	-	-	-	-	S	S	S	S	S	S	S	-	-	
Group Home #	licensed dwelling for up to 8 with disability & 1 or 2 staff	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	-	●	●	C	C	●	●	●	●	-	
Group Residence, General #	dwelling occupied by 9 to 15 persons and at least 8 with a disability	-	-	-	-	C	C	-	C	-	-	-	-	-	-	-	-	-	-	●	-	-	-	-	-	-	C	-	
Group Residence, Limited #	dwelling occupied by up to 10 persons, up to 8 with a disability, and up to 2 staff residents	C	C	C	C	●	●	C	C	-	-	-	-	-	-	-	-	-	-	●	C	-	-	-	-	-	C	-	

		Approval Levels																										
		● = Allowed Use S = Allowed per Special Use Requirements under Chapter 18.225 S/C = If unable to meet Special Use Requirements may apply for CUP. C = Conditional Use Permit (CUP) approved by Governing Body																										
Use	Description	R-1/R-2/R-3 Single Family Dwelling	R-4 Manufactured Homes	M-1 Two Family Dwelling	M-1a Limited Multiple Family Dwelling	M-2 Multiple Family Dwelling	M-3 Multiple Family Dwelling	O&I-1 - Office And Institutional	O&I-2 - Office And Institutional	O&I-3 - Office And Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	C-5 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	See Design Standards for "X" & "D" Districts						RR-1 Residential Reserve	OS-1 Open Space	
Residential		Districts																										
Home Care, type I #	nonsecure dwelling with residential/nursing care for up to 8 care receivers	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	-	●	●	C	C	●	C	-	●	-
Home Care, type II #	nonsecure dwelling with residential/nursing care for up to 12 care receivers	C	C	C	C	●	●	-	-	-	-	-	-	-	-	-	-	-	-	●	C	C	C	●	C	-	C	-
Management/Leasing Facilities	for managing an onsite multi-family community	-	-	S/C	S/C	S/C	S/C	-	-	-	-	-	-	-	-	-	-	-	-	S/C	●	●	●	S/C	S/C	S/C	-	-
Medical Care Facility, type I #	dwelling for the personal nursing care & treatment for up to 2 persons	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	-	●	-	-	-	-	-	-	●	-
Medical Care Facility, type II #	dwelling for the personal nursing care & treatment for more that 3 persons	-	-	-	-	C	C	C	●	●	-	●	●	●	●	●	●	●	-	●	-	-	-	●	-	-	-	-
Mobile Home #, Manufactured Home #	residential structure manufactured off-site excluding "residential-design manufactured home"	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential-Design Manufactured Home #	At least 22' wide on a permanent foundation, pitched roof, and siding/ roofing materials similar to site built homes except in R-4.	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	●	●	-
Residential Care Facility, Type I #	nonsecure dwelling in which residential care is provided for children and/or adults on 24-hr basis, up to 4 persons	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	-	●	●	C	C	●	C	-	●	-
Residential Care Facility, Type II #	nonsecure dwelling in which residential care is provided for children and/or adults on 24-hr basis, up to 10 persons	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	-	●	C	C	C	●	C	-	●	-
Residential Care Facility, Type III #	nonsecure dwelling in which residential care is provided to children and/or adults on a 24-hour basis	-	-	-	-	C	●	-	-	-	-	-	-	-	-	-	-	-	-	●	-	-	-	-	-	-	-	-
Student or Faculty Housing		-	-	-	-	●	●	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	-	-

		Approval Levels																											
		● = Allowed Use S = Allowed per Special Use Requirements under Chapter 18.225 S/C = If unable to meet Special Use Requirements, may apply for CUP. C = Conditional Use Permit (CUP) approved by Governing Body																											
Use	Description	R-1/R-2/R-3 Single Family Dwelling	R-4 Manufactured Homes	M-1 Two Family Dwelling	M-1a Limited Multiple Family Dwelling	M-2 Multiple Family Dwelling	M-3 Multiple Family Dwelling	O&I-1 - Office And Institutional	O&I-2 - Office And Institutional	O&I-3 - Office And Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	C-5 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	See Design Standards for "X" & "D" Districts						RR-1 Residential Reserve	OS-1 Open Space		
																				X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use				
Civic, Cultural and Recreational Districts																													
Art and Portrait Galleries Artist Studios	Framing and sales of pictures and frames must be subordinate to the principal use	-	-	-	-	-	-	●	●	●	●	●	●	●	●	●	●	●	-	●	●	●	●	●	●	●	-	-	
Cemetery #	See standards in Chapter 18.225 TMC	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	
Class "A" & "B" Clubs #	as licensed by state alcohol beverage control board (e.g. ELKS)	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	●	-	-	●	●	●	●	●	C	C	-	-
Club or Lodge, Private # (excludes Class "A" & "B" Clubs)	organization for social, educational, or recreational purposes. Not licensed by the State.	-	-	-	-	-	-	●	●	-	●	●	●	●	●	●	●	-	-	●	●	●	●	●	C	C	-	-	
Common Open space # (within a development and for its occupants)	natural areas and passive recreational facilities only	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Community Center #	building open to the public for recreational and/or educational activities	C	C	C	C	C	C	●	●	●	C	●	●	●	●	●	●	●	-	●	●	●	●	●	●	●	C	●	
Cultural Facility #, Museum # Library		C	C	C	C	C	C	●	●	●	●	●	●	●	●	●	●	●	-	●	●	●	●	●	●	●	C	C	
Day Care Facility, Type I #	dwelling unit where care is provided for up to 12 children and/or adults	S	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	S	S	S	-	
Day Care Facility, Type II # (Includes Child Cares and Pre- Schools)*	structure where care is provided for children and/or adults	C	C	C	C	S	S	S	S	S	C	S	S	S	S	C	-	●	S	●	●	●	●	●	C	C	C	-	
Fairgrounds		-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-	-	-	-	-	C	C	
Farmers' Market #	Conditional Uses in R & M Districts are limited to 2.5-acre or larger sites	C	C	C	C	C	C	C	C	C	C	●	●	●	●	●	●	●	C	C	C	C	●	●	●	●	●	●	C
Gardens, Community Type I #	No permanent sales	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	●	S
Gardens, Community Type II #	Sales/Non-Type I Standards	C	C	C	C	C	C	C	C	C	S	S	S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	●	C
Golf Course #, Country Club #		S/C	S/C	S/C	S/C	S/C	S/C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S/C	●	
Government Services, Type I	government administrative offices and services	C	C	C	C	C	C	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	C	C	
Government Services, Type II	police, fire, and ambulance stations	C	C	C	C	C	C	C	C	C	C	●	●	●	●	●	●	●	●	C	●	●	●	●	●	C	C	C	
Open Spaces		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Private Residential Recreational Facility (allows clubhouses; "Recreation, Indoor Type I"; and "Recreation, Outdoor Type I" uses)	located within a residential project and only for its residents and their guests	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	●	●	●	
Park #	owned or controlled by public	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Public Utility Facilities, Type I # (See Section 18.50.100(c)(1) of Topeka Municipal Code)	non-major facilities are exempt from zoning use restrictions	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Public Utility Facilities, Type II # (See Section 18.50.100(c)(1)(i,ii,iii) of Topeka Municipal Code)	major facilities including: pump stations, towers, treatment plants, etc.	C	C	C	C	C	C	C	C	C	C	C	C	C	C	●	●	C	C	C	C	C	C	C	C	C	C	C	
Reception, Conference, and Assembly Facilities	For Conditional Uses see Section 18.225 TMC	C	-	C	C	C	C	C	●	●	C	●	●	●	●	●	●	●	●	●	C	C	C	●	C	C	C	-	
Recreation, Indoor Type I # (lower intensity recreational uses)	Indoor pools, fitness clubs, skating rinks, gyms, dancing, martial arts, etc.	-	-	-	-	-	-	C	●	●	C	●	●	●	●	●	●	●	●	C	C	C	●	C	●	-	-		

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Use	Description	R-1/R-2/R-3 Single Family Dwelling	R-4 Manufactured Homes	M-1 Two Family Dwelling	M-1a Limited Multiple Family Dwelling	M-2 Multiple Family Dwelling	M-3 Multiple Family Dwelling	O&I-1 - Office And Institutional	O&I-2 - Office And Institutional	O&I-3 - Office And Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	C-5 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use	RR-1 Residential Reserve	OS-1 Open Space	
# = See Definition in Chapter 18.55 Topeka Municipal Code																				See Design Standards for "X" & "D" Districts								
Civic, Cultural and Recreational		Districts																										
Recreation, Indoor Type II # (higher intensity recreational uses)	pool & billiard halls, bowling alleys, arcades, indoor amusement parks, etc.	-	-	-	-	-	-	-	-	-	-	C	C	●	C	●	●	-	-	C	-	●	●	C	●	-	-	
Recreation, Outdoor Type I # (low intensity recreational uses)	tennis, basketball & shuffle board courts, pools, golf courses, horse shoes, etc. in conjunction with a residential community	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Recreation, Outdoor Type II # (medium intensity recreation uses)	batting cages, dog parks, miniature golf, driving ranges, model airplanes airfields, riding academies, etc.	C	C	C	C	C	C	C	C	C	C	C	●	●	●	●	●	●	C	C	●	●	●	●	●	●	C	C
Recreation, Outdoor Type III # (high intensity recreation uses)	go kart tracks, horse and auto race tracks, drag strips, amusement and motorized kiddie parks; and sport stadiums, complexes and arenas, etc.	C	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	C	-	-	●	C	●	●	●	●	C	C
Religious Assembly #		§/C	§/C	§/C	§/C	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	C	C	●	●	●	§	-
RV Short-Term Campgrounds #	has at least 24 campsites	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	-	●	-	-	C	C	
Schools #, Public or Private Educational Facility #	elementary school # and secondary school #	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	-
School, Business and Vocational School #	includes technical colleges and training academies	-	-	-	-	-	-	●	●	-	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	-	-
Youth Camps	retreats for scouting, etc	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	

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																				X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use		
Commercial/Office																											
Animal Care and Services type I#	for common household pets in an enclosed building	-	-	-	-	-	-	S	S	S	-	S	S	●	S	●	●	-	-	●	C	C	●	C	C	C	-
Animal Care and Services type II#	services within an enclosed building	-	-	-	-	-	-	-	-	-	-	-	-	●	-	●	●	-	-	-	-	-	-	-	-	C	-
Auction House		-	-	-	-	-	-	-	-	-	-	-	-	S	●	●	●	-	-	-	-	-	-	-	-	-	-
Automobile or Vehicle Carwash #		-	-	-	-	-	-	-	-	-	-	S	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-
Automotive Rental Establishments		-	-	-	-	-	-	-	-	-	-	S	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-
Auto Service Station, type I #	convenience store with gas sales	-	-	-	-	-	-	-	-	-	C	S	S	●	S	●	●	-	-	●	●	●	●	C	●	-	-
Auto Service Station, type II #	excludes drive-train work	-	-	-	-	-	-	-	-	-	-	S	S	●	S	●	●	-	-	C	●	-	●	-	●	-	-
Auto Service Station, type III #	includes drive-train work	-	-	-	-	-	-	-	-	-	-	C	C	S	C	●	●	-	-	C	C	-	C	-	C	-	-
Automobile Sales & Service	excludes heavy duty vehicles and type III auto services	-	-	-	-	-	-	-	-	-	-	-	S	S	S	●	●	-	-	C	S	-	-	-	-	-	-
Automobile, Boat, Truck, Heavy & Ag Equipment, Sales/Services	includes heavy-duty trucks, rec. vehicles, trailers and type III service	-	-	-	-	-	-	-	-	-	-	-	-	S	-	●	●	-	-	-	-	-	-	-	-	-	-
Automobile or Vehicle Tow Lot and Body Shop	not including wrecking yards or long-term storage of disabled vehicles	-	-	-	-	-	-	-	-	-	-	-	-	S	-	●	●	-	-	-	-	-	-	-	-	-	-
Bakery (Commercial)	including wholesale distribution	-	-	-	-	-	-	-	-	-	-	-	-	●	-	●	●	-	-	-	●	-	-	-	-	-	-
Bank/Financial Institution	includes drive-through facilities/ATM.	-	-	-	-	-	-	●	●	●	●	●	●	●	●	●	●	●	-	●	●	●	●	●	●	-	-
Bars and Taverns	includes allowing a microbrewery as an accessory use	-	-	-	-	-	-	-	-	-	-	C	C	●	C	●	●	-	-	C	C	●	●	C	●	-	-
Billboard/Panel Poster Sign # (See Section 18.25.110 TMC)	off-premise advertising signs	-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	-	-	-	C	-	C	C	-
Billboard, Modified Legal Non-Conforming Billboards	relocation, remodeling or rebuilding of legal non-conforming billboards	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-
Body Art Service/ Tattooing, Body-Piercing	excludes ear-piercing only	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	●	●	●	●	●	●	-	-
Brew Pub #	includes a microbrewery as an accessory use	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	●	●	●	●	●	●	-	-
Building, Construction, & Mechanical Contractor Office	showroom, shop & sales including plumbing, heating, air, electrical, etc.	-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	●	●	●	-	C	●	-	-
Catering		-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	●	●	●	●	●	●	-	-
Check cashing/pay-day loans/title loans		-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	●	●	●	●	●	●	-	-
Funeral Home, Mortuary # without Crematorium	Includes the display and sale of related products	-	-	-	-	-	-	●	●	●	-	●	●	●	●	●	●	-	-	●	●	-	●	C	-	-	-
Funeral Home, Mortuary # with Crematorium	Includes the display and sale of related products	-	-	-	-	-	-	-	C	●	-	●	●	●	●	●	●	-	-	●	-	-	●	-	-	-	-
Grave Monuments & Markers	includes display but not stone engraving or cutting.	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	-	-	-	●	●	●	-	-
Gun Ranges, Indoor		-	-	-	-	-	-	-	-	-	-	-	-	C	-	S	S	-	-	-	-	-	-	-	-	-	-
Health Services #, Clinic #, Health Care Facility #	May include a pharmacy as part of the facility	-	-	-	-	-	-	-	●	●	-	●	●	●	●	●	●	-	-	●	●	●	●	●	C	●	-
Home Improvement & Building Supply	outdoor display, storage limited to only C-4 & I	-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	●	●	●	●	●	●	-	-
Labor Pools #		-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	-	●	-	-	-	-	-	-



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																				X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use		
Commercial/Office		Districts																									
Hospital #	institution providing inpatient health services, medical or surgical care, and related facilities	-	-	-	-	-	-	-	C	●	-	●	●	●	●	●	●	●	●	-	-	-	●	-	-	-	-
Hotel #, Motel #	commercial establishment providing sleeping rooms for overnight guests	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	-	C	C	●	C	C	-	-
Lawn/Garden Centers	landscape materials, lawn & garden equipment and supplies	-	-	-	-	-	-	-	-	-	-	-	-	●	-	●	●	-	-	●	●	●	-	-	-	-	-
Liquor Sales, Packaged Goods		-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	●	●	●	●	●	●	-	-
Manufactured Housing & Accessory Structure Sales		-	-	-	-	-	-	-	-	-	-	-	-	●	-	●	●	-	-	-	-	-	-	-	-	-	-
Medical Equipment	Hearing aids, eyeglasses, prosthesis stores, etc.	-	-	-	-	-	-	-	●	●	-	●	●	●	●	●	●	-	●	●	●	-	●	-	-	-	-
Office #, Professional Office #	includes medical offices	-	-	-	-	-	-	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	C	●	-	-	-
Oil/Gas Well Drilling		-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	C	-
Parking, Surface Lot - As a stand alone Principal Use	temporary storage of vehicles as a principal use	-	-	-	-	-	-	-	-	-	-	-	●	●	C	●	●	●	●	C	C	C	C	C	C	C	-
Parking, Surface Lot, in association with a Principal Use.	temporary storage of vehicles as a principal use	C	C	C	C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	●	●	C	●	●	●	●	C	C	C	C	C	C	C	C
Parking Garage, (Multi-Level)	temporary storage of vehicles as a principal use	-	-	-	-	-	C	-	C	C	C	C	●	●	●	●	●	●	●	C	C	C	●	C	C	-	-
Patio/Garden, Hardware		-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	●	-	-	●	●	●	●	●	●	-	-
Pawn Shops/Second Hand Shops	For outdoor display, see Retail Merchandise Outdoor Display	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	-	●	●	-	-	●	-	-
Personal Services #	including beauty & barber shops, laundromats, dry-cleaning, tailors, tanning salons, etc.	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	●	-	●	●	●	●	●	●	●	-	-
Pet Shops		-	-	-	-	-	-	-	-	-	C	●	●	●	●	●	●	-	-	●	●	●	●	●	●	-	-
Pharmacy # & Drugstores	retail sales of drugs, prosthesis, rehabilitation equipment & medicine.	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	●	-	●	●	●	●	●	●	●	-	-
Printing/ Copy Center		-	-	-	-	-	-	-	-	●	-	●	●	●	●	●	●	-	●	-	-	●	-	●	-	-	-
Radio & TV Broadcasting/ Recording Studio		-	-	-	-	-	-	●	●	●	-	●	●	●	●	●	●	-	-	-	-	●	-	-	-	-	-
Rental Establishment	general equipment and domestic items	-	-	-	-	-	-	-	-	-	-	-	-	●	-	●	●	-	-	-	-	-	-	-	-	-	-
Restaurant, Family Dining, carry-out # (Delicatessen)	limited to 50 seats and no drive-throughs in C-1.	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	●	-	-	●	●	●	●	C	●	-	-
Restaurant, drive-in # Restaurant, fast-food #		-	-	-	-	-	-	-	-	-	-	●	●	●	S	●	●	-	-	●	●	●	-	-	●	-	-
Retail Merchandise, Outdoor Display	no truck bodies or cargo containers used for storage in any district except in I-1 and I-2	-	-	-	-	-	-	-	-	-	-	-	-	S	-	S	●	-	-	-	-	-	-	-	-	-	-
Retail Sales/Service #	sale and repair of items having a low intensity	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	●	-	-	●	●	●	●	●	●	-	-
Gun Sales and Service		-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	-	●	●	-	-	●	-	-
Theaters #	enclosed structure used for performances for admitted audiences	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	C	-	●	●	C	●	-	-
Tobacco Shop		-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	●	●	●	●	●	●	●	-	-

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																				X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use					
Districts																														
Airport	including landing strips & heliports	C	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	C	-	
Agriculture #	agricultural activity and the production, storage, processing of agricultural products	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	
Agricultural Product Sales & Storage	storage & retail sales of raw food material, fertilizers, pesticides, and similar products for crop/livestock production	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	-	-	-	-	C	-	
Bottling Works		-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	●	-	-	-	-	-	-	-	-
Contractor Yards		-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	●	-	-	●	-	-	-
Heliport	heliport only	C	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	●	-	-	-	-	-	-	-	-	-	C	-
Landfill, Demolition #		-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	S	-	-	-	-	-	-	-	-	-	-	C	-	
Landfill, Sanitary #		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	C	-	
Laundry, Commercial #; Dry- Cleaning, Dyeing		-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	-	-
Machinery and Equipment Repair and Restoration		-	-	-	-	-	-	-	-	-	-	-	-	●	-	●	●	-	-	-	-	●	-	-	-	-	-	-	-	-
Manufacturing/Processing Type I #	few if any off-site impacts	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	●	-	-	-	-	●	-	-	-
Manufacturing/Processing Type II #	up to medium off-site impacts	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	C	-	-	-	-	C	-	-	-
Manufacturing/Processing Type III #	potential for significant off-site impacts	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-
Microbrewery#	in X & D Districts limited to 5,000 barrels per year. Taprooms allowed in C-5, X-3 & D-1	-	-	-	-	-	-	-	-	-	-	-	-	●	C	●	●	-	-	-	-	●	-	C	C	●	-	-	-	-
Publishing Establishments and Distribution		-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	-	-
Raw Material Extraction	extraction, processing, storage, and sale of these materials	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	C	-	-
Recycling Depot	collection, storage, & processing of recyclables	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	-	-	-	-	-	-	-	-	-	-	-
Research Lab #, Testing or Development Laboratory	facility for scientific investigation or engineering & development	-	-	-	-	-	-	-	●	-	●	●	●	●	●	●	●	-	-	C	●	C	●	-	-	-	-	-	-	-
Railroad Facilities		-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	-	-	-	-	-	-	-
Self-Storage, type I #	Indoor storage with indoor access	-	-	-	-	-	-	-	-	-	-	C	S	S	-	●	●	-	-	C	S	-	-	-	-	-	P	-	-	-
Self-Storage, type II (allows boat/RVs) #	Indoor and outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	C	-	-	-	-	-	-	-	-	-
Small Wind Energy System	Non-residential use only	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Storage of non-merchandise, outdoor	in C-4 and I-1 see Retail Merchandise Outdoor Display. No truck bodies or cargo containers used for storage except in I-2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S/C	S/C	-	-	-	-	C	C	-	-	-	-	-	-	-

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																				X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use		
Industrial																											
Tower, Communication #, Transmission Tower #	ground-mounted free-standing structure transmitting or receiving tv, radio, & microwave frequencies	C	C	C	C	C	C	C	C	C	C	C	C	S	S	S	S	C	C	-	-	-	C	C	C	C	-
Towers, Receiving and Commercial Broadcasting	For radio and television	-	-	-	-	-	-	C	C	-	-	-	C	-	C	C	-	-	C	-	-	-	-	-	-	-	-
Truck/Freight/Bus Terminal	In C-5 bus terminal only	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	-	-	-	-	-	-	-	-	-	-
Warehouse #, Storage #, Distribution Facilities	structure for storing goods, wares, and merchandise	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	●	C	-	-	-	-	-
Welding, Tinsmithing & Machine Shop		-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	●	-	-	-	-	-	-

1158            Section 14. That The Code of the City of Topeka, Kansas, is hereby amended  
1159 by adding a section, to be numbered 18.60.020, which said section reads as follows:

1160            **Density/Dimensional Standards.**

1161            The density/dimensional matrix table establishes the density and dimensional  
1162 standards for the zoning districts identified in the table below.

**Density and Dimensional Standards - Residential Districts**

		RR1 Residential Reserve District	R1 Single Family Dwelling District	R2 Single Family Dwelling District	R3 Single Family Dwelling District	R4 Manufactured Home District	M1 Two Family Dwelling District	M1a Limited Multiple Family Dwelling District	M2 Multiple Family Dwelling District	M3 Multiple Family Dwelling District
Standards	Notes	Districts								
<b>Lot Standards</b>										
Minimum Lot Area (sq. ft.)	New Lots [3,7,14]	20 acs	6,500	5,000	4,000	30,000	4,500	4,500	7,500	7,500
Maximum Building Coverage	% of lot area	10	45	50	50	50	50	50	60	60
Minimum Lot Width (ft.)	2-4 units per lot	300	60	40	40	40	50	50	50	50
Maximum Density	Dwelling units/acre	—	—	—	—	—	6	10	15	30
<b>Principal Buildings</b>										
Minimum Setbacks (ft.) [1][2]	Front [4]	30	30	25	4; 15	25	25	25	25	25
	Side [5][6]	7	7	5	0	5	5	5	5	5
	Rear	30	30	25	10	25	25	25	25	25
Maximum Height (ft.)		42	42	42	42	42	42	45	50	160
Minimum Number of Lots in District		—	—	—	—	10	—	—	—	—
<b>Accessory Buildings (Detached)</b>										
Minimum Setbacks (ft.) [1][2] [12][13]	Front [8]	30	30	25	15	25	25	25	25	25
	Side[5] [9]	3	3	3	3	3	3	3	3	3
	Rear	5	5	5	5	5	5	5	5	5
	From other buildings [10]	6	6	6	6	6	6	6	6	6
Maximum Accessory Building Coverage Ratio	% of principal building coverage	90	90	90	90	90	90	90	90	90
Maximum Height (ft.)	[11]	15-20	15-20	15-20	15-20	15-20	15-20	15-20	15-20	15-20
Minimum Garage Entry Setback (ft.)	front entry	20	20	20	20	20	20	20	20	20
Minimum Garage Entry Setback (ft.)	rear entry (from alley)	10	10	10	10	10	10	10	10	10
Minimum Garage Entry Setback (ft.)	side entry (from alley)	5	5	5	5	5	5	5	5	5
Maintenance Accessory Building	Maximum size (sq. ft.)	—	—	—	—	—	—	—	400	400
	Maximum #	—	—	—	—	—	—	—	1	1

**NOTES:**

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

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

[3] In "RR-1" District, the minimum lot size is 20 acres unless the lots meets minimum compliance with Subdivision Regulations.

[4] in the "R-3" District - First number represents front setback when an attached garage is designed for side entry. Second number represents front setback when attached garage is designed for front entry.

[5] In "R-3" District - District allows 0' side yard setback on one side; 10' on other side with a minimum of 10' between principal buildings. Accessory buildings for a zero lot line dwelling shall not be located in the required 10-foot side yard.

[6] For single family attached dwellings in "M" Districts, a 0 ft. side yard setback is allowed along the lot line separating the two units; a 5 ft setback is required on the other lot line.

[7] In "M-1" and "M-1a" Districts, the minimum lot area of 4,500 sq. ft. is "per unit".

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

[9] An unenclosed carport located less than 6 feet from the principal building may extend to within 3 feet of a side yard.

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

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

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

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

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

Density and Dimensional Standards- Office/Institutional Districts and Commercial Districts									
		O&I1 Office & Institutional District	O&I2 Office & Institutional District	O&I3 Office & Institutional District	C1 Commercial District	C2 Commercial District	C3 Commercial District	C4 Commercial District	C5 Commercial District
Standards	Notes	Districts							
Lot Standards									
Minimum Lot Area (sq. ft.)		7,500	7,500	7,500	7,500	10,000	10,000	10,000	None
Maximum Building Coverage	% of lot area	40	50	60	40	50	60	60	100
Minimum Lot Width (ft.)		50	50	50	50	50	50	50	25
Principal Buildings									
Setbacks (ft.) [1,2,3]	Front	25	25	25	25	25	25	25	0
	Side	7	7	10	10	10	10	10	0
	Rear	25	25	25	25	25	25	25	0
Maximum Building Size (sq. ft.)	Ground floor area	7,500	20,000	—	10,000	50,000	—	—	—
Maximum Height (ft.) [5-6]		42	60	75	35	50	70	70	None
Accessory Buildings (Detached)									
Setbacks (ft.) [1,2]	Front [4]	25	25	25	25	25	25	25	0
	From other buildings	6	6	6	6	6	6	6	6
Minimum Garage Entry Setback (ft.)	rear entry (from alley)	10	10	10	10	10	10	10	10
Minimum Garage Entry Setback (ft.)	side entry (from alley)	5	5	5	5	5	5	5	5
Maximum Height (ft.) [6-7]		—	—	—	—	—	—	—	—
Maintenance Accessory Building	Maximum size (sq. ft.)	400	400	400	400	600	600	600	600

**NOTES:**

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

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

[3] During site plan review, side yard setbacks may be reduced to 0 feet where the buildings are attached along a common lot line.

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

[5] (i) In "C-5" District, no building hereafter erected or structurally altered shall exceed a height at the street line which is greater than the width of the street times a factor of three. An additional height of six feet may be added for each one foot the building or structure is set back from the front property line or street line. The street line shall mean the right-of-way line or property line at the front of the lot, lots or building site. On corner lots, and where the widths of the two intersecting streets are varied, the larger street width shall be used to determine the height of any building or structure.

(ii) Exception. Within the state zoning area, as defined by K.S.A. 75-3630, the height of structures and buildings shall be regulated in accordance with the following provisions: no building shall exceed a height at the street line of six stories or 75 feet, but above the height permitted at the street line three feet may be added to the height of the building for each one foot that the building or portion thereof is set back from all sides of the lot, except that the cubical contents of such building shall not exceed the cubical contents of a prism having a base equal to the area of the lot and a height equal to two times the width of the street; provided, however, that a tower with a base not to exceed 20 percent of lot area not to have any side greater than 60 feet nor to have any wall closer than 20 feet to any lot line, may be constructed without reference to the above limitations. Any applicable provisions of Chapter 18.225 TMC shall apply to buildings erected in this district.

[6] Height restrictions of Airport Overlay District may be more restrictive.

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



Density and Dimensional Standards - All Other Districts											
		I-1 Light Industrial District	I-2 Heavy Industrial District	U Univeristy District	MS-1 Medical Services District	X1 Mixed Use District	X2 Mixed Use District	X3 Mixed Use District	D1 Downtown District	D2 Downtown District	D3 Downtown District
Standards	Notes	Districts									
Lot Standards											
Minimum Lot Area (sq. ft.)	New lots	10,000	10,000	None	None	None	None	None	None	None	None
Maximum Density	Dwelling units/acre	—	—	—	15	12	12	29	—	—	—
Maximum Building Coverage	% of lot area	85	85	—	80	75	75	100	100	75	100
Minimum Lot Width (ft.)		50	50	—	50	50	50	50	25	50	50
Setbacks (ft.) [1,2,7,10]	Front [5]	0	0	—	25	0 - 15	0 - 25	0 - 10	0	0	0
	Side [4,7,10]	0	0	—	5;10	0 - 8	10	0	0	0	0
	Rear [4,10]	0	0	—	25	0 - 25	25	10	0	0	0
Maximum Height (ft.) [3,6,8]		70	None	—	160	40	50	50	None	50	60
Accessory Buildings (Detached)											
Maximum Accessory Building Coverage Ratio	% of principal building coverage	—	—	—	90	90	90	90	—	—	—
Setbacks (ft.) [1,2]	Front [9,11]	—	—	—	25	0 - 15	0- 25	0 -10	—	—	—
	Side [10,14,15]				3	3	3	3	—	—	—
	Rear [10,14]				5	5	5	5	—	—	—
	From other buildings [12]	—	—	—	6	6	6	6	—	—	—
Minimum Garage Entry Setback (ft.)	front entry [9]	—	—	—	20	20	20	20	—	—	—
Minimum Garage Entry setback (ft.)	rear entry (from alley)	—	—	—	10	10	10	10	—	—	—
Minimum Garage Entry Setback (ft.)	side entry (from alley)	—	—	—	5	5	5	5	—	—	—
Maximum Height (ft.) [3,13]		—	—	—	15-20	15-20	15-20	15-20	—	—	—

**Notes:**

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

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

[3] Height restrictions of Airport Overlay District may be more restrictive.

[4] "I" Districts: 10' rear or 7' side yard setback where that yard abuts any residential dwelling district.

[5] "I" Districts: Where the frontage along one side of the street in that block abuts a residential district, then, the front yard requirements of the residential district shall apply.

[6] "U" District : Minimum yard requirements and maximum height shall be in accordance with the approved Master Development Plan.

[7] "MS-1" District: The side setbacks are 5' for buildings up to 50' in height and 10' for buildings taller than 50' in height.

[8] "MS-1" District: Any other building or structure that is not a hospital shall not exceed a height of 100 feet; however, if located within 150 feet of the boundary of the district, it shall not exceed a height of 50 feet.

[9] "X" Districts: Setbacks with a range are determined at the discretion of the Planning Director.

[10] "X-2" District: Side and rear yard setbacks may be reduced if not abutting residential uses, as determined at the discretion of the Planning Director.

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

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

[13] Maximum Height. In the "MS-1", "X", and "D-2" districts accessory buildings and structures shall not exceed 15 feet when the principal building is one-story or 20 feet when the principal building is two-stories or more.

[14] The Accessory building (detached) side and rear setbacks only applies to residential uses in the "X" and "MS-1" Districts.

[15] An unenclosed carport located less than 6 feet from the principal building may extend to within 3 feet of a side yard.

Section 15. That section 18.65.020, Regulations generally, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Regulations generally.~~

~~The regulations set forth in this chapter or set forth elsewhere in this division when referred to in this chapter are the district regulations for the RR-1 residential reserve district.~~

Section 16. That section 18.65.030, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~Use regulations~~Principal, special, and conditional uses.

~~(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 division.~~

~~(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, 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 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 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 are 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.~~

~~(11) Residential care facility, type II.~~

~~(12) Home care, type I.~~

~~(b) Provisional Uses.~~

~~(1) Day care facility, type I, subject to the requirements of Chapter 18.225 TMC.~~

~~(2) Religious assembly, subject to the requirements of Chapter 18.225 TMC.~~

~~(3) Golf course, country club, subject to the requirements of Chapter 18.225 TMC.~~

~~(c) Uses Permitted by Conditional Use Permit. The following uses may be granted a conditional use permit by the governing body provided by Chapter 18.215 TMC:~~

~~(1) Cemetery, subject to the requirements of Chapter 18.225 TMC.~~

~~(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 division as accessory to a permitted use or exempt as set forth by definition; and subject to the requirements of Chapter 18.250 TMC.~~

~~(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 Chapter 18.225 TMC.~~

~~(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:~~

~~(i) Swimming.~~

~~(ii) Tennis.~~

~~(iii) Baseball and softball.~~

~~(iv) Batting cages.~~

- 1231           ~~(v) Golf driving range.~~
- 1232           ~~(vi) Riding academy.~~
- 1233           ~~(vii) Survival games.~~
- 1234           ~~(viii) Court and field games.~~
- 1235           ~~(ix) Horse, dog, and vehicle racing.~~
- 1236           ~~(x) Specifically not permitted under the provisions of this chapter are:~~
- 1237           ~~(A) Archery ranges.~~
- 1238           ~~(B) Gun target and practice shooting ranges.~~
- 1239           ~~(C) Hunting preserves.~~
- 1240           ~~(9) Retail sales of a nature clearly incidental and subordinate to, and customary~~
- 1241 ~~in connection with, a principal use.~~
- 1242           ~~(10) Food service facility, in which food and beverage is offered or prepared for~~
- 1243 ~~sale or for service with or without charge on the premises and clearly incidental and~~
- 1244 ~~subordinate to a principal use.~~
- 1245           ~~(11) Private or public utility structures facilitating the transmission, distribution,~~
- 1246 ~~and/or collection systems, including substations, distribution stations, pump stations,~~
- 1247 ~~reservoirs, towers, transmission equipment buildings and similar such uses. Also a~~
- 1248 ~~corporate office, or branch office together with an operation and maintenance~~
- 1249 ~~equipment storage facility and other related equipment that is used exclusively by a~~
- 1250 ~~private or public utility entity.~~
- 1251           ~~(12) Community center.~~
- 1252           ~~(13) Common open space.~~

- 1253           ~~(14) Bed and breakfast home, subject to the requirements of Chapter 18.225~~  
1254   TMC.
- 1255           ~~(15) Bed and breakfast inn, subject to the requirements of Chapter 18.225 TMC.~~
- 1256           ~~(16) Reception, conference and assembly facility, subject to the requirements of~~  
1257   Chapter 18.225 TMC.
- 1258           ~~(17) Demolition landfill, subject to the requirements of Chapter 18.225 TMC.~~
- 1259           ~~(18) Sanitary landfill; or commercial incinerator.~~
- 1260           ~~(19) Grain or agricultural storage facility (nonfarm site).~~
- 1261           ~~(20) Storage and retail sales of fertilizers, chemicals, insecticides, pesticides, and~~  
1262   similar products used for the agricultural production of crops and/or livestock.
- 1263           ~~(21) Game hunting and/or fishing preserve for commercial recreation purposes.~~
- 1264           ~~(22) Commercial equine riding academies; training and boarding stable facilities.~~
- 1265           ~~(23) Kennel and/or animal hospital (either large or small animal hospital as~~  
1266   defined); provided, however, that all unenclosed structures containing animals, including  
1267   exercise pens and buildings which do not prevent the extension of audible noise or  
1268   odor, shall not be located closer than 750 feet to the boundary of a designated dwelling  
1269   district nor within 200 feet of a subject conditional use boundary line.
- 1270           ~~(24) Recreational vehicle short term campgrounds.~~
- 1271           ~~(25) Youth campgrounds and facilities to accommodate retreats for scouting, 4-~~  
1272   H, and similar types of organizations.
- 1273           ~~(26) Oil or gas well drilling.~~
- 1274           ~~(27) Billboard and panel poster sign.~~
- 1275           ~~(28) Group residence, general, subject to Chapter 18.225 TMC.~~

~~(29) Group residence, limited, subject to Chapter 18.225 TMC.~~

~~(30) Nonresidential small wind energy system, subject to Chapter 18.265 TMC.~~

~~(31) Home care, type II.~~

~~(32) Assisted living facility.~~

(a) Principal uses identified in the use matrix table in TMC 18.60.010 shall be allowed.

(b) Special uses identified in the use matrix table in TMC 18.60.010 shall be allowed subject to the restrictions identified in Chapter 18.225 TMC.

(c) Conditional uses identified in the use matrix table in TMC 18.60.010 may be allowed in accordance with Chapter 18.215 TMC if approved by the governing body.

Section 17. That section 18.65.040, Dimensional requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Density and Dimensional requirements.**

~~(a) Minimum Lot Area and Maximum Intensity of Use.~~

~~(1) Permitted agricultural uses as defined by this division are exempt from the provisions of this subsection.~~

~~(2) Detached single-family dwelling building:~~

~~(i) Where the proposed structure is contained upon a tract or parcel of land of three acres or more with a minimum frontage dimension of 200 feet upon a public right of way which has been improved for public travel and furthermore, has been accepted for maintenance by the appropriate governmental jurisdictional unit; provided such tract or parcel of land is held by single ownership, and the deed to said tract or parcel is duly recorded in the office of~~



~~the register of deeds, Shawnee County, Kansas. There shall be a deed of record for each tract or parcel for each dwelling structure. Further, the tract or parcel shall not be reduced below the minimum acreage or frontage requirements. In the event a tract or parcel is reduced below a required minimum, the tract or parcel shall be deemed to be noncompliant with the zoning regulations. The area and dimensional requirements applicable to the said unplatted parcel are not appealable to the metro board of appeals. The minimum acreage as required may, however, include road easements for existing public right-of-way.~~

~~(ii) Where the proposed structure is to be located upon a platted or subdivided lot of record; provided further, that the proposed development is in accordance with any restrictions of the plat of record and that applicable improvement provisions required of the plat have been complied with.~~

~~(3) All other permitted, provisional, and conditional uses shall be located on a platted lot of record containing a minimum of three acres and in accordance with all requirements of the plat of subdivision of record and applicable improvement provisions as required by the plat.~~

~~(b) Minimum Yard Requirements and Maximum Structure Height.~~

~~(1) Front yard: 30 feet.~~

~~(2) Side yard: seven feet.~~

~~(3) Rear yard: 30 feet.~~

~~(4) If the recorded plat of subdivision provides for a greater minimum yard requirement than provided by this district, the provisions of the plat shall prevail.~~

~~(5) The applicable side yard of a corner lot and the rear yard of a double frontage lot shall conform to the minimum front yard requirements of this district.~~

~~(6) Height: 42 feet.~~

All development shall comply with the density and dimensional standards in Section 18.60.020 TMC.

Section 18. That section 18.65.050, General provisions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~General provisions~~Other regulations.

All principal and accessory uses permitted within this zone are subject to the following requirements:

~~(a) Accessory Uses and Requirements.~~

(1) Permitted Accessory Uses and Requirements. See Chapter 18.210 TMC.

(2) Off-Street Parking Requirements. See Chapter 18.240 TMC.

(3) Sign Regulations. See Chapter 18.20 TMC.

~~(b) Other Provisions.~~

~~(4)~~ Dimensional Requirements. See Chapter 18.230 TMC.

~~(25)~~ Nonconforming Uses. See Chapter 18.220 TMC.

(6) Site Plan Regulations. See Chapter 18.260 TMC.

(7) Landscaping Requirements. See Chapter 18.235 TMC.

(8) Subdivision Regulations. See Chapters 18.30 through 18.45 TMC.

Section 19. That section 18.65.060, Development alternatives, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~18.65.060 Development alternatives.~~

~~(a) The development of RR-1 residential reserve district uses with multiple principal structures and/or uses may follow the provisions of Chapter 18.190 TMC, PUD Planned Unit Development District.~~

~~(b) Unless specifically exempted by this chapter as set forth above, development of RR-1 residential reserve district shall apply to subdivided land of record which meets the objectives and requirements of this district, the subdivision of land regulations, and the applicable plat of subdivision stipulations.~~

Section 20. That section 18.70.020, Regulations generally, of The Code of the City of Topeka, Kansas, is hereby repealed.

**Regulations generally.**

~~The regulations set forth in this chapter or set forth elsewhere in this division when referred to in this chapter are the district regulations for the R-1 single-family dwelling district.~~

Section 21. That section 18.70.030, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Use regulationsPrincipal, special, and conditional uses.**

~~(a) Permitted Uses.~~

~~(1) Detached single family dwelling, 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 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 are 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.~~

~~(9) Residential care facility, type II.~~

~~(10) Home care, type I.~~

~~(b) Provisional Uses.~~

~~(1) Day care facility, type I, subject to the requirements of Chapter 18.225 TMC.~~

~~(2) Religious assembly, subject to the requirements of Chapter 18.225 TMC.~~

~~(3) Golf course, country club, subject to the requirements of Chapter 18.225 TMC.~~

~~(c) Uses Permitted by Conditional Use Permit. The following uses may be granted a conditional use permit by the governing body provided by Chapter 18.215 TMC:~~

~~(1) Cemetery, subject to the requirements of Chapter 18.225 TMC.~~

~~(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 division as exempt as set forth by definition; and subject to the requirements of Chapter 18.225 TMC.~~

~~(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 Chapter [18.225](#) TMC.~~

~~(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:~~

~~(i) Swimming.~~

- 1413 ~~(ii) Tennis.~~
- 1414 ~~(iii) Baseball and softball.~~
- 1415 ~~(iv) Batting cages.~~
- 1416 ~~(v) Golf driving range.~~
- 1417 ~~(vi) Riding academy.~~
- 1418 ~~(vii) Survival games.~~
- 1419 ~~(viii) Court and field games.~~
- 1420 ~~(ix) Horse, dog, and vehicle racing.~~
- 1421 ~~(x) Specifically not permitted under the provisions of this chapter are:~~
- 1422 ~~(A) Archery ranges.~~
- 1423 ~~(B) Gun target and practice shooting ranges.~~
- 1424 ~~(C) Hunting preserves.~~
- 1425 ~~(9) Retail sales of a nature clearly incidental and subordinate to, and customary~~
- 1426 ~~in connection with, a principal use.~~
- 1427 ~~(10) Food service facility, in which food and beverage is offered or prepared for~~
- 1428 ~~sale or for service with or without charge on the premises and clearly incidental~~
- 1429 ~~and subordinate to a principal use.~~
- 1430 ~~(11) Private or public utility structures facilitating the transmission, distribution,~~
- 1431 ~~and/or collection systems, including substations, distribution stations, pump~~
- 1432 ~~stations, reservoirs, towers, transmission equipment buildings and similar such~~
- 1433 ~~uses.~~
- 1434 ~~(12) Community center.~~
- 1435 ~~(13) Common open space.~~

1436           ~~(14) Bed and breakfast home, subject to the requirements of Chapter [18.225](#)~~  
1437           ~~TMC.~~

1438           ~~(15) Bed and breakfast inn, subject to the requirements of Chapter [18.225](#) TMC.~~

1439           ~~(16) Reception, conference and assembly facility, subject to requirements of~~  
1440           ~~Chapter [18.225](#) TMC.~~

1441           ~~(17) Demolition landfill, subject to the requirements of Chapter [18.225](#) TMC.~~

1442           ~~(18) Group residence, limited, subject to Chapter [18.225](#) TMC.~~

1443           ~~(19) Nonresidential small wind energy system, subject to Chapter [18.265](#) TMC.~~

1444           ~~(20) Home care, type II.~~

1445           ~~(21) Assisted living facility.~~

1446           (a)   Principal uses identified in the use matrix table in TMC 18.60.010 shall be  
1447           allowed.

1448           (b)   Special uses identified in the use matrix table in TMC 18.60.010 shall be  
1449           allowed subject to the restrictions identified in Chapter 18.225 TMC.

1450           (c)   Conditional uses identified in the use matrix table in TMC 18.60.010 may  
1451           be allowed in accordance with Chapter 18.215 TMC if approved by the governing body.

1452           Section 22.   That section 18.70.040, Dimensional requirements, of The Code of  
1453           the City of Topeka, Kansas, is hereby amended to read as follows:

1454           **Density and Dimensional requirements.**

1455           ~~(a) Minimum Lot Area and Maximum Intensity of Use.~~

1456           ~~(1) Single family dwelling: 6,500 square feet.~~

1457           ~~(2) All other uses: 7,500 square feet.~~

1458           ~~(b) Minimum Yard Requirements and Maximum Structure Height.~~

~~(1) Front yard: 30 feet.~~

~~(2) Side yard: seven feet.~~

~~(3) Rear yard: 30 feet.~~

~~(4) If the recorded plat of subdivision provides for a greater minimum yard requirement than provided by this district, the provisions of the plat shall prevail.~~

~~(5) The applicable side yard of a corner lot and the rear yard of a double frontage lot shall conform to the minimum front yard requirements of this district.~~

~~(6) Height: 42 feet.~~

All development shall comply with the density and dimensional standards in TMC 18.60.020.

Section 23. That section 18.70.050, General provisions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~General provisions~~Other regulations.

All principal and accessory uses permitted within this zone are subject to the following requirements:

~~(a) Accessory Uses and Requirements.~~

(1) Permitted Accessory Uses and Requirements. See Chapter 18.210 TMC.

(2) Off-Street Parking Requirements. See Chapter 18.240 TMC.

(3) Sign Regulations. See Chapter 18.20 TMC.

~~(b) Other Provisions.~~

~~(14)~~ Dimensional Requirements. See Chapter 18.230 TMC.

~~(25)~~ Nonconforming Uses. See Chapter 18.220 TMC.



1482                   (6)       Site Plan Regulations. See Chapter 18.260 TMC.

1483                   (7)       Landscaping Requirements. See Chapter 18.235 TMC.

1484                   (8)       Subdivision Regulations. See Chapters 18.30 through 18.45 TMC.

1485                Section 24. That section 18.70.060, Development alternatives, of The Code of  
1486 the City of Topeka, Kansas, is hereby repealed.

1487                ~~**18.70.060 Development alternatives.**~~

1488                ~~(a) The development of R-1 single-family dwelling district uses with multiple~~  
1489 ~~principal structures and/or uses may follow the provisions of Chapter 18.190 TMC, PUD~~  
1490 ~~Planned Unit Development District.~~

1491                ~~(b) The development of R-1 single-family dwelling district shall apply to~~  
1492 ~~subdivided land of record which meets the objectives and requirements of this district,~~  
1493 ~~the subdivision of land regulations, and the applicable plat of subdivision stipulations.~~

1494                Section 25. That section 18.75.020, Regulations, of The Code of the City of  
1495 Topeka, Kansas, is hereby repealed.

1496                ~~**Regulations generally.**~~

1497                ~~The regulations set forth in this chapter or set forth elsewhere in this division~~  
1498 ~~when referred to in this chapter are the district regulations for the R-2 single-family~~  
1499 ~~dwelling district.~~

1500                Section 26. That section 18.75.030, Use regulations, of The Code of the City of  
1501 Topeka, Kansas, is hereby amended to read as follows:

1502                ~~**Use regulations**~~**Principal, special, and conditional uses.**

1503                ~~(a) — Permitted Uses.~~

~~(1) Detached single family dwelling, 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 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 are 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.~~

- 1527 ~~(8) Medical care facility, type I.~~
- 1528 ~~(9) Residential care facility, type II.~~
- 1529 ~~(10) Home care, type I.~~
- 1530 ~~(b) Provisional Uses.~~
- 1531 ~~(1) Day care facility, type I, subject to the requirements of Chapter [18.225](#)~~
- 1532 ~~TMC.~~
- 1533 ~~(2) Religious assembly, subject to the requirements of Chapter [18.225](#)~~
- 1534 ~~TMC.~~
- 1535 ~~(3) Golf course, subject to the requirements of Chapter [18.225](#) TMC.~~
- 1536 ~~(c) Uses Permitted by Conditional Use Permit. The following uses may be~~
- 1537 ~~granted a conditional use permit by the governing body provided by Chapter~~
- 1538 ~~[18.215](#) TMC:~~
- 1539 ~~(1) Public use facility.~~
- 1540 ~~(2) Vehicle surface parking lot in association with a principal use.~~
- 1541 ~~(3) Cultural facility.~~
- 1542 ~~(4) Community center.~~
- 1543 ~~(5) Common open space.~~
- 1544 ~~(6) Recreation field, court, tract, or range in which the principal use is of an~~
- 1545 ~~outdoor and unenclosed nature and which may include accessory and support~~
- 1546 ~~facilities as an incidental and ancillary use. Permitted uses shall include the~~
- 1547 ~~following activities:~~
- 1548 ~~(i) Swimming.~~
- 1549 ~~(ii) 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 Chapter [18.225](#) TMC.~~

~~(11) Bed and breakfast inn, subject to the requirements of Chapter [18.225](#) TMC.~~

~~(12) Reception, conference and assembly facility, subject to requirements of Chapter [18.225](#) TMC.~~

~~(13) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this division as exempt as set forth by definition; and subject to the requirements of Chapter [18.250](#) TMC.~~

~~(14) Group residence, limited, subject to Chapter [18.225](#) TMC.~~

~~(15) Nonresidential small wind energy system, subject to Chapter [18.265](#) TMC.~~

~~(16) Home care, type II.~~

~~(17) Assisted living facility.~~

(a) Principal uses identified in the use matrix table in TMC 18.60.010 shall be allowed.

(b) Special uses identified in the use matrix table in TMC 18.60.010 shall be allowed subject to the restrictions identified in Chapter 18.225 TMC.

(c) Conditional uses identified in the use matrix table in TMC 18.60.010 may be allowed in accordance with Chapter 18.215 TMC if approved by the governing body.

Section 27. That section 18.75.040, Dimensional requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Density and Dimensional requirements.**

~~(a) Minimum Lot Area and Maximum Intensity of Use.~~

~~(1) Single-family dwelling: 5,000 square feet.~~

~~(2) All other uses: 7,500 square feet.~~

~~(b) Minimum Yard Requirements and Maximum Structure Height.~~

~~(1) Front yard: 30 feet.~~

~~(2) Side yard: five feet.~~

~~(3) Rear yard: 30 feet.~~

~~(4) If the recorded plat of subdivision provides for a greater minimum yard requirement than provided by this district, the provisions of the plat shall prevail.~~

~~(5) The applicable side yard of a corner lot and the rear yard of a double frontage lot shall conform to the minimum front yard requirements of this district.~~

~~(6) Height: 42 feet. (Code 1995 § 48-5.03.)~~

All development shall comply with the density and dimensional standards in TMC 18.60.020.

Section 28. That section 18.75.050, General provisions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~General provisions~~Other regulations.

All principal and accessory uses permitted within this zone are subject to the following requirements:

~~(a) Accessory Uses and Requirements.~~

(1) Permitted Accessory Uses and Requirements. See Chapter 18.210 TMC.

(2) Off-Street Parking Requirements. See Chapter 18.240 TMC.

(3) Sign Regulations. See Chapter 18.20 TMC.

~~(b) Other Provisions.~~

~~(4)~~ Dimensional Requirements. See Chapter 18.230 TMC.

~~(25)~~ Nonconforming Uses. See Chapter 18.220 TMC.

~~(6)~~ Site Plan Regulations. See Chapter 18.260 TMC.

~~(7)~~ Landscaping Requirements. See Chapter 18.235 TMC.

~~(8)~~ Subdivision Regulations. See Chapters 18.30 through 18.45 TMC.

Section 29. That section 18.75.060, Development alternatives, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Development alternatives.~~

~~(a) The development of R-2 single-family dwelling district uses with multiple principal structures and/or uses may follow the provisions of Chapter 18.190 TMC, PUD Planned Unit Development District.~~

~~(b) The development of R-2 single-family dwelling district shall apply to subdivided land of record which meets the objectives and requirements of this district, the subdivision of land regulations, and the applicable plat of subdivision stipulations.~~

Section 30. That section 18.80.020, Regulations generally, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Regulations generally.**~~

~~The regulations set forth in this chapter or set forth elsewhere in this division when referred to in this chapter are the district regulations for the R-3 single-family dwelling district.~~

Section 31. That section 18.80.030, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~**Use regulations**~~**Principal, special, and conditional uses.**

~~(a) Permitted Uses.~~

~~(1) Detached single-family dwelling, 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 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 are 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.~~

~~(9) Residential care facility, type II.~~

~~(10) Home care, type I.~~

~~(b) Provisional Uses.~~

~~(1) Day care facility, type I, subject to the requirements of Chapter [18.225](#) TMC.~~

~~(2) Religious assembly, subject to the requirements of Chapter [18.225](#) TMC.~~

~~(3) Golf course, subject to the requirements of Chapter [18.225](#) TMC.~~

~~(c) Uses Permitted by Conditional Use Permit. The following uses may be granted a conditional use permit by the governing body provided by Chapter [18.215](#) TMC:~~

~~(1) Public use facility.~~

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

~~(3) Cultural facility.~~



~~(4) Recreation facility 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:~~

~~(i) Swimming.~~

~~(ii) Tennis.~~

~~(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 structure 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) Common open space.~~

~~(10) Bed and breakfast home, subject to the requirements of Chapter [18.225](#) TMC.~~

~~(11) Bed and breakfast inn, subject to the requirements of Chapter [18.225](#) TMC.~~

~~(12) Reception, conference and assembly facility, subject to requirements of Chapter [18.225](#) TMC.~~

~~(13) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this division as exempt as set forth by definition; and subject to the requirements of Chapter [18.250](#) TMC.~~

~~(14) Group residence, limited, subject to Chapter [18.225](#) TMC.~~

~~(15) Nonresidential small wind energy system, subject to Chapter [18.265](#) TMC.~~

~~(16) Home care, type II.~~

~~(17) Assisted living facility.~~

(a) Principal uses identified in the use matrix table in TMC 18.60.010 shall be allowed.

(b) Special uses identified in the use matrix table in TMC 18.60.010 shall be allowed subject to the restrictions identified in Chapter 18.225 TMC.

(c) Conditional uses identified in the use matrix table in TMC 18.60.010 may be allowed in accordance with Chapter 18.215 TMC if approved by the governing body.

Section 32. That section 18.80.040, Dimensional requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Density and Dimensional requirements.**

~~(a) Minimum Lot Area and Maximum Intensity of Use.~~

~~(1) Single-family dwelling: 4,000 square feet.~~

~~(2) All other uses: 7,500 square feet.~~

~~(b) Minimum Yard Requirements and Maximum Structure Height.~~

~~(1) Front yard:~~

~~(i) Four feet when an automobile garage is part of the principal building and is designed for a side entry.~~

~~(ii) Fifteen feet when an automobile garage is part of the principal building and is designed for a front entry.~~

~~(2) Side yard:~~

~~(i) For zero lot line dwellings, one side at zero feet and the other side at least 10 feet.~~

~~(ii) When the side yard is adjacent to another district, the side yard requirements of the adjacent district shall be required.~~

~~(iii) There shall be a minimum distance of 10 feet between two principal buildings.~~

~~(3) Rear yard: 10 feet.~~

~~(4) If the recorded plat of subdivision provides for a greater minimum yard requirement than provided by this district, the provisions of the plat shall prevail.~~

~~(5) The applicable side yard of a corner lot and the rear yard of a double frontage lot shall conform to the minimum front yard requirements of this district.~~

~~(6) Height: 42 feet.~~

All development shall comply with the density and dimensional standards in TMC 18.60.020.

Section 33. That section 18.80.050, General provisions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**General provisions**~~Other regulations.~~

All principal and accessory uses permitted within this zone are subject to the following requirements:

~~(a) Accessory Uses and Requirements.~~

(1) Permitted Accessory Uses and Requirements. See Chapter 18.210 TMC.

(2) Off-Street Parking Requirements. See Chapter 18.240 TMC.

(3) Sign Regulations. See Chapter 18.20 TMC.

~~(b) Other Provisions.~~

~~(14)~~ Dimensional Requirements. See Chapter 18.230 TMC.

~~(25)~~ Nonconforming Uses. See Chapter 18.220 TMC.

~~(6)~~ Site Plan Regulations. See Chapter 18.260 TMC.

~~(7)~~ Landscaping Requirements. See Chapter 18.235 TMC.

~~(8)~~ Subdivision Regulations. See Chapters 18.30 through 18.45 TMC.

Section 34. That section 18.80.060, Development alternatives, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Development alternatives.~~**

~~(a) The development of R-3 single-family dwelling district uses with multiple principal structures and/or uses may follow the provisions of Chapter 18.190 TMC, PUD Planned Unit Development District.~~

~~(b) The development of R-3 single-family dwelling district shall apply to subdivided land of record which meets the objectives and requirements of this district, the subdivision of land regulations, and the applicable plat of subdivision stipulations.~~

Section 35. That section 18.85.020, Regulations generally, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Regulations generally.~~**

~~The regulations set forth in this chapter or set forth elsewhere in this division when referred to in this chapter are the district regulations for R-4 manufactured home district.~~

Section 36. That section 18.85.030, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~Use regulations~~ **Principal, special, and conditional uses.**

~~(a) Permitted Uses.~~

~~(1) Residential design manufactured home and manufactured home for the purpose, use and occupancy of a family as defined herein. The manufactured home shall meet the development requirements listed in subsections (a)(1)(i) through (vi) of this section:~~

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

~~(ii) The manufactured home shall be secured to the ground on a permanent foundation.~~

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

~~(iv) The manufactured home shall have the towing apparatus, wheels, axles, and transporting lights removed.~~

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

~~(vi) The roof of the manufactured home shall be double pitched and have a nominal vertical rise of three inches for each 12 inches of horizontal run, and shall be covered with material that is residential in appearance, including but not limited to wood, asphalt, composition or fiberglass shingles, but excluding corrugated aluminum, corrugated~~

1777 fiberglass, or corrugated metal roofing material. The roof shall have a  
1778 minimum eave projection or overhang of 10 inches on at least two  
1779 sides, which may include a four inch gutter.

1780 ~~(2) Group home.~~

1781 ~~(3) Public parks, playgrounds, trails, paths, recreational areas, golf courses,~~  
1782 ~~scenic and historic sites, and associated recreational and leisure facilities,~~  
1783 ~~including but not limited to shelters, pools, court games, maintenance~~  
1784 ~~structures and associated parking to the above uses.~~

1785 ~~(4) Private parks, playgrounds, trails, paths, recreation areas, golf courses,~~  
1786 ~~scenic and historic sites, common open space, and associated recreational~~  
1787 ~~and leisure facilities, including but not limited to clubhouses, shelters, pools,~~  
1788 ~~court games, parking and maintenance structures, for use by members and~~  
1789 ~~guests only, provided such facilities are developed in conjunction with, and~~  
1790 ~~intended to serve, a residential community and are located and designated~~  
1791 ~~on either the recorded plat of subdivision or on an approved planned unit~~  
1792 ~~development.~~

1793 ~~(5) Subdivision maintenance facilities and/or U.S. Postal Service receptacle~~  
1794 ~~pods and shelter, developed in conjunction with, and intended to serve, a~~  
1795 ~~residential community and which are located and designated on either the~~  
1796 ~~recorded plat of subdivision or on an approved planned unit development.~~

1797 ~~(6) Public or private elementary and secondary school.~~

1798 ~~(7) Residential care facility, type I.~~

1799 ~~(8) Medical care facility, type I.~~

~~(b) Provisional Uses.~~

~~(1) Day care facility, type I, subject to the requirements of Chapter 18.225~~

~~TMC.~~

~~(2) Religious assembly, subject to the requirements of Chapter 18.225~~

~~TMC.~~

~~(3) Golf course, subject to the requirements of Chapter 18.225 TMC.~~

~~(c) Uses Permitted by Conditional Use Permit. The following uses may be granted a conditional use permit by the governing body provided by Chapter 18.215 TMC:~~

~~(1) Public use facility.~~

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

~~(3) Cultural facility.~~

~~(4) 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:~~

~~(i) Swimming.~~

~~(ii) Tennis.~~

~~(5) 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.~~

~~(6) Private or public utility structures facilitating the transmission, distribution, and/or collection systems, including substations, distribution~~

1822                    ~~stations, pump stations, reservoirs, towers, transmission equipment~~  
1823                    ~~buildings and similar such uses.~~

1824                    ~~(7) Community center.~~

1825                    ~~(8) Common open space.~~

1826                    ~~(9) Communication towers, telecommunication equipment and accessory~~  
1827                    ~~facilities other than those provided for elsewhere in this division as exempt~~  
1828                    ~~as set forth by definition; and subject to the requirements of Chapter 18.250~~  
1829                    ~~TMC.~~

1830                    ~~(10) Group residence, limited, subject to Chapter 18.225 TMC.~~

1831                    ~~(11) Nonresidential small wind energy system, subject to Chapter 18.265~~  
1832                    ~~TMC.~~

1833                    (a)    Principal uses identified in the use matrix table in TMC 18.60.010 shall be  
1834                    allowed.

1835                    (b)    Special uses identified in the use matrix table in TMC 18.60.010 shall be  
1836                    allowed subject to the restrictions identified in Chapter 18.225 TMC.

1837                    (c)    Conditional uses identified in the use matrix table in TMC 18.60.010 may  
1838                    be allowed in accordance with Chapter 18.215 TMC if approved by the governing body.

1839                    Section 37.    That section 18.85.040, Dimensional and size requirements, of The  
1840                    Code of the City of Topeka, Kansas, is hereby amended to read as follows:

1841                    **Density and Dimensional and size requirements.**

1842                    ~~(a) Minimum district size and minimum number of lots: 10 lots.~~

1843                    ~~(b) Minimum Lot Size.~~

1844                    ~~(1) Minimum lot width: 40 feet.~~



1845                    ~~(2) Minimum lot depth: 75 feet.~~

1846                    ~~(c) Minimum Lot Area and Maximum Intensity of Use.~~

1847                    ~~(1) Single family dwelling: 5,000 square feet.~~

1848                    ~~(2) All other uses: 7,500 square feet.~~

1849                    ~~(d) Minimum Yard Requirements and Maximum Structure Height.~~

1850                    ~~(1) Front yard: 25 feet.~~

1851                    ~~(2) Side yard: five feet.~~

1852                    ~~(3) Rear yard: 25 feet.~~

1853                    ~~(4) If the recorded plat of subdivision provides for a greater minimum yard~~

1854                    ~~requirement than provided by this district, the provisions of the plat shall~~

1855                    ~~prevail.~~

1856                    ~~(5) Height: 42 feet.~~

1857                    All development shall comply with the density and dimensional standards in TMC

1858                    18.60.020.

1859                    Section 38. That section 18.85.050, General provisions, of The Code of the City

1860 of Topeka, Kansas, is hereby amended to read as follows:

1861                    ~~General provisions~~Other regulations.

1862                    (a) All principal and accessory uses permitted within this zone are subject to

1863 the following requirements:

1864                    ~~(a) Accessory Uses and Requirements.~~

1865                    (1) Permitted Accessory Uses and Requirements. See Chapter 18.210 TMC.

1866                    (2) Off-Street Parking Requirements. See Chapter 18.240 TMC.

1867                    (3) Sign Regulations. See Chapter 18.20 TMC.

~~(b) — Other Provisions.~~

~~(14)~~ Dimensional Requirements. See Chapter 18.230 TMC.

~~(25)~~ Nonconforming Uses. See Chapter 18.220 TMC.

~~(6)~~ Site Plan Regulations. See Chapter 18.260 TMC.

~~(7)~~ Landscaping Requirements. See Chapter 18.235 TMC.

~~(8)~~ Subdivision Regulations. See Chapters 18.30 through 18.45 TMC.

~~(3)(b)~~ The development of R-4 manufactured home district shall apply to subdivided land of record which meets the objectives and requirements of this district, the subdivision of land regulations, and the applicable plat of subdivision stipulations.

~~(4)(c)~~ If the land subject to R-4 rezoning is not subdivided land of record, an application for a plat of subdivision shall be submitted concurrently with the R-4 zoning change application. The application for the plat of subdivision shall comply with Division 3 of this title.

Section 39. That section 18.90.020, Regulations generally, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Regulations generally.**~~

~~The regulations set forth in this chapter or set forth elsewhere in this division when referred to in this chapter are the district regulations for the M-1 two-family dwelling district.~~

Section 40. That section 18.90.030, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~**Use regulations**~~**Principal, special, and conditional uses.**

~~(a) Permitted Uses.~~

~~(1) Detached single-family dwelling, 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 board of zoning appeals.~~

~~(2) Two-family dwelling.~~

~~(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 are 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.~~

- 1914                    ~~(9) Group home.~~
- 1915                    ~~(10) Residential care facility, type II.~~
- 1916                    ~~(11) Home care, type I.~~
- 1917                    ~~(12) Single family attached dwelling.~~
- 1918                    ~~(b) Provisional Uses.~~
- 1919                    ~~(1) Day care facility, type I, subject to the requirements of Chapter 18.225~~
- 1920                    ~~TMC.~~
- 1921                    ~~(2) Religious assembly, subject to the requirements of Chapter 18.225~~
- 1922                    ~~TMC.~~
- 1923                    ~~(3) Golf course, subject to the requirements of Chapter 18.225 TMC.~~
- 1924                    ~~(4) Management and leasing offices and maintenance facility, subject to the~~
- 1925                    ~~requirements of Chapter 18.225 TMC.~~
- 1926                    ~~(c) Uses Permitted by Conditional Use Permit. The following uses may be~~
- 1927                    ~~granted a conditional use permit by the governing body provided by Chapter 18.215~~
- 1928                    ~~TMC:~~
- 1929                    ~~(1) Bed and breakfast home, subject to the requirements of Chapter 18.225~~
- 1930                    ~~TMC.~~
- 1931                    ~~(2) Bed and breakfast inn, subject to the requirements of Chapter 18.225~~
- 1932                    ~~TMC.~~
- 1933                    ~~(3) Common open space.~~
- 1934                    ~~(4) Community center.~~
- 1935                    ~~(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 Chapter 18.225 TMC.~~

~~(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 division as exempt as set forth by definition; and subject to the requirements of Chapter 18.250 TMC.~~

~~(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:~~

~~(i) Swimming.~~

~~(ii) Tennis.~~

~~(14) Group residence, limited, subject to Chapter 18.225 TMC.~~

1959 ~~(15) Nonresidential small wind energy system, subject to Chapter 18.265~~  
1960 ~~TMC.~~

1961 ~~(16) Home care, type II.~~

1962 ~~(17) Assisted living facility.~~

1963 (a) Principal uses identified in the use matrix table in TMC 18.60.010 shall be  
1964 allowed.

1965 (b) Special uses identified in the use matrix table in TMC 18.60.010 shall be  
1966 allowed subject to the restrictions identified in Chapter 18.225 TMC.

1967 (c) Conditional uses identified in the use matrix table in TMC 18.60.010 may  
1968 be allowed in accordance with Chapter 18.215 TMC if approved by the governing body.  
1969

1970 Section 41. That section 18.90.040, Dimensional requirements, of The Code of  
1971 the City of Topeka, Kansas, is hereby amended to read as follows:

1972 **Density and Dimensional requirements.**

1973 ~~(a) Minimum Lot Area and Maximum Intensity of Use.~~

1974 ~~(1) Single family detached dwelling: 4,000 square feet.~~

1975 ~~(2) Two family dwelling: 4,500 square feet.~~

1976 ~~(3) Single family attached (both lots together): 4,500 square feet.~~

1977 ~~(4) All other uses: 7,500 square feet.~~

1978 ~~(b) Minimum Yard Requirements and Maximum Structure Height.~~

1979 ~~(1) Front yard: 25 feet.~~

1980 ~~(2) Side yard: five feet unless attached.~~

1981 ~~(3) Rear yard: 25 feet.~~

1982                   ~~(4) If the recorded plat of subdivision provides for a greater minimum yard~~  
1983                   ~~requirement than provided by this district, the provisions of the plat shall~~  
1984                   ~~prevail.~~

1985                   ~~(5) The applicable side yard of a corner lot and the rear yard of a double~~  
1986                   ~~frontage lot shall conform to the minimum front yard requirements of this~~  
1987                   ~~district.~~

1988                   ~~(6) Height: 45 feet.~~

1989                   All development shall comply with the density and dimensional standards in TMC  
1990                   18.60.020.

1991                   Section 42. That section 18.90.050, General provisions, of The Code of the City  
1992 of Topeka, Kansas, is hereby amended to read as follows:

1993                   ~~General provisions~~Other regulations.

1994                   All principal and accessory uses permitted within this zone are subject to the  
1995 following requirements:

1996                   ~~(a) Accessory Uses and Requirements.~~

1997                   (1) Permitted Accessory Uses and Requirements. See Chapter 18.210  
1998 TMC.

1999                   (2) Off-Street Parking Requirements. See Chapter 18.240 TMC.

2000                   (3) Sign Regulations. See Chapter 18.20 TMC.

2001                   ~~(b) Other Provisions.~~

2002                   ~~(4)~~ Dimensional Requirements. See Chapter 18.230 TMC.

2003                   ~~(5)~~ Nonconforming Uses. See Chapter 18.220 TMC.

2004                   ~~(6)~~ Site Plan Regulations. See Chapter 18.260 TMC.

2005                   (7)     Landscaping Requirements. See Chapter 18.235 TMC.

2006                   (8)     Subdivision Regulations. See Chapters 18.30 through 18.45 TMC.

2007                   Section 43.   That section 18.90.060, Development alternatives, of The Code of  
2008 the City of Topeka, Kansas, is hereby repealed.

2009                   ~~**Development alternatives.**~~

2010                   ~~(a) The development of M-1 two-family dwelling district uses with multiple~~  
2011 ~~principal structures and/or uses may follow the provisions of Chapter 18.190 TMC, PUD~~  
2012 ~~Planned Unit Development District.~~

2013                   ~~(b) The development of M-1 two-family dwelling district shall apply to subdivided~~  
2014 ~~land of record which meets the objectives and requirements of this district, the~~  
2015 ~~subdivision of land regulations, and the applicable plat of subdivision stipulations.~~

2016                   Section 44.   That section 18.95.020, Regulations generally, of The Code of the  
2017 City of Topeka, Kansas, is hereby repealed.

2018                   ~~**Regulations generally.**~~

2019                   ~~The regulations set forth in this chapter or set forth elsewhere in this division~~  
2020 ~~when referred to in this chapter are the district regulations for the M-1a limited multiple-~~  
2021 ~~family dwelling district.~~

2022                   Section 45.   That section 18.95.030, Use regulations, of The Code of the City of  
2023 Topeka, Kansas, is hereby amended to read as follows:

2024                   ~~**Use regulations**~~**Principal, special, and conditional uses.**

2025                   ~~(a) Permitted Uses.~~

2026                   ~~(1) Detached single-family dwelling, for the purpose, use and occupancy of~~  
2027 ~~a family as defined herein. The dimensional requirement applicable to a~~



2028 ~~residential design manufactured home may be appealable to the board of~~  
2029 ~~zoning appeals.~~

2030 ~~(2) Two family dwelling.~~

2031 ~~(3) Three family dwelling.~~

2032 ~~(4) Four family dwelling.~~

2033 ~~(5) Public parks, playgrounds, trails, paths, recreation areas, golf courses,~~  
2034 ~~scenic and historic sites, and associated recreational and leisure facilities,~~  
2035 ~~including but not limited to shelters, pools, court games, maintenance~~  
2036 ~~structures and associated parking to the above uses.~~

2037 ~~(6) Private parks, playgrounds, trails, paths, recreation areas, golf courses,~~  
2038 ~~scenic and historic sites, common open space, and associated recreational~~  
2039 ~~and leisure facilities, including, but not limited to, clubhouses, shelters,~~  
2040 ~~pools, court games, parking, and maintenance structures, for use by~~  
2041 ~~members and guests only, provided such facilities are developed in~~  
2042 ~~conjunction with, and intended to serve, a residential community and are~~  
2043 ~~located and designated on either the recorded plat of subdivision or on an~~  
2044 ~~approved planned unit development.~~

2045 ~~(7) Subdivision maintenance facilities and/or U.S. Postal Service receptacle~~  
2046 ~~pods and shelter, developed in conjunction with, and intended to serve, a~~  
2047 ~~residential community and which are located and designated on either the~~  
2048 ~~recorded plat of subdivision or on an approved planned unit development.~~

2049 ~~(8) Public or private elementary and secondary schools.~~

2050 ~~(9) Residential care facility, type I.~~

- 2051                    ~~(10) Medical care facility, type I.~~
- 2052                    ~~(11) Group home.~~
- 2053                    ~~(12) Residential care facility, type II.~~
- 2054                    ~~(13) Home care, type I.~~
- 2055                    ~~(14) Single family attached dwelling.~~
- 2056                    ~~(b) Provisional Uses.~~
- 2057                    ~~(1) Day care facility, type I, subject to the requirements of Chapter 18.225~~
- 2058                    ~~TMC.~~
- 2059                    ~~(2) Religious assembly, subject to the requirements of Chapter 18.225~~
- 2060                    ~~TMC.~~
- 2061                    ~~(3) Golf course, subject to the requirements of Chapter 18.225 TMC.~~
- 2062                    ~~(c) Uses Permitted by Conditional Use Permit. The following uses may be~~
- 2063                    ~~granted a conditional use permit by the governing body provided by Chapter 18.215~~
- 2064                    ~~TMC:~~
- 2065                    ~~(1) Bed and breakfast home, subject to the requirements of Chapter 18.225~~
- 2066                    ~~TMC.~~
- 2067                    ~~(2) Bed and breakfast inn, subject to the requirements of Chapter 18.225~~
- 2068                    ~~TMC.~~
- 2069                    ~~(3) Common open space.~~
- 2070                    ~~(4) Community center.~~
- 2071                    ~~(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 Chapter 18.225 TMC.~~

~~(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 division as exempt as set forth by definition; and subject to the requirements of Chapter 18.250 TMC.~~

~~(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:~~

~~(i) Swimming.~~

~~(ii) Tennis.~~

2095                   ~~(14) Group residence, limited, subject to Chapter 18.225 TMC.~~

2096                   ~~(15) Nonresidential small wind energy system, subject to Chapter 18.265~~

2097                   ~~TMC.~~

2098                   ~~(16) Home care, type II.~~

2099                   ~~(17) Assisted living facility.~~

2100               (a)    Principal uses identified in the use matrix table in TMC 18.60.010 shall be

2101               allowed.

2102               (b)    Special uses identified in the use matrix table in TMC 18.60.010 shall be

2103               allowed subject to the restrictions identified in Chapter 18.225 TMC.

2104               (c)    Conditional uses identified in the use matrix table in TMC 18.60.010 may

2105               be allowed in accordance with Chapter 18.215 TMC if approved by the governing body.

2106               Section 46.   That section 18.95.040, Dimensional requirements, of The Code of

2107               the City of Topeka, Kansas, is hereby amended to read as follows:

2108               **Density and Dimensional requirements.**

2109               ~~(a) Minimum Lot Area and Maximum Intensity of Use.~~

2110                   ~~(1) Single family detached dwelling: 4,000 square feet.~~

2111                   ~~(2) Two family dwelling: 4,500 square feet.~~

2112                   ~~(3) Three and four family dwellings: 4,356 square feet per dwelling unit.~~

2113                   ~~(4) Single family attached dwelling (both lots together): 4,500 square feet.~~

2114                   ~~(5) All other uses: 7,500 square feet.~~

2115               ~~(b) Minimum Yard Requirements and Maximum Structure Height.~~

2116                   ~~(1) Front yard: 25 feet.~~

2117                   ~~(2) Side yard: five feet unless attached.~~

2118                   ~~(3) Rear yard: 25 feet.~~

2119                   ~~(4) If the recorded plat of subdivision provides for a greater minimum yard~~  
2120                   ~~requirement than provided by this district, the provisions of the plat shall~~  
2121                   ~~prevail.~~

2122                   ~~(5) The applicable side yard of a corner lot and the rear yard of a double~~  
2123                   ~~frontage lot shall conform to the minimum front yard requirements of this~~  
2124                   ~~district.~~

2125                   ~~(6) Height: 45 feet.~~

2126                   All development shall comply with the density and dimensional standards in TMC  
2127                   18.60.020.

2128                   Section 47. That section 18.95.050, General provisions, of The Code of the City  
2129 of Topeka, Kansas, is hereby amended to read as follows:

2130                   **General provisions.**

2131                   All principal and accessory uses permitted within this zone are subject to the  
2132 following requirements:

2133                   ~~(a) Accessory Uses and Requirements.~~

2134                   (1) Permitted Accessory Uses and Requirements. See Chapter 18.210  
2135 TMC.

2136                   (2) Off-Street Parking Requirements. See Chapter 18.240 TMC.

2137                   (3) Sign Regulations. See Chapter 18.20 TMC.

2138                   ~~(b) Other Provisions.~~

2139                   ~~(14)~~ Dimensional Requirements. See Chapter 18.230 TMC.

2140                   ~~(25)~~ Nonconforming Uses. See Chapter 18.220 TMC.

- 2141                   (6)     Site Plan Regulations. See Chapter 18.260 TMC.
- 2142                   (7)     Landscaping Requirements. See Chapter 18.235 TMC.
- 2143                   (8)     Subdivision Regulations. See Chapters 18.30 through 18.45 TMC.

2144             Section 48. That section 18.95.060, Development alternatives, of The Code of  
2145 the City of Topeka, Kansas, is hereby repealed.

2146             ~~**Development alternatives.**~~

2147             ~~(a) The development of M-1a limited multiple family dwelling district uses with~~  
2148 ~~multiple principal structures and/or uses may follow the provisions of Chapter 18.190~~  
2149 ~~TMC, PUD Planned Unit Development District.~~

2150             ~~(b) The development of M-1a limited multiple family dwelling district shall apply to~~  
2151 ~~subdivided land of record which meets the objectives and requirements of this district,~~  
2152 ~~the subdivision of land regulations, and the applicable plat of subdivision stipulations.~~

2153             Section 49. That section 18.100.020, Regulations generally, of The Code of the  
2154 City of Topeka, Kansas, is hereby repealed.

2155             ~~**Regulations generally.**~~

2156             ~~The regulations set forth in this chapter or set forth elsewhere in this division~~  
2157 ~~when referred to in this chapter are the district regulations for the M-2 multiple family~~  
2158 ~~dwelling district.~~

2159             Section 50. That section 18.100.030, Use regulations, of The Code of the City  
2160 of Topeka, Kansas, is hereby amended to read as follows:

2161             ~~**Use regulations**~~**Principal, special, and conditional uses.**

2162             ~~(a) Permitted Uses.~~

~~(1) Detached single-family dwelling, 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 board of zoning appeals.~~

~~(2) Two-family dwelling.~~

~~(3) Multiple-family dwelling.~~

~~(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 are located and designated on either the recorded plat of subdivision or on an approved planned unit development.~~

- 2186                   ~~(8) Public or private elementary and secondary schools.~~
- 2187                   ~~(9) Residential care facility, type II.~~
- 2188                   ~~(10) Medical care facility, type I.~~
- 2189                   ~~(11) Group home.~~
- 2190                   ~~(12) Sorority or fraternity house.~~
- 2191                   ~~(13) Group residence, limited, subject to Chapter 18.225 TMC.~~
- 2192                   ~~(14) Residential care facility, type I.~~
- 2193                   ~~(15) Home care, type I.~~
- 2194                   ~~(16) Home care, type II.~~
- 2195                   ~~(17) Assisted living facility.~~
- 2196                   ~~(18) Single family attached dwelling.~~
- 2197                   ~~(b) Provisional Uses.~~
- 2198                   ~~(1) Bed and breakfast home, subject to the requirements of Chapter 18.225~~
- 2199                   ~~TMC.~~
- 2200                   ~~(2) Bed and breakfast inn, subject to the requirements of Chapter 18.225~~
- 2201                   ~~TMC.~~
- 2202                   ~~(3) Day care facility, type I, subject to the requirements of Chapter 18.225~~
- 2203                   ~~TMC.~~
- 2204                   ~~(4) Day care facility, type II, subject to the requirements of Chapter 18.225~~
- 2205                   ~~TMC.~~
- 2206                   ~~(5) Religious assembly, subject to the requirements of Chapter 18.225~~
- 2207                   ~~TMC.~~
- 2208                   ~~(6) Golf course, subject to the requirements of Chapter 18.225 TMC.~~



2209                   ~~(7) Vehicle surface parking lot in association with a principal use, subject to~~  
2210                   ~~the requirements of Chapter 18.225 TMC.~~

2211                   ~~(c) Uses Permitted by Conditional Use Permit. The following uses may be~~  
2212                   ~~granted a conditional use permit by the governing body provided by Chapter 18.215~~  
2213                   ~~TMC:~~

2214                   ~~(1) Community center.~~

2215                   ~~(2) Cultural facility.~~

2216                   ~~(3) Food service facility in which food and beverage is offered or prepared~~  
2217                   ~~for sale or for service with or without charge on the premises and clearly~~  
2218                   ~~incidental and subordinate to a principal use.~~

2219                   ~~(4) Vehicle surface parking lot in association with a principal use.~~

2220                   ~~(5) Private or public utility structures facilitating the transmission,~~  
2221                   ~~distribution, and/or collection systems, including substations, distribution~~  
2222                   ~~stations, pump stations, reservoirs, towers, transmissions equipment~~  
2223                   ~~buildings and similar such uses.~~

2224                   ~~(6) Public use facility.~~

2225                   ~~(7) Reception, conference and assembly facility, subject to the requirements~~  
2226                   ~~of Chapter 18.225 TMC.~~

2227                   ~~(8) Recreation facility in which the principal use is of an outdoor and~~  
2228                   ~~unenclosed nature and which may include accessory and support facilities~~  
2229                   ~~as an incidental and ancillary use. Permitted uses shall include the following~~  
2230                   ~~activities and similar activities of like intensity:~~

2231                   ~~(i) Swimming.~~

- 2232                    ~~(ii) Tennis.~~
- 2233                    ~~(9) Residential care facility, type III.~~
- 2234                    ~~(10) Medical care facility, type II.~~
- 2235                    ~~(11) Retail sales of a nature clearly incidental and subordinate to, and~~  
2236                    ~~customary in connection with, a principal use.~~
- 2237                    ~~(12) Bed and breakfast inn.~~
- 2238                    ~~(13) Communication towers, telecommunication equipment and accessory~~  
2239                    ~~facilities other than those provided for elsewhere in this division as exempt~~  
2240                    ~~as set forth by definition; and subject to the requirements of Chapter 18.250~~  
2241                    ~~TMC.~~
- 2242                    ~~(14) Common open space.~~
- 2243                    ~~(15) Correctional placement residence or facility, limited, subject to the~~  
2244                    ~~requirements of Chapter 18.225 TMC.~~
- 2245                    ~~(16) Group residence, general, subject to the requirements of Chapter~~  
2246                    ~~18.225 TMC.~~
- 2247                    ~~(17) Nonresidential small wind energy system, subject to Chapter 18.265~~  
2248                    ~~TMC.~~
- 2249                    (a)    Principal uses identified in the use matrix table in TMC 18.60.010 shall be  
2250                    allowed.
- 2251                    (b)    Special uses identified in the use matrix table in TMC 18.60.010 shall be  
2252                    allowed subject to the restrictions identified in Chapter 18.225 TMC.
- 2253                    (c)    Conditional uses identified in the use matrix table in TMC 18.60.010 may  
2254                    be allowed in accordance with Chapter 18.215 TMC if approved by the governing body.

2255            Section 51. That section 18.100.040, Dimensional requirements, of The Code  
2256 of the City of Topeka, Kansas, is hereby amended to read as follows:

2257            **Density and Dimensional requirements.**

2258            ~~(a) — Minimum Lot Area and Maximum Intensity of Use.~~

2259                    ~~(1) Single family detached dwelling: 3,500 square feet.~~

2260                    ~~(2) Two family dwelling: 4,000 square feet.~~

2261                    ~~(3) Single family attached dwelling (both lots together): 4,000 square feet.~~

2262                    ~~(4) Multiple family dwelling: 1,500 square feet per dwelling unit.~~

2263                    ~~(5) Housing facility designed for congregate living or a dormitory type~~  
2264 ~~dwelling, the occupancy shall not exceed the following:~~

2265                            ~~(i) For the first occupant, 150 square feet of floor space and at least~~  
2266 ~~100 square feet of floor space for every additional occupant thereof.~~

2267                            ~~(ii) A total number of occupants equal to two times the number of~~  
2268 ~~habitable rooms.~~

2269                    ~~(6) All other uses: 7,500 square feet.~~

2270            ~~(b) Minimum Yard Requirements and Maximum Structure Height.~~

2271                    ~~(1) Front yard: 25 feet.~~

2272                    ~~(2) Side yard: five feet unless attached.~~

2273                    ~~(3) Rear yard: 25 feet.~~

2274                    ~~(4) If the recorded plat of subdivision provides for a greater minimum yard~~  
2275 ~~requirement than provided by this district, the provisions of the plat shall~~  
2276 ~~prevail.~~

2277                   ~~(5) The applicable side yard of a corner lot and the rear yard of a double~~  
2278                   ~~frontage lot shall conform to the minimum front yard requirements of this~~  
2279                   ~~district.~~

2280                   ~~(6) Height: 50 feet.~~

2281                   All development shall comply with the density and dimensional standards in TMC  
2282                   18.60.020.

2283                   Section 52. That section 18.100.050, General provisions, of The Code of the  
2284 City of Topeka, Kansas, is hereby amended to read as follows:

2285                   ~~General provisions~~Other regulations.

2286                   All principal and accessory uses permitted within this zone are subject to the  
2287 following requirements:

2288                   ~~(a) — Accessory Uses and Requirements.~~

2289                   (1)     Permitted Accessory Uses and Requirements. See Chapter 18.210  
2290                   TMC.

2291                   (2)     Off-Street Parking Requirements. See Chapter 18.240 TMC.

2292                   (3)     Sign Regulations. See Chapter 18.20 TMC.

2293                   ~~(b) — Other Provisions.~~

2294                   ~~(4)~~     Dimensional Requirements. See Chapter 18.230 TMC.

2295                   ~~(25)~~    Nonconforming Uses. See Chapter 18.220 TMC.

2296                   ~~(6)~~     Site Plan Regulations. See Chapter 18.260 TMC.

2297                   ~~(7)~~     Landscaping Requirements. See Chapter 18.235 TMC.

2298                   ~~(8)~~     Subdivision Regulations. See Chapters 18.30 through 18.45 TMC.

2299           Section 53. That section 18.100.060, Development alternatives, of The Code of  
2300 the City of Topeka, Kansas, is hereby repealed.

2301           ~~**Development alternatives.**~~

2302           ~~(a) — The development of M-2 multiple-family dwelling district uses with multiple~~  
2303 ~~principal structures and/or uses may follow the provisions of Chapter 18.190 TMC, PUD~~  
2304 ~~Planned Unit Development District.~~

2305           ~~(b) — The development of M-2 multiple-family dwelling district shall apply to~~  
2306 ~~subdivided land of record which meets the objectives and requirements of this district,~~  
2307 ~~the subdivision of land regulations, and the applicable plat of subdivision stipulations.~~

2308           Section 54. That section 18.105.010, Purpose-Intent, of the Code of the City of  
2309 Topeka, Kansas is hereby amended to read as follows:

2310           ~~This district is established to provide for the use of attached dwelling units~~  
2311 ~~containing three or more dwelling units, designed and intended for individual dwellings,~~  
2312 ~~group or community living facilities, congregate living facilities, and including~~  
2313 ~~townhouse, condominium or cooperative division of ownership. The location of this~~  
2314 ~~district is further intended to provide a transitional use between the districts of lesser~~  
2315 ~~and greater intensity, and where there are adequate public facilities to accommodate~~  
2316 ~~higher intensity of use. It is the purpose of this district to provide for multiple-family~~  
2317 ~~dwelling structures which are in the moderate to high density range and at heights~~  
2318 ~~which allow for a high intensity of use and development. The location of this district is~~  
2319 ~~intended to complement high activity centers such as the central business district,~~  
2320 ~~employment centers or other similar locations. Since this district will have high levels of~~

pedestrian activity, attention will be focused on ensuring a pleasant, safe and efficient pedestrian environment.

Section 55. That section 18.105.020, Regulations generally, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Regulations generally.~~**

~~The regulations set forth in this chapter or set forth elsewhere in this division when referred to in this chapter are the district regulations for the M-3 multiple-family dwelling district.~~

Section 56. That section 18.105.030, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**~~Use regulations~~Principal, special, and conditional uses.**

**~~(a) Permitted Uses.~~**

~~(1) Detached single family dwelling, 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 board of zoning appeals.~~

~~(2) Two-family dwelling.~~

~~(3) Multiple family dwelling.~~

~~(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.~~

- 2344 ~~(6) Private parks, playgrounds, trails, paths, recreation areas, golf courses,~~  
2345 ~~scenic and historic sites, common open space, and associated recreational~~  
2346 ~~and leisure facilities, including, but not limited to, clubhouses, shelters,~~  
2347 ~~pools, court games, parking, and maintenance structures, for use by~~  
2348 ~~members and guests only, provided such facilities are developed in~~  
2349 ~~conjunction with, and intended to serve, a residential community and are~~  
2350 ~~located and designated on either the recorded plat of subdivision or on an~~  
2351 ~~approved planned unit development.~~
- 2352 ~~(7) Subdivision maintenance facilities and/or U.S. Postal Service receptacle~~  
2353 ~~pods and shelter, developed in conjunction with, and intended to serve, a~~  
2354 ~~residential community and which are located and designated on either the~~  
2355 ~~recorded plat of subdivision or on an approved planned unit development.~~
- 2356 ~~(8) Public or private elementary and secondary schools.~~
- 2357 ~~(9) Residential care facility, type III.~~
- 2358 ~~(10) Medical care facility, type I.~~
- 2359 ~~(11) Group home.~~
- 2360 ~~(12) Sorority or fraternity house.~~
- 2361 ~~(13) Group residence, limited, subject to Chapter 18.225 TMC.~~
- 2362 ~~(14) Residential care facility, type I.~~
- 2363 ~~(15) Residential care facility, type II.~~
- 2364 ~~(16) Home care, type I.~~
- 2365 ~~(17) Home care, type II.~~
- 2366 ~~(18) Assisted living facility.~~

2367                   ~~(19) Single-family attached dwelling.~~

2368                   ~~(b) Provisional Uses.~~

2369                   ~~(1) Bed and breakfast home, subject to the requirements of Chapter 18.225~~

2370                   ~~TMC.~~

2371                   ~~(2) Bed and breakfast inn, subject to the requirements of Chapter 18.225~~

2372                   ~~TMC.~~

2373                   ~~(3) Day care facility, type I, subject to the requirements of Chapter 18.225~~

2374                   ~~TMC.~~

2375                   ~~(4) Day care facility, type II, subject to the requirements of Chapter 18.225~~

2376                   ~~TMC.~~

2377                   ~~(5) Religious assembly, subject to the requirements of Chapter 18.225~~

2378                   ~~TMC.~~

2379                   ~~(6) Golf course, subject to the requirements of Chapter 18.225 TMC.~~

2380                   ~~(7) Vehicle surface parking lot in association with a principal use, subject to~~

2381                   ~~the requirements of Chapter 18.225 TMC.~~

2382                   ~~(c) Uses Permitted by Conditional Use Permit. The following uses may be granted a~~

2383                   ~~conditional use permit by the governing body provided by Chapter 18.215 TMC:~~

2384                   ~~(1) Apartment hotel.~~

2385                   ~~(2) Bed and breakfast inn.~~

2386                   ~~(3) Community center.~~

2387                   ~~(4) Cultural facility.~~

2388                   ~~(5) Medical care facility, type II.~~



2389 ~~(6) Food service facility in which food and beverage is offered or prepared~~  
2390 ~~for sale or for service with or without charge on the premises and clearly~~  
2391 ~~incidental and subordinate to a principal use.~~

2392 ~~(7) Vehicle surface parking lot and/or multilevel parking structure as~~  
2393 ~~specified by the application in association with a principal use.~~

2394 ~~(8) Private or public utility structures facilitating the transmission,~~  
2395 ~~distribution, and/or collection systems, including substations, distribution~~  
2396 ~~stations, pump stations, reservoirs, towers, transmission equipment~~  
2397 ~~buildings and similar such uses.~~

2398 ~~(9) Public use facility.~~

2399 ~~(10) Reception, conference and assembly facility, subject to the~~  
2400 ~~requirements of Chapter 18.225 TMC.~~

2401 ~~(11) Recreation facility in which the principal use is of an outdoor and~~  
2402 ~~unenclosed nature and which may include accessory and support facilities~~  
2403 ~~as an incidental and ancillary use. Permitted uses shall include the following~~  
2404 ~~activities and similar activities of like intensity:~~

2405 ~~(i) Swimming.~~

2406 ~~(ii) Tennis.~~

2407 ~~(12) Community living facility, type I.~~

2408 ~~(13) Retail sales of a nature clearly incidental and subordinate to, and~~  
2409 ~~customary in connection with, a principal use.~~

2410 ~~(14) Communication towers, telecommunication equipment and accessory~~  
2411 ~~facilities other than those provided for elsewhere in this division as exempt~~

2412 as set forth by definition; and subject to the requirements of Chapter 18.250  
2413 TMC.

2414 ~~(15) Common open space.~~

2415 ~~(16) Correctional placement residence or facility, general, subject to the~~  
2416 ~~requirements of Chapter 18.225 TMC.~~

2417 ~~(17) Correctional placement residence or facility, limited, subject to the~~  
2418 ~~requirements of Chapter 18.225 TMC.~~

2419 ~~(18) Group residence, general.~~

2420 ~~(19) Nonresidential small wind energy system, subject to Chapter 18.265~~  
2421 ~~TMC.~~

2422 (a) Principal uses identified in the use matrix table in TMC 18.60.010 shall be  
2423 allowed.

2424 (b) Special uses identified in the use matrix table in TMC 18.60.010 shall be  
2425 allowed subject to the restrictions identified in Chapter 18.225 TMC.

2426 (c) Conditional uses identified in the use matrix table in TMC 18.60.010 may  
2427 be allowed in accordance with Chapter 18.215 TMC if approved by the governing body.

2428 Section 57. That section 18.105.040, Dimensional requirements, of The Code  
2429 of the City of Topeka, Kansas, is hereby amended to read as follows:

2430 **Density and Dimensional requirements.**

2431 ~~(a) Minimum Lot Area and Maximum Intensity of Use.~~

2432 ~~(1) Single family detached dwelling: 3,500 square feet.~~

2433 ~~(2) Two family dwelling: 4,000 square feet.~~

2434 ~~(3) Single family attached dwelling (both lots together): 4,000 square feet.~~

2435 ~~(4) Multiple-family dwelling: 600 square feet per dwelling unit.~~

2436 ~~(5) Housing facility designed for congregate living or a dormitory type~~

2437 ~~dwelling, the occupancy shall not exceed the following:~~

2438 ~~(i) For the first occupant, 150 square feet of floor space and at least~~

2439 ~~100 square feet of floor space for every additional occupant thereof.~~

2440 ~~(ii) A total number of occupants equal to two times the number of~~

2441 ~~habitable rooms.~~

2442 ~~(6) All other uses: 7,500 square feet.~~

2443 ~~(b) Minimum Yard Requirements and Maximum Structure Height.~~

2444 ~~(1) Front yard: 25 feet.~~

2445 ~~(2) Side yard: five feet unless attached.~~

2446 ~~(3) Rear yard: 25 feet.~~

2447 ~~(4) If the recorded plat of subdivision provides for a greater minimum yard~~

2448 ~~requirements than provided by this district, the provisions of the plat shall~~

2449 ~~prevail.~~

2450 ~~(5) The applicable side yard of a corner lot and the rear yard of a double~~

2451 ~~frontage lot shall conform to the minimum front yard requirements of this~~

2452 ~~district.~~

2453 ~~(6) Height: 100 feet.~~

2454 All development shall comply with the density and dimensional standards in TMC

2455 18.60.020.

2456 Section 58. That section 18.105.050, General provisions, of The Code of the

2457 City of Topeka, Kansas, is hereby amended to read as follows:

**General provisions.**

All principal and accessory uses permitted within this zone are subject to the following requirements:

~~(a) Accessory Uses and Requirements.~~

(1) Permitted Accessory Uses and Requirements. See Chapter 18.210 TMC.

(2) Off-Street Parking Requirements. See Chapter 18.240 TMC.

(3) Sign Regulations. See Chapter 18.20 TMC.

~~(b) Other Provisions.~~

~~(14)~~ Dimensional Requirements. See Chapter 18.230 TMC.

~~(25)~~ Nonconforming Uses. See Chapter 18.220 TMC.

(6) Site Plan Regulations. See Chapter 18.260 TMC.

(7) Landscaping Requirements. See Chapter 18.235 TMC.

(8) Subdivision Regulations. See Chapters 18.30 through 18.45 TMC.

Section 59. That section 18.105.060, Development alternatives, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Development alternatives.~~**

~~(a) The development of M-3 multiple family dwelling district uses with multiple principal structures and/or uses may follow the provisions of Chapter 18.190 TMC, PUD Planned Unit Development District.~~

~~(b) The development of M-3 multiple family dwelling district shall apply to the subdivided land of record which meets the objectives and requirements of this district, the subdivision of land regulations, and the applicable plat of subdivision stipulations.~~

2481           Section 60. That section 18.110.010, Purpose-Intent, of the Code of the City of  
2482 Topeka, Kansas, is hereby repealed.

2483           **Purpose-Intent.**

2484           ~~It is the purpose of this district to provide for multiple family dwelling structures~~  
2485 ~~which are in the moderate to high density range and at heights which allow for a high~~  
2486 ~~intensity of use and development. The location of this district is intended to complement~~  
2487 ~~high activity centers such as the central business district, employment centers or other~~  
2488 ~~similar locations. Since this district will have high levels of pedestrian activity, special~~  
2489 ~~attention must be directed to providing a pleasant, safe and efficient pedestrian~~  
2490 ~~environment.~~

2491           Section 61. That section 18.110.020, Regulations generally, of The Code of the  
2492 City of Topeka, Kansas, is hereby repealed.

2493           **Regulations generally.**

2494           ~~The regulations set forth in this chapter or set forth elsewhere in this division~~  
2495 ~~when referred to in this chapter are the district regulations for the M-4 multiple family~~  
2496 ~~dwelling district.~~

2497           Section 62. That section 18.110.030, Use regulations, of The Code of the City  
2498 of Topeka, Kansas, is hereby repealed.

2499           **Use regulations.**

2500           ~~(a) Permitted Uses.~~

2501           ~~(1) Apartment hotel.~~

2502           ~~(2) Multiple family dwelling.~~

2503           ~~(3) Boarding and lodging house.~~

2504                   ~~(4) Public parks, playgrounds, trails, paths, recreation areas, golf courses,~~  
2505                   ~~scenic and historic sites, and associated recreational and leisure facilities,~~  
2506                   ~~including but not limited to shelters, pools, court games, maintenance~~  
2507                   ~~structures and associated parking to the above uses.~~

2508                   ~~(5) Private parks, playgrounds, trails, paths, recreation areas, golf courses,~~  
2509                   ~~scenic and historic sites, common open space, and associated recreational~~  
2510                   ~~and leisure facilities, including but not limited to clubhouses, shelters, pools,~~  
2511                   ~~court games, parking, and maintenance structures, for use by members and~~  
2512                   ~~guests only, provided such facilities are developed in conjunction with, and~~  
2513                   ~~intended to serve, a residential community and are located and designated~~  
2514                   ~~on either the recorded plat of subdivision or on an approved planned unit~~  
2515                   ~~development.~~

2516                   ~~(6) Subdivision maintenance facilities and/or U.S. Postal Service receptacle~~  
2517                   ~~pods and shelter, developed in conjunction with, and intended to serve, a~~  
2518                   ~~residential community and which are located and designated on either the~~  
2519                   ~~recorded plat of subdivision or on an approved planned unit development.~~

2520                   ~~(7) Public or private elementary and secondary schools.~~

2521                   ~~(8) Residential care facility, type III.~~

2522                   ~~(9) Medical care facility, type I.~~

2523                   ~~(10) Accessory uses in conjunction with a multiple family building containing~~  
2524                   ~~a minimum of 50 dwelling units or a minimum of 50 permanent residential~~  
2525                   ~~occupants:~~

2526                   ~~(i) Barber shop.~~

- 2527                    ~~(ii) Beauty shop.~~
- 2528                    ~~(iii) Laundry — dry cleaning pickup station.~~
- 2529                    ~~(iv) Travel tour agency.~~
- 2530                    ~~(v) Restaurant.~~
- 2531                    ~~(vi) Gift shop.~~
- 2532                    ~~(vii) Such accessory uses shall comply with the following:~~
- 2533                            ~~(A) Limited to the ground floor.~~
- 2534                            ~~(B) No separate outside entrances.~~
- 2535                            ~~(C) No external advertising of any type.~~
- 2536                            ~~(D) Established for the primary convenience of the occupants~~
- 2537                            ~~therein.~~
- 2538                    ~~(11) Sorority or fraternity house.~~
- 2539                    ~~(12) Group residence, general, subject to the requirements of Chapter~~
- 2540                    ~~18.225 TMC.~~
- 2541                    ~~(13) Group residence, limited, subject to the requirements of Chapter~~
- 2542                    ~~18.225 TMC.~~
- 2543                    ~~(14) Residential care facility, type I.~~
- 2544                    ~~(15) Residential care facility, type II.~~
- 2545                    ~~(16) Home care, type I.~~
- 2546                    ~~(17) Home care, type II.~~
- 2547                    ~~(18) Assisted living facility.~~
- 2548                    ~~(b) Provisional Uses.~~

2549 ~~(1) Bed and breakfast home, subject to the requirements of Chapter 18.225~~  
2550 ~~TMC.~~

2551 ~~(2) Bed and breakfast inn, subject to the requirements of Chapter 18.225~~  
2552 ~~TMC.~~

2553 ~~(3) Day care facility, type I, subject to the requirements of Chapter 18.225~~  
2554 ~~TMC.~~

2555 ~~(4) Day care facility, type II, subject to the requirements of Chapter 18.225~~  
2556 ~~TMC.~~

2557 ~~(5) Religious assembly, subject to the requirements of Chapter 18.225~~  
2558 ~~TMC.~~

2559 ~~(6) Golf course, subject to the requirements of Chapter 18.225 TMC.~~

2560 ~~(7) Vehicle surface parking lot in association with a principal use, subject to~~  
2561 ~~the requirements of Chapter 18.225 TMC.~~

2562 ~~(c) Uses Permitted by Conditional Use Permit. The following uses may be~~  
2563 ~~granted a conditional use permit by the governing body provided by Chapter 18.215~~  
2564 ~~TMC:~~

2565 ~~(1) Bed and breakfast inn.~~

2566 ~~(2) Community center.~~

2567 ~~(3) Cultural facility.~~

2568 ~~(4) Medical care facility, type II.~~

2569 ~~(5) Food service facility in which food and beverage is offered or prepared~~  
2570 ~~for sale or for service with or without charge on the premises and clearly~~  
2571 ~~incidental and subordinate to a principal use.~~



2572 ~~(6) Vehicle surface parking lot and/or multilevel parking structure as~~  
2573 ~~specified in the application in association with a principal use.~~

2574 ~~(7) Private or public utility structures facilitating the transmission,~~  
2575 ~~distribution, and/or collection systems, including substations, distribution~~  
2576 ~~stations, pump stations, reservoirs, towers, transmission equipment~~  
2577 ~~buildings and similar such uses.~~

2578 ~~(8) Public use facility.~~

2579 ~~(9) Reception, conference and assembly facility, subject to the requirements~~  
2580 ~~of Chapter 18.225 TMC.~~

2581 ~~(10) Recreation field, court, track, or range in which the principal use is of~~  
2582 ~~an outdoor and unenclosed nature and which may include accessory and~~  
2583 ~~support facilities as an incidental and ancillary use. Permitted uses shall~~  
2584 ~~include the following activities and similar activities of like intensity:~~

2585 ~~(i) Swimming.~~

2586 ~~(ii) Tennis.~~

2587 ~~(11) Retail sales of a nature clearly incidental and subordinate to, and~~  
2588 ~~customary in connection with, a principal use.~~

2589 ~~(12) Community living facility, type I.~~

2590 ~~(13) Communication towers, telecommunication equipment and accessory~~  
2591 ~~facilities other than those provided for elsewhere in this division as exempt~~  
2592 ~~as set forth by definition; and subject to the requirements of Chapter 18.250~~  
2593 ~~TMC.~~

2594 ~~(14) Common open space.~~

~~(15) Correctional placement residence or facility, general, subject to the requirements of Chapter 18.225 TMC.~~

~~(16) Correctional placement residence or facility, limited, subject to the requirements of Chapter 18.225 TMC.~~

~~(17) Nonresidential small wind energy system, subject to Chapter 18.265 TMC.~~

Section 63. That section 18.110.040, Dimensional requirements, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Dimensional requirements.~~**

~~(a) Minimum Lot Area and Maximum Intensity of Use.~~

~~(1) Multiple family dwelling: 400 square feet per dwelling unit.~~

~~(2) Housing facility designed for congregate living or a dormitory type dwelling, the occupancy shall not exceed the following:~~

~~(i) For the first occupant, 150 square feet of floor space and at least 400 square feet of floor space for every additional occupant thereof.~~

~~(ii) A total number of occupants equal to two times the number of habitable rooms.~~

~~(3) All other uses: 7,500 square feet.~~

~~(b) Minimum Yard Requirements and Maximum Structure Height.~~

~~(1) Front yard: 25 feet.~~

~~(2) Side yard:~~

~~(i) Single family dwellings: seven feet.~~

~~(ii) Multiple family dwellings not exceeding 50 feet in height: five feet.~~

2618                   ~~(iii) Any structure exceeding 50 feet in height: 10 feet.~~

2619                   ~~(3) Rear yard: 25 feet.~~

2620                   ~~(4) If the recorded plat of subdivision provides for a greater minimum yard~~  
2621                   ~~requirement than provided by this district, the provisions of the plat shall~~  
2622                   ~~prevail.~~

2623                   ~~(5) The applicable side yard of a corner lot and the rear yard of a double~~  
2624                   ~~frontage lot shall conform to the minimum front yard requirements of this~~  
2625                   ~~district.~~

2626                   ~~(6) Height: 160 feet. (Code 1995 § 48-11.03.)~~

2627                   Section 64. That section 18.110.050, General provisions, of The Code of the  
2628                   City of Topeka, Kansas, is hereby repealed.

2629                   ~~**General provisions.**~~

2630                   ~~All principal and accessory uses permitted within this zone are subject to the~~  
2631                   ~~following requirements:~~

2632                   ~~(a) Accessory Uses and Requirements.~~

2633                   ~~(1) Permitted Accessory Uses and Requirements. See Chapter 18.210~~  
2634                   ~~TMC.~~

2635                   ~~(2) Off-Street Parking Requirements. See Chapter 18.240 TMC.~~

2636                   ~~(3) Sign Regulations. See Chapter 18.20 TMC.~~

2637                   ~~(b) Other Provisions.~~

2638                   ~~(1) Dimensional Requirements. See Chapter 18.230 TMC.~~

2639                   ~~(2) Nonconforming Uses. See Chapter 18.220 TMC.~~

Section 65. That section 18.110.060, Development alternatives, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Development alternatives.**~~

~~(a) The development of M-4 multiple family dwelling district uses with multiple principal structures and/or uses may follow the provisions of Chapter 18.190 TMC, PUD Planned Unit Development District.~~

~~(b) The development of M-4 multiple family dwelling district shall apply to subdivided land of record which meets the objectives and requirements of this district, the subdivision of land regulations, and the applicable plat of subdivision stipulations.~~

Section 66. That section 18.125.020, Regulations generally, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Regulations generally.**~~

~~The regulations set forth in this chapter or set forth elsewhere in this division when referred to in this chapter are the district regulations for the O&I-1 office and institutional district.~~

Section 67. That section 18.125.030, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~**Use regulations**~~**Principal, special, and conditional uses.**

~~(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 Chapter 18.225 TMC.~~

~~(2) Dwelling units located above the ground floor.~~

~~(3) Day care facility, type II, subject to the requirements of Chapter 18.225 TMC.~~

~~(4) Vehicle surface parking lot in association with a principal use, subject to the requirements of Chapter 18.225 TMC.~~

~~(c) Uses Permitted by Conditional Use Permit. The following uses may be granted a conditional use permit by the governing body provided by Chapter 18.215 TMC:~~

~~(1) Bed and breakfast inn.~~

~~(2) Portrait or artist studio, subject to the requirements of Chapter 18.225 TMC.~~

~~(3) Public use facility.~~

~~(4) Small animal hospital or veterinary clinic for small domestic animals, subject to the requirements of Chapter 18.225 TMC.~~

~~(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 Chapter 18.225 TMC.~~

~~(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 division as exempt as set forth by definition; and subject to the requirements of Chapter 18.250 TMC.~~

~~(13) Group residence, limited, subject to the requirements of Chapter 18.225 TMC.~~

~~(14) Correctional placement residence or facility, limited, subject to the requirements of Chapter 18.225 TMC.~~

~~(15) Nonresidential small wind energy system, subject to Chapter 18.265 TMC.~~

(a) Principal uses identified in the use matrix table in TMC 18.60.010 shall be allowed.

(b) Special uses identified in the use matrix table in TMC 18.60.010 shall be allowed subject to the restrictions identified in Chapter 18.225 TMC.

(c) Conditional uses identified in the use matrix table in TMC 18.60.010 may be allowed in accordance with Chapter 18.215 TMC if approved by the governing body.

Section 68. That section 18.125.040, Dimensional requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Density and Dimensional requirements.**

~~(a) Minimum Lot Area and Maximum Intensity of Use.~~

~~(1) Residential dwelling: 1,500 square feet/unit of lot area with a minimum lot area of 7,500 square feet.~~

~~(2) All other uses: 7,500 square feet minimum lot area.~~

~~(b) Maximum Gross Floor Area Limitations.~~

~~(1) Ground floor area: 7,500 square feet.~~

~~(2) Total building floor area: 15,000 square feet.~~

~~(c) Minimum Yard Requirements and Maximum Structure Height.~~

~~(1) Front yard: 25 feet.~~

~~(2) Side yard: seven feet.~~

~~(3) Rear yard: 25 feet.~~

~~(4) If the recorded plat of subdivision provides for a greater minimum yard requirement than provided by this district, the provisions of the plat shall prevail.~~

~~(5) The applicable side yard of a corner lot and the rear yard of a double frontage lot shall conform to the minimum front yard requirements of this district.~~

~~(6) Height: 42 feet.~~

All development shall comply with the density and dimensional standards in TMC 18.60.020.

Section 69. That section 18.125.050, General provisions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~General provisions~~Other regulations.

All principal and accessory uses permitted within this zone are subject to the following requirements:

~~(a) Accessory Uses and Requirements.~~

(1) Permitted Accessory Uses and Requirements. See Chapter 18.210 TMC.

(2) Off-Street Parking Requirements. See Chapter 18.240 TMC.

(3) Sign Regulations. See Chapter 18.20 TMC.

~~(b) Other Provisions.~~

~~(4)~~ Dimensional Requirements. See Chapter 18.230 TMC.

~~(25)~~ Nonconforming Uses. See Chapter 18.220 TMC.

~~(6)~~ Site Plan Regulations. See Chapter 18.260 TMC.

~~(7)~~ Landscaping Requirements. See Chapter 18.235 TMC.

~~(8)~~ Subdivision Regulations. See Chapters 18.30 through 18.45 TMC.

Section 70. That section 18.125.060, Development alternatives, of The Code of the City of Topeka, Kansas, is hereby repealed:

~~Development alternatives.~~

~~(a) The development of O&I-1 office and institutional district uses with multiple principal structures and/or uses may follow the provisions of Chapter 18.190 TMC, PUD Planned Unit Development District.~~



~~(b) The development of O&I-1 office and institutional district shall apply to subdivided land of record which meets the objectives and requirements of this district, the subdivision of land regulations, and the applicable plat of subdivision stipulations.~~

Section 71. That section 18.130.020, Regulations generally, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Regulations generally.**~~

~~The regulations set forth in this chapter or set forth elsewhere in this division when referred to in this chapter are the district regulations for the O&I-2 office and institutional district.~~

Section 72. That section 18.130.030, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~**Use regulations**~~**Principal, special, and conditional uses.**

~~(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 Chapter 18.225 TMC.~~

~~(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 Chapter 18.225 TMC.~~

~~(4) Small animal hospital or veterinary clinic for small domestic animals, subject to the requirements of Chapter 18.225 TMC.~~

~~(5) Day care facility, type II, subject to the requirements of Chapter 18.225 TMC.~~

~~(6) Vehicle surface parking lot in association with a principal use, subject to the requirements of Chapter 18.225 TMC.~~

~~(c) Uses Permitted by Conditional Use Permit. The following uses may be granted a conditional use permit by the governing body provided by Chapter 18.215 TMC:~~

~~(1) Bed and breakfast inn.~~

~~(2) Hospital.~~

2799        ~~(3) Public use facility.~~

2800        ~~(4) Crematorium.~~

2801        ~~(5) Heliport.~~

2802        ~~(6) Commercial radio, television, broadcasting and/or receiving towers.~~

2803        ~~(7) Retail sales of a nature clearly incidental and subordinate to, and customary in~~  
2804        ~~connection with, a principal use.~~

2805        ~~(8) Food service facility in which food and beverage is offered or prepared for sale~~  
2806        ~~or for service with or without charge on the premises and clearly incidental and~~  
2807        ~~subordinate to a principal use.~~

2808        ~~(9) Private or public utility structures facilitating the transmission, distribution,~~  
2809        ~~and/or collection systems, including substations, distribution stations, pump~~  
2810        ~~stations, reservoirs, towers, transmission equipment buildings and similar such~~  
2811        ~~uses.~~

2812        ~~(10) Community center.~~

2813        ~~(11) Reception, conference and assembly facility subject to requirements of~~  
2814        ~~Chapter 18.225 TMC.~~

2815        ~~(12) Vehicle surface parking lot and/or multilevel parking structure as specified in~~  
2816        ~~the application in association with a principal use.~~

2817        ~~(13) Community living facility, type II.~~

2818        ~~(14) Communication towers, telecommunication equipment and accessory facilities~~  
2819        ~~other than those provided for elsewhere in this division as exempt as set forth by~~  
2820        ~~definition; and subject to the requirements of Chapter 18.250 TMC.~~

~~(15) Correctional placement residence or facility, limited, subject to the requirements of Chapter 18.225 TMC.~~

~~(16) Correctional placement residence or facility, general.~~

~~(17) Group residence, general, subject to the requirements of Chapter 18.225 TMC.~~

~~(18) Group residence, limited, subject to the requirements of Chapter 18.225 TMC.~~

~~(19) Nonresidential small wind energy system, subject to Chapter 18.265 TMC.~~

(a) Principal uses identified in the use matrix table in TMC 18.60.010 shall be allowed.

(b) Special uses identified in the use matrix table in TMC 18.60.010 shall be allowed subject to the restrictions identified in Chapter 18.225 TMC.

(c) Conditional uses identified in the use matrix table in TMC 18.60.010 may be allowed in accordance with Chapter 18.215 TMC if approved by the governing body.

Section 73. That section 18.130.040, Dimensional requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Density and Dimensional requirements.**

~~(a) Minimum Lot Area and Maximum Intensity of Use.~~

~~(1) Residential dwelling: 600 square feet/unit of lot area with a minimum lot area of 7,500 square feet.~~

~~(2) All other uses: 7,500 square feet minimum lot area.~~

~~(b) Maximum Gross Floor Area Limitations.~~

~~(1) Ground floor area: 20,000 square feet.~~

~~(c) Minimum Yard Requirements and Maximum Structure Height.~~

~~(1) Front yard: 25 feet.~~

~~(2) Side yard:~~

~~(i) Structures not exceeding 50 feet in height: five feet.~~

~~(ii) Structures exceeding 50 feet in height: 10 feet.~~

~~(3) Rear yard: 25 feet.~~

~~(4) If the recorded plat of subdivision provides for a greater minimum yard requirement than provided by this district, the provisions of the plat shall prevail.~~

~~(5) The applicable side yard of a corner lot and the rear yard of a double frontage lot shall conform to the minimum front yard requirements of this district.~~

~~(6) Height: 75 feet.~~

All development shall comply with the density and dimensional standards in TMC

18.60.020.

Section 74. That section 18.130.050, General provisions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**General provisions**~~Other regulations.~~

All principal and accessory uses permitted within this zone are subject to the following requirements:

~~(a) Accessory Uses and Requirements.~~

(1) Permitted Accessory Uses and Requirements. See Chapter 18.210 TMC.

(2) Off-Street Parking Requirements. See Chapter 18.240 TMC.

(3) Sign Regulations. See Chapter 18.20 TMC.

~~(b) Other Provisions.~~

(4) Dimensional Requirements. See Chapter 18.230 TMC.

(25) Nonconforming Uses. See Chapter 18.220 TMC.

(6) Site Plan Regulations. See Chapter 18.260 TMC.

(7) Landscaping Requirements. See Chapter 18.235 TMC.

(8) Subdivision Regulations. See Chapters 18.30 through 18.45 TMC.

Section 75. That section 18.130.060, Development alternatives, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Development alternatives.~~**

~~(a) The development of O&I-2 office and institutional district uses with multiple principal structures and/or uses may follow the provisions of Chapter 18.190 TMC, PUD Planned Unit Development District.~~

~~(b) The development of O&I-2 office and institutional district shall apply to subdivided land of record which meets the objectives and requirements of this district, the subdivision of land regulations, and the applicable plat of subdivision stipulations.~~

Section 76. That section 18.135.020, Regulations generally, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Regulations generally.~~**

~~The regulations set forth in this chapter or set forth elsewhere in this division when referred to in this chapter are the district regulations for the O&I-3 office and institutional district.~~

Section 77. That section 18.135.030, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Use regulationsPrincipal, special, and conditional uses.**

~~(a) Permitted Uses.~~

2890 ~~(1) Business or vocational school; technical college; training academy, dance~~  
2891 ~~studio.~~

2892 ~~(2) Community center.~~

2893 ~~(3) Cultural facility.~~

2894 ~~(4) Community living facility, type I.~~

2895 ~~(5) Community living facility, type II.~~

2896 ~~(6) Funeral home or mortuary including the display and sale of products associated~~  
2897 ~~with the ceremonies, burial or cremation of the deceased; and crematorium.~~

2898 ~~(7) Hospital which may contain a food service facility in which food and beverage is~~  
2899 ~~offered or prepared for sale or for service with or without charge on the premises,~~  
2900 ~~and retail sales, all of which are clearly incidental and subordinate to, and~~  
2901 ~~customary in connection with, the principal use.~~

2902 ~~(8) Medical care facility, type II.~~

2903 ~~(9) Offices for conducting affairs of business, profession, service, industry or~~  
2904 ~~government, including financial institutions and human health care clinics which~~  
2905 ~~may contain a pharmacy.~~

2906 ~~(10) Portrait or artist studio.~~

2907 ~~(11) Printing plant.~~

2908 ~~(12) Private membership association, club, lodge or fraternal organization and~~  
2909 ~~eligible as a class B private club subject to applicable licensing requirement.~~

2910 ~~(13) Public or private elementary and secondary school.~~

2911 ~~(14) Public parks, playgrounds, trails, paths, recreation areas, golf courses, scenic~~  
2912 ~~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.~~

~~(15) Radio and television broadcasting studio; recording studio.~~

~~(16) Reception, conference and assembly facility.~~

~~(17) Research laboratory.~~

~~(18) Crisis center, type I.~~

~~(b) Provisional Uses.~~

~~(1) Day care facility, type II, subject to the requirements of Chapter 18.225 TMC.~~

~~(2) Small animal hospital or veterinary clinic for small domestic animals subject to requirements of Chapter 18.225 TMC.~~

~~(3) Religious assembly, subject to the requirements of Chapter 18.225 TMC.~~

~~(4) Dwelling units other than medical care and community living facilities, located above the ground floor.~~

~~(5) Vehicle surface parking lot in association with a principal use, subject to the requirements of Chapter 18.225 TMC.~~

~~(c) Uses Permitted by Conditional Use Permit. The following uses may be granted a conditional use permit by the governing body provided by Chapter 18.215 TMC:~~

~~(1) Bed and breakfast inn.~~

~~(2) Commercial radio, television, broadcasting and/or receiving towers.~~

~~(3) 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.~~

~~(4) Heliport.~~



~~(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) 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 division as exempt as set forth by definition; and subject to the requirements of Chapter 18.250 TMC.~~

~~(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 Chapter 18.225 TMC.~~

~~(12) Correctional placement residence or facility, general, subject to the requirements of Chapter 18.225 TMC.~~

~~(13) Nonresidential small wind energy system, subject to Chapter 18.265 TMC.~~

(a) Principal uses identified in the use matrix table in TMC 18.60.010 shall be allowed.

(b) Special uses identified in the use matrix table in TMC 18.60.010 shall be allowed subject to the restrictions identified in Chapter 18.225 TMC.

(c) Conditional uses identified in the use matrix table in TMC 18.60.010 may be allowed in accordance with Chapter 18.215 TMC if approved by the governing body.

Section 78. That section 18.135.040, Dimensional requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Density and Dimensional requirements.**

~~(a) Minimum Lot Area and Maximum Intensity of Use.~~

~~(1) Residential dwelling: 400 square feet/unit of lot area with a minimum lot area of 7,500 square feet.~~

~~(2) All other uses: 7,500 square feet minimum lot area.~~

~~(b) Minimum Yard Requirements and Maximum Structure Height.~~

~~(1) Front yard: front and all street side yards shall be one third of the height of the structure with a minimum yard depth of 25 feet and a maximum required depth of 75 feet.~~

~~(2) Side yard:~~

~~(i) Structures not exceeding 75 feet in height: 10 feet.~~

~~(ii) Structures exceeding 75 feet in height: 20 feet.~~

~~(3) Rear yard: 25 feet.~~

~~(4) If the recorded plat of subdivision provides for a greater minimum yard requirement than provided by this district, the provisions of the plat shall prevail.~~

~~(5) The applicable side yard of a corner lot and the rear yard of a double frontage lot shall conform to the minimum front yard requirements of this district.~~

~~(6) Height: no height regulations shall apply except when in conflict with the provisions of the airport hazard ordinance (Chapter 18.205 TMC).~~

All development shall comply with the density and dimensional standards in TMC  
18.60.020.

Section 79. That section 18.135.050, General provisions, of The Code of the  
City of Topeka, Kansas, is hereby amended to read as follows:

**General provisions.**

All principal and accessory uses permitted within this zone are subject to the  
following requirements:

~~(a) Accessory Uses and Requirements.~~

- (1) Permitted Accessory Uses and Requirements. See Chapter 18.210 TMC.
- (2) Off-Street Parking Requirements. See Chapter 18.240 TMC.
- (3) Sign Regulations. See Chapter 18.20 TMC.

~~(b) Other Provisions.~~

- ~~(14)~~ Dimensional Requirements. See Chapter 18.230 TMC.
- ~~(25)~~ Nonconforming Uses. See Chapter 18.220 TMC.
- (6) Site Plan Regulations. See Chapter 18.260 TMC.
- (7) Landscaping Requirements. See Chapter 18.235 TMC.
- (8) Subdivision Regulations. See Chapters 18.30 through 18.45 TMC.

Section 80. That section 18.135.060, Development alternatives, of The Code of  
the City of Topeka, Kansas, is hereby repealed.

**~~Development alternatives.~~**

~~(a) The development of O&I-3 office and institutional district uses with multiple  
principal structures and/or uses may follow the provisions of Chapter 18.190 TMC, PUD  
Planned Unit Development District.~~

~~(b) The development of O&I-3 office and institutional district shall apply to subdivided land of record which meets the objectives and requirements of this district, the subdivision of land regulations, and the applicable plat of subdivision stipulations.~~

Section 81. That section 18.140.020, Regulations generally, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Regulations generally.**~~

~~The regulations set forth in this chapter or set forth elsewhere in this division when referred to in this chapter are the district regulations for the C-1 commercial district.~~

Section 82. That section 18.140.030, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~**Use regulations**~~**Principal, special, and conditional uses.**

~~(a) Permitted uses when conforming to the provisions of TMC 18.140.040 relating to limitations and conditions:~~

~~(1) Antique shop.~~

~~(2) Bed and breakfast inn.~~

~~(3) Book, magazine, tobacco, card and stationery shop.~~

~~(4) Candy shop.~~

~~(5) Camera and film shop; photography and artist studio; frame shop.~~

~~(6) Delicatessen.~~

~~(7) Floral shop.~~

~~(8) Gift shop.~~

~~(9) Grocery, meat, dairy product and bakery sales.~~

- 3027            ~~(10) Hardware shop.~~
- 3028            ~~(11) Hobby, toy and game shop.~~
- 3029            ~~(12) Home decorating shop.~~
- 3030            ~~(13) Liquor sales, packaged goods.~~
- 3031            ~~(14) Lock and key shop.~~
- 3032            ~~(15) Offices for business, professional, and government services.~~
- 3033            ~~(16) Patio/garden shop.~~
- 3034            ~~(17) Personal and health care services including: beauty, cosmetic and barber~~  
3035            ~~shops; self-service laundromats; dry cleaning and laundry receiving stations with~~  
3036            ~~processing done elsewhere; tailor and shoe repair shops.~~
- 3037            ~~(18) Pharmacy and drugstore.~~
- 3038            ~~(19) Pet grooming studios, including accessory product sales only when clearly~~  
3039            ~~incidental and subordinate to the care and grooming of pets and further when no~~  
3040            ~~more than 20 percent of the total floor area of any establishment shall be used for~~  
3041            ~~any product sales and no boarding or kennel facilities may be provided.~~
- 3042            ~~(20) Public and private elementary and secondary school.~~
- 3043            ~~(21) Religious assembly.~~
- 3044            ~~(22) Restaurant with maximum seating capacity of 50 persons.~~
- 3045            ~~(23) Sewing, needlework and piece good shop.~~
- 3046            ~~(24) Sporting goods shop.~~
- 3047            ~~(25) Travel agency.~~
- 3048            ~~(26) Variety shop.~~
- 3049            ~~(27) Video/audio sales and/or rental.~~

~~(28) Wearing apparel and accessory shops, including jewelry and shoe sales.~~

~~(b) Provisional Uses.~~

~~(1) Dwellings units other than medical care and community living facilities, located above the ground floor.~~

~~(c) Uses Permitted by Conditional Use Permit. The following uses may be granted a conditional use permit by the governing body provided by Chapter 18.215 TMC:~~

~~(1) Automotive service station, type I, subject to the requirements of Chapter 18.225 TMC.~~

~~(2) Day care facility, type II, subject to the requirements of Chapter 18.225 TMC.~~

~~(3) Vehicle surface parking lot and/or multilevel parking structure as specified by the application in association with a principal use.~~

~~(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) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this division as exempt as set forth by definition; and subject to the requirements of Chapter 18.250 TMC.~~

~~(6) Nonresidential small wind energy system, subject to Chapter 18.265 TMC.~~

(a) Principal uses identified in the use matrix table in TMC 18.60.010 shall be allowed.

(b) Special uses identified in the use matrix table in TMC 18.60.010 shall be allowed subject to the restrictions identified in Chapter 18.225 TMC.

(c) Conditional uses identified in the use matrix table in TMC 18.60.010 may be allowed in accordance with Chapter 18.215 TMC if approved by the governing body.

Section 83. That section 18.140.040, Use limitations and conditions of the district, of The Code of the City of Topeka, Kansas, is hereby repealed.

**Use limitations and conditions of the district.**

~~(a) Conditions for Uses Permitted. All uses permitted in the C-1 commercial district are subject to the following conditions and limitations:~~

~~(1) All business establishments shall be retail or service establishments dealing directly with consumers.~~

~~(2) All business, service, storage and display of goods shall be conducted within a completely enclosed building.~~

~~(3) Restaurants and establishments of the "drive-in" and/or "carry-out" type offering goods or services directly to customers in motor vehicles shall not be permitted.~~

~~(4) Unless separated by a street no building or structure in the C-1 commercial district shall be located within 100 feet of an adjacent R district boundary line, unless such building or structure is effectively screened from such R district property by a wall, fence, or densely planted compact hedge, not less than five feet nor more than eight feet in height; in the event of such screening, the transitional yard requirements shall be equal in dimension to the minimum yard which would be required by this division for residential use on the adjacent R lot.~~

~~(5) Individual self-contained business establishments within a multitenant structure are restricted to a maximum gross floor area of 2,000 square feet each, exclusive of any floor area devoted to off street parking or loading facilities. Single tenant~~

~~business establishments are restricted to a maximum gross floor area of 4,000 square feet each, exclusive of any floor area devoted to off-street parking or loading facilities.~~

Section 84. That section 18.140.050, Dimensional requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Density and Dimensional requirements.**

~~(a) Minimum Lot Area and Maximum Intensity of Use.~~

~~(1) Minimum lot area: 7,500 square feet.~~

~~(2) Maximum total gross ground floor area per multitenant structure: 15,000 square feet.~~

~~(3) Residential dwellings shall not exceed a density of one dwelling unit per 1,500 square feet of lot area.~~

~~(b) Minimum Yard Requirements and Maximum Structure Height.~~

~~(1) Front yard: 25 feet.~~

~~(2) Side yard: 10 feet.~~

~~(3) Rear yard: 25 feet.~~

~~(4) If the recorded plat of subdivision provides for a greater minimum yard requirement than provided by this district, the provisions of the plat shall prevail.~~

~~(5) The applicable side yard of a corner lot and the rear yard of a double frontage lot shall conform to the minimum front yard requirements of this district.~~

~~(6) Height: 35 feet.~~

All development shall comply with the density and dimensional standards in TMC 18.60.020.



Section 85. That section 18.140.060, General provisions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~General provisions~~Other regulations.

All principal and accessory uses permitted within this zone are subject to the following requirements:

~~(a) Accessory Uses and Requirements.~~

(1) Permitted Accessory Uses and Requirements. See Chapter 18.210 TMC.

(2) Off-Street Parking Requirements. See Chapter 18.240 TMC.

(3) Sign Regulations. See Chapter 18.20 TMC.

~~(b) Other Provisions.~~

~~(4)~~ Dimensional Requirements. See Chapter 18.230 TMC.

~~(25)~~ Nonconforming Uses. See Chapter 18.220 TMC.

(6) Site Plan Regulations. See Chapter 18.260 TMC.

(7) Landscaping Requirements. See Chapter 18.235 TMC.

(8) Subdivision Regulations. See Chapters 18.30 through 18.45 TMC.

Section 86. That section 18.140.070, Development alternatives, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Development alternatives.~~

~~(a) The development of C-1 commercial district uses with multiple principal structures and/or uses may follow the provisions of Chapter 18.190 TMC, PUD Planned Unit Development District.~~

~~(b) The development of C-1 commercial district shall apply to subdivided land of record which meets the objectives and requirements of this district, the subdivision of land regulations, and the applicable plat of subdivision stipulations.~~

Section 87. That section 18.145.010, Purpose – Intent, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Purpose – Intent.**

This district is established to provide for those commercial activities which serve a major segment of the total community population. In addition to a variety of retail goods and services, these centers may typically feature a number of large traffic generators that require access from major thoroughfares. The extent and range of activities permitted are in the moderate to medium intensity range with a ground floor area limitation and a prohibition on outside sales and storage of supplies, materials, products, and equipment.

Section 88. That section 18.145.020, Regulations generally, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Regulations generally.**~~

~~The regulations set forth in this chapter or set forth elsewhere in this division when referred to in this chapter are the district regulations for the C-2 commercial district.~~

Section 89. That section 18.145.030, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~**Use regulations**~~**Principal, special, and conditional uses..**

~~(a) Permitted Uses.~~

3163 ~~(1) Permitted uses in the O&I-3 and C-1 districts; and store, shop, or facility for~~  
3164 ~~the conduct of a retail business or service similar in use and nature to the types~~  
3165 ~~of activities provided for in less restricted districts.~~  
3166 ~~(2) Art and school supply stores.~~  
3167 ~~(3) Automobile accessory stores.~~  
3168 ~~(4) Bicycle sales and service.~~  
3169 ~~(5) Blueprinting and photocopying services.~~  
3170 ~~(6) Business machine sales and service.~~  
3171 ~~(7) Catering establishments.~~  
3172 ~~(8) China, ceramic, and glassware stores.~~  
3173 ~~(9) Commercial, indoor recreational facilities which are used primarily for physical~~  
3174 ~~exercise, recreation and/or health maintenance including fitness centers, spas,~~  
3175 ~~suntanning salons, swimming pools, gymnasiums, game courts, locker and~~  
3176 ~~training rooms.~~  
3177 ~~(10) Community centers.~~  
3178 ~~(11) Crisis center.~~  
3179 ~~(12) Department stores.~~  
3180 ~~(13) Electronic and telecommunications equipment, sales and service.~~  
3181 ~~(14) Furniture, household appliance, and home entertainment stores.~~  
3182 ~~(15) Furrier shops, including the incidental storage and conditioning of finished~~  
3183 ~~furs.~~  
3184 ~~(16) Hobby and craft shops.~~  
3185 ~~(17) Hotel, motel and apartment hotel.~~

3186           ~~(18) Home decorating and interior improvement stores, including paint,~~  
3187           ~~wallpaper, carpet, window dressing, fabrics and glass, sales; and further,~~  
3188           ~~including upholstering and making of draperies, slipcovers, and other similar~~  
3189           ~~articles, when conducted as part of the retail operations and secondary to the~~  
3190           ~~principal use.~~  
3191           ~~(19) Leather goods and luggage stores.~~  
3192           ~~(20) Mail order, catalog facility.~~  
3193           ~~(21) Motor bicycle or motor scooter sales and service.~~  
3194           ~~(22) Musical instruments, supplies and equipment store.~~  
3195           ~~(23) Office supply and equipment store.~~  
3196           ~~(24) Orthopedic, medical appliance, and prosthesis stores, optician and the sale~~  
3197           ~~of eyeglasses; hearing aid evaluations, fitting and sales.~~  
3198           ~~(25) Pet grooming studios.~~  
3199           ~~(26) Pet shops.~~  
3200           ~~(27) Photo finishing lab.~~  
3201           ~~(28) Post office and postal substations.~~  
3202           ~~(29) Private class A and B clubs as licensed by the state Alcohol Beverage~~  
3203           ~~Control Board.~~  
3204           ~~(30) Repair and servicing of any article the sale of which is a permitted use in the~~  
3205           ~~district.~~  
3206           ~~(31) Restaurants.~~  
3207           ~~(32) Theater, nonadult.~~

~~(33) Grave monument and marker sales/display; provided, that there is no engraving, stone cutting, or assembly in conjunction therewith.~~

~~(b) Provisional Uses:~~

~~(1) Automobile rental establishments, subject to the requirements of Chapter 18.225 TMC.~~

~~(2) Automobile service stations, types I and II, subject to the requirements of Chapter 18.225 TMC.~~

~~(3) Automotive or vehicle car wash facility, subject to the requirements of Chapter 18.225 TMC.~~

~~(4) Day care facility, type II.~~

~~(5) Small animal hospital or veterinary clinic for small domestic animals, subject to the requirements of Chapter 18.225 TMC.~~

~~(6) Dwelling units other than medical care and community living facilities located above the ground floor.~~

~~(7) Vehicle surface parking lot in association with a principal use, subject to the requirements of Chapter 18.225 TMC.~~

~~(c) Uses Permitted by Conditional Use Permit. The following uses may be granted a conditional use permit by the governing body provided by Chapter 18.215 TMC:~~

~~(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 Chapter 18.225 TMC.~~

~~(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 division as exempt as set forth by definition; and subject to the requirements of Chapter 18.250 TMC.~~

~~(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 Chapter 18.265 TMC.~~

(a) Principal uses identified in the use matrix table in TMC 18.60.010 shall be allowed.

(b) Special uses identified in the use matrix table in TMC 18.60.010 shall be allowed subject to the restrictions identified in Chapter 18.225 TMC.

(c) Conditional uses identified in the use matrix table in TMC 18.60.010 may be allowed in accordance with Chapter 18.215 TMC if approved by the governing body.

Section 90. That section 18.145.040, Dimensional requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Density and Dimensional requirements.**

~~((a) Minimum Lot Area and Maximum Intensity of Use.~~

~~(1) Minimum lot area: 10,000 square feet.~~

~~(2) Maximum ground floor area: 50,000 square feet.~~

~~(3) Residential dwellings shall not exceed a density of one dwelling unit per 400 square feet of lot area.~~

~~((b) Minimum Yard Requirements and Maximum Structure Height.~~

~~(1) Front yard: 25 feet.~~

~~(2) Side yard: 10 feet.~~

~~(3) Rear yard: 25 feet.~~

~~(4) If the recorded plat of subdivision provides for a greater minimum yard requirement than provided by this district, the provisions of the plat shall prevail.~~

~~(5) The applicable side yard of a corner lot and the rear yard of a double frontage lot shall conform to the minimum front yard requirements of this district.~~

~~(6) Height: 60 feet.~~

All development shall comply with the density and dimensional standards in TMC 18.60.020.

Section 91. That section 18.145.050, General provisions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**~~General provisions~~Other regulations.**

All principal and accessory uses permitted within this zone are subject to the following requirements:

**~~(a) Accessory Uses and Requirements.~~**

- (1) Permitted Accessory Uses and Requirements. See Chapter 18.210 TMC.
- (2) Off-Street Parking Requirements. See Chapter 18.240 TMC.
- (3) Sign Regulations. See Chapter 18.20 TMC.

**~~(b) Other Provisions.~~**

- ~~(4)~~ Dimensional Requirements. See Chapter 18.230 TMC.
- ~~(25)~~ Nonconforming Uses. See Chapter 18.220 TMC.
- (6) Site Plan Regulations. See Chapter 18.260 TMC.
- (7) Landscaping Requirements. See Chapter 18.235 TMC.
- (8) Subdivision Regulations. See Chapters 18.30 through 18.45 TMC.

Section 92. That section 18.145.060, General provisions, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Special provisions.~~**

~~Outside sales and storage of supplies, materials, products and equipment is prohibited.~~

Section 93. That section 18.145.070, Development alternatives, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Development alternatives.~~**



~~(a) The development of C-2 commercial district uses with multiple principal structures and/or uses may follow the provisions of Chapter 18.190 TMC, PUD Planned Unit Development District.~~

~~(b) The development of C-2 commercial district shall apply to subdivided land of record which meets the objectives and requirements of this district, the subdivision of land regulations, and the applicable plat of subdivision stipulations.~~

Section 94. That section 18.150.010, Purpose – Intent, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Purpose – Intent.**

This district is established to provide for those commercial activities which serve a major segment of the total community population. In addition to a variety of retail goods and services, these centers may typically feature a number of large traffic generators that require access from major thoroughfares. The extent and range of activities permitted are in the moderate to medium intensity range with a prohibition on outside display and storage of supplies, materials, products, and equipment, except for display of gardening and yard supplies and permitted vehicles for sale.

Section 95. That section 18.150.020, Regulations generally, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Regulations generally.~~**

~~The regulations set forth in this chapter or set forth elsewhere in this division when referred to in this chapter are the district regulations for the C-3 commercial district.~~

Section 96. That section 18.150.030, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Use regulationsPrincipal, special, and conditional uses.**

~~(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 12,000 pounds or less. Not permitted within this district are sale areas and service facilities relating to recreational vehicles, trucks with a gross vehicle weight greater than 12,000 pounds, agricultural and heavy equipment vehicles, and watercraft.~~

~~(5) 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.~~

~~(6) Recreational vehicle short term campgrounds.~~

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

~~(b) Provisional Uses.~~

~~(1) Automotive service stations, types I and II, subject to the requirements of Chapter 18.225 TMC.~~

~~(2) Automotive or vehicle car wash facility, subject to the requirements of Chapter 18.225 TMC.~~

~~(3) Small animal hospital or veterinary clinic for small domestic animals, subject to the requirements of Chapter 18.225 TMC.~~

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

~~(5) Day care facility, type II, subject to the provisions of Chapter 18.225 TMC.~~

~~(c) Uses Permitted by Conditional Use Permit. The following uses may be granted a conditional use permit by the governing body provided by Chapter 18.215 TMC:~~

~~(1) Amusement indoor establishments, including dance, pool, and billiard halls; archery ranges, shooting galleries, pinball, electronic and video game arcades; 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 Chapter 18.225 TMC.~~

~~(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) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this division as exempt as set forth by definition; and subject to the requirements of Chapter 18.250 TMC.~~

~~(6) Correctional placement residence or facility, general, subject to the requirements of Chapter 18.225 TMC.~~

~~(7) Nonresidential small wind energy system, subject to Chapter 18.265 TMC.~~

(a) Principal uses identified in the use matrix table in TMC 18.60.010 shall be allowed.

(b) Special uses identified in the use matrix table in TMC 18.60.010 shall be allowed subject to the restrictions identified in Chapter 18.225 TMC.

(c) Conditional uses identified in the use matrix table in TMC 18.60.010 may be allowed in accordance with Chapter 18.215 TMC if approved by the governing body.

Section 97. That section 18.150.040, Dimensional requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Density and Dimensional requirements.**

~~(a) Minimum Lot Area and Maximum Intensity of Use.~~

~~(1) Minimum lot area: 10,000 square feet.~~

~~(2) Maximum ground floor area: No limitation.~~

~~(3) Residential dwellings shall not exceed a density of one dwelling unit per 400 square feet of lot area.~~

~~(b) Minimum Yard Requirements and Maximum Structure Height.~~

~~(1) Front yard: 25 feet.~~

~~(2) Side yard: 10 feet.~~

~~(3) Rear yard: 25 feet.~~

~~(4) If the recorded plat of subdivision provides for a greater minimum yard requirement than provided by this district, the provisions of the plat shall prevail.~~

~~(5) The applicable side yard of a corner lot and the rear yard of a double frontage lot shall conform to the minimum front yard requirements of this district.~~

~~(6) Height: 70 feet.~~

All development shall comply with the density and dimensional standards in Section 28.60(b) TMC.

Section 98. That section 18.150.050, General provisions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**General provisions.**

All principal and accessory uses permitted within this zone are subject to the following requirements:

~~(a) Accessory Uses and Requirements.~~

(1) Permitted Accessory Uses and Requirements. See Chapter 18.210 TMC.

(2) Off-Street Parking Requirements. See Chapter 18.240 TMC.

(3) Sign Regulations. See Chapter 18.20 TMC.

~~(b) Other Provisions.~~

~~(14)~~ Dimensional Requirements. See Chapter 18.230 TMC.

~~(25)~~ Nonconforming Uses. See Chapter 18.220 TMC.

(6) Site Plan Regulations. See Chapter 18.260 TMC.

(7) Landscaping Requirements. See Chapter 18.235 TMC.

(8) Subdivision Regulations. See Chapters 18.30 through 18.45 TMC.

Section 99. That section 18.150.060, Special provisions, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Special provisions.~~**

~~Outside display and storage of supplies, materials, products and equipment is prohibited except for display of gardening and yard supplies; permitted vehicle sales and display; or as specifically provided for or complied by the nature of the listed use.~~

Section 100. That section 18.150.070, Development alternatives, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Development alternatives.~~**

~~(a) The development of C-3 commercial district uses with multiple principal structures and/or uses may follow the provisions of Chapter 18.190 TMC, PUD Planned Unit Development District.~~

~~(b) The development of a C-3 commercial district shall apply to subdivided land of record which meets the objectives and requirements of this district, the subdivision of land regulations, and the applicable plat of subdivision stipulations.~~

Section 101. That section 18.155.020, Regulations generally, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Regulations generally.~~**

~~The regulations set forth in this chapter or set forth elsewhere in this division when referred to in this chapter are the district regulations for the C-4 commercial district.~~

Section 102. That section 18.155.030, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Use regulationsPrincipal, special, and conditional uses.**

~~(a) Permitted Uses.~~

~~(1) Permitted uses in the C-3 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) 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 game arcades; 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 types 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 tons.~~

~~(10) Commercial laundry, dry cleaning and dyeing facility.~~

~~(11) Flea market and swap meet.~~

~~(12) Grave monuments and marker sales area, display and engraving.~~

~~(13) Home improvement and building supply/material establishments, including sales and display areas, storage and yards. Outdoor display and storage yards shall be paved, hard surface and dust-free.~~

~~(14) Lawn/garden centers including the display and sales of landscape materials, lawn and garden equipment, and supplies; and holiday/seasonal ornamentalations and decorating sales and service. Outdoor storage and supply yards shall be paved, hard surface and dust free.~~

~~(15) Manufactured housing and accessory structure sales and display area.~~

~~(16) Motor vehicle sales area and service facility, including the sale or lease of new or used automobiles, trucks, recreational vehicles, agricultural and heavy equipment.~~

~~(17) Newspaper and magazine distribution agencies.~~

~~(18) Publishing establishments.~~

~~(19) Rental establishments for domestic and general equipment, lease area and display. Outdoor display, storage, loading and parking areas shall be paved, hard surface, and dust-free.~~

~~(20) Repair, restoration of vehicles, machinery and equipment.~~



3476           ~~(21) Studio for photography of commercial and industrial products in which~~  
3477           ~~photographing of people is clearly accessory to the photographing of products.~~

3478           ~~(22) Taxidermists.~~

3479           ~~(23) Theater, nonadult drive-in.~~

3480           ~~(24) Vehicle repair, restoration and towing service, not including automotive~~  
3481           ~~wrecking or long-term disabled vehicle outdoor storage.~~

3482   ~~(b) Provisional Uses.~~

3483           ~~(1) Dwelling unit other than medical care and community living facilities located~~  
3484           ~~above the ground floor.~~

3485           ~~(2) Theater, adult motion picture, subject to the requirements of Chapter 18.225~~  
3486           ~~TMC.~~

3487           ~~(3) Communication towers, telecommunication equipment and accessory facilities~~  
3488           ~~other than those provided for elsewhere in this division as exempt as set forth by~~  
3489           ~~definition; and subject to the requirements of Chapter 18.250 TMC.~~

3490           ~~(4) Automotive or vehicle car wash facility, subject to the requirements of Chapter~~  
3491           ~~18.225 TMC.~~

3492           ~~(5) Day care facility, type II, subject to the provisions of Chapter 18.225 TMC.~~

3493   ~~(c) Uses Permitted by Conditional Use Permit. The following uses may be granted a~~  
3494   ~~conditional use permit provided by Chapter 18.215 TMC:~~

3495           ~~(1) Amusement parks, including: permanent carnival, kiddie parks and similar~~  
3496           ~~outdoor amusement facilities.~~

3497           ~~(2) Commercial radio, TV, broadcasting or receiving towers.~~

3498           ~~(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.~~

~~(7) Sports stadiums and arenas.~~

~~(8) Relocation, remodeling or rebuilding of legal nonconforming billboards presently located within the C-4 commercial district, subject to the requirements of Chapter 18.225 TMC.~~

~~(9) Correctional placement residence or facility, general, subject to the requirements of Chapter 18.225 TMC.~~

~~(10) Nonresidential small wind energy system, subject to Chapter 18.265 TMC.~~

(a) Principal uses identified in the use matrix table in TMC 18.60.010 shall be allowed.

(b) Special uses identified in the use matrix table in TMC 18.60.010 shall be allowed subject to the restrictions identified in Chapter 18.225 TMC.

(c) Conditional uses identified in the use matrix table in TMC 18.60.010 may be allowed in accordance with Chapter 18.215 TMC if approved by the governing body.

Section 103. That section 18.155.040, Dimensional requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Density and Dimensional requirements.**

~~(a) Minimum Lot Area and Maximum Intensity of Use.~~

~~(1) Minimum lot area: 10,000 square feet.~~

~~(2) Residential dwellings shall not exceed a density of one dwelling unit per 400 square feet of lot area.~~

~~(b) Minimum Yard Requirements and Maximum Structure Height.~~

~~(1) Front yard: 25 feet.~~

~~(2) Side yard: 10 feet.~~

~~(3) Rear yard: 25 feet.~~

~~(4) If the recorded plat of subdivision provides for a greater minimum yard requirement than provided by this district, the provisions of the plat shall prevail.~~

~~(5) The applicable side yard of a corner lot and the rear yard of a double frontage lot shall conform to the minimum front yard requirements of this district.~~

~~(6) Height: 70 feet.~~

All development shall comply with the density and dimensional standards in TMC 18.60.020.

Section 104. That section 18.155.050, General provisions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~General provisions~~Other regulations.

All principal and accessory uses permitted within this zone are subject to the following requirements:

~~(a) Accessory Uses and Requirements.~~

(1) Permitted Accessory Uses and Requirements. See Chapter 18.210 TMC.

(2) Off-Street Parking Requirements. See Chapter 18.240 TMC.

(3) Sign Regulations. See Chapter 18.20 TMC.

~~(b) Other Provisions.~~

~~(14) Dimensional Requirements. See Chapter 18.230 TMC.~~

~~(25) Nonconforming Uses. See Chapter 18.220 TMC.~~

~~(6) Site Plan Regulations. See Chapter 18.260 TMC.~~

~~(7) Landscaping Requirements. See Chapter 18.235 TMC.~~

~~(8) Subdivision Regulations. See Chapters 18.30 through 18.45 TMC.~~

Section 105. That section 18.155.060 Development alternatives, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Development alternatives.**~~

~~(a) The development of C-4 commercial district uses with multiple principal structures and/or uses may follow the provisions of Chapter 18.190 TMC, PUD Planned Unit Development District.~~

~~(b) The development of C-4 commercial district shall apply to subdivided land of record which meets the objectives and requirements of this district, the subdivision of land regulations, and the applicable plat of subdivision stipulations.~~

Section 106. That section 18.160.020, Regulations generally, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Regulations generally.**~~

~~The regulations set forth in this chapter or set forth elsewhere in this division when referred to in this chapter are the district regulations for the C-5 commercial district.~~

Section 107. That section 18.160.030, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~Use regulations~~ Principal, special, and conditional uses.

~~(a) Permitted Uses.~~

~~(1) Permitted uses in the C-3 commercial district.~~

~~(2) Parking lot and/or multistory garage.~~

~~(3) Television, radio and microwave transmission towers; telecommunication equipment; and accessory facilities other than those provided for elsewhere in this division as accessory to a permitted use or exempt as set forth by definition.~~

~~(4) Auction house.~~

~~(5) Studio for photography of commercial and industrial products in which photographing of people is clearly accessory to the photographing of products.~~

~~(6) Newspaper and magazine distribution agencies.~~

~~(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, types I and II, subject to the requirements of Chapter 18.225 TMC.~~
- ~~(2) Automotive or vehicle car wash facility, subject to the requirements of Chapter 18.225 TMC.~~
- ~~(3) Small animal hospital and veterinary clinic for small domestic animals, subject to the requirements of Chapter 18.225 TMC.~~
- ~~(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 Chapter 18.225 TMC.~~
- ~~(6) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this division as exempt as set forth by definition; and subject to the requirements of Chapter 18.250 TMC.~~
- ~~(7) Day care facility, type II, subject to the provisions of Chapter 18.225 TMC.~~
- ~~(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 Chapter 18.215 TMC:~~
- ~~(1) Amusement indoor establishments, including dance, pool, and billiard halls; archery ranges, shooting galleries, pinball, electronic and video game arcades;~~

~~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 Chapter 18.225 TMC.~~

~~(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 Chapter 18.265 TMC.~~

(a) Principal uses identified in the use matrix table in TMC 18.60.010 shall be allowed.

(b) Special uses identified in the use matrix table in TMC 18.60.010 shall be allowed subject to the restrictions identified in Chapter 18.225 TMC.

(c) Conditional uses identified in the use matrix table in TMC 18.60.010 may be allowed in accordance with Chapter 18.215 TMC if approved by the governing body.

Section 108. That section 18.160.040, Dimensional requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Density and Dimensional requirements.**

~~(a) Minimum Lot Area and Maximum Intensity of Use.~~

~~(1) Minimum lot area: none required.~~

~~(2) Maximum ground floor area: no limitation.~~

~~(b) Minimum Yard Requirements and Maximum Structure Height.~~

~~(1) Front yard: none required.~~

~~(2) Side yard: none required.~~

~~(3) Rear yard: none required.~~

~~(4) If the recorded plat of subdivision provides for a greater minimum yard requirement than provided by this district, the provisions of the plat shall prevail.~~

~~(5) The applicable side yard of a corner lot and the rear yard of a double frontage lot shall conform to the minimum front yard requirements of this district.~~

~~(6) Height:~~

~~(i) No building hereafter erected or structurally altered shall exceed a height at the street line which is greater than the width of the street times a factor of three. An additional height of six feet may be added for each one foot the building or structure is set back from the front property line or street line. The street line shall mean the right-of-way line or property line at the front of the lot, lots or building site. On corner lots, and where the widths of the two intersecting streets are varied, the street width of the larger shall be used to determine the height of any building or structure.~~

~~(ii) Exception. Within the state zoning area, as defined by K.S.A. 75-3630, the height of structures and buildings shall be regulated in accordance with the following provisions: no building shall exceed a height at the street line of six stories or 75 feet, but above the height permitted at the street line three feet may be added to the height of the building for each one foot that the building or portion thereof is set back from all sides of the lot, except that the cubical contents of such building shall not exceed the cubical contents of a prism having a base equal to the area of the lot and a height equal to two times the~~



~~width of the street; provided, however, that a tower with a base not to exceed 20 percent of lot area not to have any side greater than 60 feet nor to have any wall closer than 20 feet to any lot line, may be constructed without reference to the above limitations. Any applicable provisions of Chapter 18.225 TMC shall apply to buildings erected in this district.~~

All development shall comply with the density and dimensional standards in TMC 18.60.020.

Section 109. That section 18.160.050, General provisions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~General provisions~~Other regulations.

All principal and accessory uses permitted within this zone are subject to the following requirements:

~~(a) Accessory Uses and Requirements.~~

- (1) Permitted Accessory Uses and Requirements. See Chapter 18.210 TMC.
- (2) Off-Street Parking Requirements. See Chapter 18.240 TMC.
- (3) Sign Regulations. See Chapter 18.20 TMC.

~~(b) Other Provisions.~~

- ~~(44)~~ Dimensional Requirements. See Chapter 18.230 TMC.
- ~~(25)~~ Nonconforming Uses. See Chapter 18.220 TMC.
- (6) Site Plan Regulations. See Chapter 18.260 TMC.
- (7) Landscaping Requirements. See Chapter 18.235 TMC.
- (8) Subdivision Regulations. See Chapters 18.30 through 18.45 TMC.

3680           Section 110. That section 18.160.060, Development alternatives, of The Code of  
3681 the City of Topeka, Kansas, is hereby repealed.

3682           ~~**Development alternatives.**~~

3683           ~~(a) The development of C-5 commercial district uses with multiple subdivided~~  
3684 ~~structures and/or uses may follow the provisions of Chapter 18.190 TMC, PUD Planned~~  
3685 ~~Unit Development District.~~

3686           ~~(b) The development of C-5 commercial district shall apply to subdivided land of~~  
3687 ~~record which meets the objectives and requirements of this district, the subdivision of~~  
3688 ~~land regulations, and the applicable plat of subdivision stipulations.~~

3689           ~~(c) The city of Topeka code enforcement director and Shawnee County zoning~~  
3690 ~~administrator, with the concurrence of the respective city and county engineer and~~  
3691 ~~planning director, is authorized to waive the strict application and conformity of~~  
3692 ~~structures or buildings to be located upon existing platted or subdivided lots after a~~  
3693 ~~determination that all other building, housing or safety codes have been observed.~~

3694           Section 111. That section 18.165.020, Regulations generally, of The Code of the  
3695 City of Topeka, Kansas, is hereby repealed.

3696           ~~**Regulations generally.**~~

3697           ~~The regulations set forth in this chapter or set forth elsewhere in this division~~  
3698 ~~when referred to in this chapter are the district regulations for the I-1 light industrial~~  
3699 ~~district.~~

3700           Section 112. That section 18.165.030, Use regulations, of The Code of the City  
3701 of Topeka, Kansas, is hereby amended to read as follows:

3702           ~~**Use regulations**~~**Principal, special, and conditional uses.**

~~(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 on site caretakers or watchmen or correctional placement residence or facility, limited or general.~~

~~(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:~~

~~(i) Acetylene, gas manufacture or storage.~~

~~(ii) 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.~~

~~(iii) Arsenal, high explosives (other than armory).~~

- 3725 ~~(iv) Asphalt, cement or other paving materials manufacture or central mixing~~  
3726 ~~plant.~~
- 3727 ~~(v) Vehicular wrecking or dismantling for salvage purposes.~~
- 3728 ~~(vi) Blast furnace, coke oven, boiler works, forge plant, ore reduction, smelting~~  
3729 ~~of tin, copper, zinc or iron ores, iron, steel, brass or copper foundry or~~  
3730 ~~fabrication plant.~~
- 3731 ~~(vii) Brick, tile, pottery or terracotta manufacture (other than the manufacture~~  
3732 ~~of handcraft products only).~~
- 3733 ~~(viii) Creosote manufacture or treatment.~~
- 3734 ~~(ix) Distillation of bones, coal or wood.~~
- 3735 ~~(x) Explosives or fireworks manufacture or storage.~~
- 3736 ~~(xi) Fat rendering.~~
- 3737 ~~(xii) Garbage, offal or dead animals reduction or disposal.~~
- 3738 ~~(xiii) Junk, iron or rags or paper storage or bailing except as provided~~  
3739 ~~elsewhere in these regulations.~~
- 3740 ~~(xiv) Petroleum or its products, refining or wholesale storage.~~
- 3741 ~~(xv) Planing mills, rock crusher, rolling mill.~~
- 3742 ~~(xvi) Rubber or gutta percha manufacture or treatment.~~
- 3743 ~~(xvii) Stockyard or slaughter of animals or fowls.~~
- 3744 ~~(xviii) Stone mill.~~
- 3745 ~~(xix) Tanning, curing or storage of raw hides or skins.~~
- 3746 ~~(xx) Wool pulling or scouring.~~

~~(xxi) And in general, those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas or noise.~~

~~(11) Railroad facilities.~~

~~(12) 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.~~

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

~~(14) Welding, tinsmithing and machine shop.~~

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

~~(16) Billboards and panel posters not exceeding 672 square feet per single face area. Billboards and panel posters which exceed 300 square feet shall not exceed a height of 35 feet above grade.~~

~~(b) Provisional Uses.~~

~~(1) Theater, adult motion picture, subject to the requirements of Chapter 18.225 TMC.~~

~~(2) Recycling depot, subject to the requirements of Chapter 18.225 TMC.~~

~~(3) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this division as exempt as set forth by definition; and subject to the requirements of Chapter 18.250 TMC.~~

~~(c) Uses Permitted by Conditional Use Permit. The following uses may be granted a conditional use permit by the governing body as provided by Chapter 18.215 TMC:~~

~~(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 Chapter 18.225 TMC.~~

~~(9) Correctional placement residence or facility, general, subject to the requirements of Chapter 18.225 TMC.~~

~~(10) Nonresidential small wind energy system, subject to Chapter 18.265 TMC.~~

(a) Principal uses identified in the use matrix table in TMC 18.60.010 shall be allowed.

(b) Special uses identified in the use matrix table in TMC 18.60.010 shall be allowed subject to the restrictions identified in Chapter 18.225 TMC.

(c) Conditional uses identified in the use matrix table in TMC 18.60.010 may be allowed in accordance with Chapter 18.215 TMC if approved by the governing body.

Section 113. That section 18.165.040, Dimensional requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Density and Dimensional requirements.**

~~(a) Minimum Lot Area and Maximum Intensity of Use.~~

~~(1) Minimum lot area: 10,000 square feet.~~

~~(b) Minimum Yard Requirements and Maximum Structure Height.~~

~~(1) Front yard: where all the frontage on one side of the street between two intersecting streets is located in the I-1 light industrial district, commercial districts or office and institutional districts, no front yard shall be required. Where the frontage on one side of the street between two intersecting streets is located in the I-1 light industrial district and a dwelling district, the front yard requirements of the dwelling district shall apply to the I-1 light industrial district; provided, that where a front yard or building setback line has been established on any plat or subdivision such setback line shall be observed.~~

~~(2) Side yard: a side yard is not required except where this district abuts a dwelling district, in which case there shall be a side yard of not less than five feet.~~

~~(3) Rear yard: a rear yard is not required except where this district abuts a dwelling district, in which case there shall be a rear yard of not less than 10 feet.~~

~~(4) If the recorded plat of subdivision provides for a greater minimum yard requirement than provided by this district, the provisions of the plat shall prevail.~~

~~(5) The applicable side yard of a corner lot and the rear yard of a double frontage lot shall conform to the minimum front yard requirements of this district.~~

~~(6) Height: no limitation except when subject to the airport hazard zoning regulations.~~

All development shall comply with the density and dimensional standards in TMC

18.60.020.

Section 114. That section 18.165.050, General provisions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~General provisions~~Other regulations.

All principal and accessory uses permitted within this zone are subject to the following requirements:

~~(a) Accessory Uses and Requirements.~~

- (1) Permitted Accessory Uses and Requirements. See Chapter 18.210 TMC.
- (2) Off-Street Parking Requirements. See Chapter 18.240 TMC.
- (3) Sign Regulations. See Chapter 18.20 TMC.

~~(b) Other Provisions.~~

- ~~(4)~~ Dimensional Requirements. See Chapter 18.230 TMC.
- ~~(25)~~ Nonconforming Uses. See Chapter 18.220 TMC.
- ~~(6)~~ Site Plan Regulations. See Chapter 18.260 TMC.
- ~~(7)~~ Landscaping Requirements. See Chapter 18.235 TMC.
- ~~(8)~~ Subdivision Regulations. See Chapters 18.30 through 18.45 TMC.

Section 115. That section 18.165.060, Development alternatives, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Development alternatives.~~

~~(a) The development of I-1 light industrial district uses with multiple principal structures and/or uses may follow the provisions of Chapter 18.190 TMC, PUD Planned Unit Development District.~~



~~(b) The development of I-1 light industrial district shall apply to subdivided land of record which meets the objectives and requirements of this district, the subdivision of land regulations, and the applicable plat of subdivision stipulations.~~

~~(c) The city of Topeka code enforcement director and Shawnee County zoning administrator, with the concurrence of the respective city or county engineer and planning director, are authorized to waive the strict application and conformity of structures or buildings to be located upon existing platted or subdivided lots after a determination that all other building, housing or safety codes have been observed.~~

Section 116. That section 18.170.020, Regulations generally, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Regulations generally.~~**

~~The regulations set forth in this chapter or set forth elsewhere in this division when referred to in this chapter are the district regulations for the I-2 heavy industrial district.~~

Section 117. That section 18.170.030, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Use regulationsPrincipal, special, and conditional uses.**

~~(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 chapter. Residential dwellings are not permitted in this district except for on-site 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 Chapter 18.225 TMC.~~

~~(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:~~

~~(i) Acid manufacture.~~

~~(ii) Cement, lime, gypsum or plaster of Paris manufacture.~~

~~(iii) Distillation of bones.~~

~~(iv) Explosives manufacture or storage.~~

~~(v) Fat rendering.~~

~~(vi) Fertilizer manufacture.~~

~~(vii) Gas manufacture.~~

~~(viii) Petroleum or its products, refining of.~~

~~(ix) Smelting of tin, copper, zinc or iron ores.~~

~~(x) Stockyards or slaughter of animals.~~

~~(xi) Wholesale storage of gasoline.~~

~~(xii) Ammonia, bleaching powder or chlorine manufacture.~~

~~(xiii) Arsenal, storage of explosives.~~

~~(xiv) Central mixing plant for asphalt, cement, mortar, plaster or paving material.~~

- ~~(xv) Pyroxylin manufacture, use or storage.~~
- ~~(xvi) Pickling works.~~
- ~~(xvii) Dehydrating plants.~~
- ~~(xviii) Soybean processing plants.~~
- ~~(xix) Junk, iron or rags or paper storage or bailing and including the wrecking or dismantling of vehicles.~~
- ~~(3) Communication towers, telecommunication equipment and accessory facilities other than those provided for elsewhere in this division as exempt as set forth by definition; and subject to the requirements of Chapter 18.250 TMC.~~
- ~~(c) Uses Permitted by Conditional Use Permit. The following uses may be granted a conditional use permit by the governing body provided by Chapter 18.215 TMC:~~
- ~~(1) Extraction, processing, storage, and sale of raw materials, including sand, rock, stone, gravel and other materials derived by quarry operations.~~
- ~~(2) Sanitary landfill and/or refuse processing and disposal.~~
- ~~(3) Correctional placement residence or facility, general, subject to the requirements of Chapter 18.225 TMC.~~
- ~~(4) Nonresidential small wind energy system, subject to Chapter 18.265 TMC.~~
- (a) Principal uses identified in the use matrix table in TMC 18.60.010 shall be allowed.
- (b) Special uses identified in the use matrix table in TMC 18.60.010 shall be allowed subject to the restrictions identified in Chapter 18.225 TMC.
- (c) Conditional uses identified in the use matrix table in TMC 18.60.010 may be allowed in accordance with Chapter 18.215 TMC if approved by the governing body.

Section 118. That section 18.170.040, Dimensional requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Density and Dimensional requirements.**

~~(a) Minimum Lot Area and Maximum Intensity of Use.~~

~~(1) Minimum lot area: 10,000 square feet.~~

~~(b) Minimum Yard Requirements and Maximum Structure Height.~~

~~(1) Front yard: where all the frontage on one side of the street between two intersecting streets is located in the I-2 heavy industrial district, no front yard shall be required. Where the frontage on one side of the street between two intersecting streets is located in the I-2 heavy industrial district and a dwelling district, the front yard requirements of the dwelling district shall apply to the I-2 heavy industrial district; provided, that where a front yard or building setback line has been established on any plat or subdivision such setback line shall be observed.~~

~~(2) Side yard: a side yard is not required except where this district abuts a dwelling district, in which case there shall be a side yard of not less than five feet.~~

~~(3) Rear yard: a rear yard is not required except where this district abuts a dwelling district, in which case there shall be a rear yard of not less than 10 feet.~~

~~(4) If the recorded plat of subdivision provides for a greater minimum yard requirement than provided by this district, the provisions of the plat shall prevail.~~

~~(5) The applicable side yard of a corner lot and the rear yard of a double frontage lot shall conform to the minimum front yard requirements of this district.~~

~~(6) Height: no limitation except when subject to the airport hazard zoning regulations.~~

All development shall comply with the density and dimensional standards in TMC  
18.60.020.

Section 119. That section 18.170.050, General provisions, of The Code of the  
City of Topeka, Kansas, is hereby amended to read as follows:

**~~General provisions~~Other regulations.**

All principal and accessory uses permitted within this zone are subject to the  
following requirements:

~~(a) Accessory Uses and Requirements.~~

- (1) Permitted Accessory Uses and Requirements. See Chapter 18.210 TMC.
- (2) Off-Street Parking Requirements. See Chapter 18.240 TMC.
- (3) Sign Regulations. See Chapter 18.20 TMC.

~~(b) Other Provisions.~~

- ~~(14)~~ Dimensional Requirements. See Chapter 18.230 TMC.
- ~~(25)~~ Nonconforming Uses. See Chapter 18.220 TMC.
- (6) Site Plan Regulations. See Chapter 18.260 TMC.
- (7) Landscaping Requirements. See Chapter 18.235 TMC.
- (8) Subdivision Regulations. See Chapters 18.30 through 18.45 TMC.

Section 120. That section 18.170.060, Development alternatives, of The Code of  
the City of Topeka, Kansas, is hereby repealed.

**~~Development alternatives.~~**

~~(a) The development of I-2 heavy industrial district uses with multiple principal  
structures and/or uses may follow the provisions of Chapter 18.190 TMC, PUD Planned  
Unit Development District.~~

~~(b) The development of I-2 heavy industrial district shall apply to subdivided land of record which meets the objectives and requirements of this district, the subdivision of land regulations, and the applicable plat of subdivision stipulations.~~

~~(c) The city of Topeka code enforcement director and Shawnee County zoning administrator, with the concurrence of the respective city or county engineer and planning director, are authorized to waive the strict application and conformity of structures or buildings to be located upon existing platted or subdivided lots after a determination that all other building, housing or safety codes have been observed.~~

Section 121. That section 18.175.020, Regulations generally, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Regulations generally.~~**

~~The regulations set forth in this chapter or set forth elsewhere in this division when referred to in this chapter, are the district regulations in the U-1 university district. Development or redevelopment of a building or premises for any permitted use set forth in this district, shall conform to a master development plan as approved by the planning commission and governing body.~~

Section 122. That section 18.175.030, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**~~Use regulations~~Principal, special, and conditional uses.**

~~(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.~~

3974 ~~(2) Buildings or land used for athletic or recreational purposes and concessions~~  
3975 ~~connected therewith.~~

3976 ~~(3) Buildings used for educational and administrative purposes.~~

3977 ~~(4) Buildings used for student or faculty housing.~~

3978 ~~(5) Religious assembly.~~

3979 ~~(6) Data processing center.~~

3980 ~~(7) Day care facility, type II.~~

3981 ~~(8) Hospital or medical center.~~

3982 ~~(9) Monument or memorial.~~

3983 ~~(10) Parking lot and/or parking garage in conjunction with a principal use within the~~  
3984 ~~confines of the immediate U-1 university district boundary.~~

3985 ~~(11) Physical plant.~~

3986 ~~(12) Public transportation facility.~~

3987 ~~(13) Sorority and fraternity housing.~~

3988 ~~(14) Student union.~~

3989 ~~(15) U.S. post office facility.~~

3990 ~~(16) Any other use consistent with the uses specifically set forth in this section,~~  
3991 ~~reasonable and desirable to the usual operation of such educational institutions.~~

3992 ~~(b) Uses Permitted by Conditional Use Permit. The following uses may be granted a~~  
3993 ~~conditional use permit provided by Chapter 18.215 TMC:~~

3994 ~~(1) Television, radio and microwave transmission towers; telecommunication~~  
3995 ~~equipment; and accessory facilities other than those provided for elsewhere in this~~

~~division as accessory to a permitted use or exempt as set forth by definition; and~~  
~~subject to the requirements of Chapter 18.250 TMC.~~

~~(2) Nonresidential small wind energy system, subject to Chapter 18.265 TMC.~~

(a) Principal uses identified in the use matrix table in TMC 18.60.010 shall be  
allowed.

(b) Special uses identified in the use matrix table in TMC 18.60.010 shall be  
allowed subject to the restrictions identified in Chapter 18.225 TMC.

(c) Conditional uses identified in the use matrix table in TMC 18.60.010 may  
be allowed in accordance with Chapter 18.215 TMC if approved by the governing body.

Section 123. That section 18.175.040, Dimensional requirements, of The Code  
of the City of Topeka, Kansas, is hereby amended to read as follows:

**Density and Dimensional requirements.**

~~(a) Minimum Lot Area and Maximum Intensity of Use.~~

~~(1) Minimum lot area: none required.~~

~~(b) Minimum Yard Requirements and Maximum Structure Height.~~

~~(1) Area: none required; provided, however, the construction or enlargement of any~~  
~~new building or facility must be in accordance with a master development plan to~~  
~~ensure the provision of light, air and open space as well as regulating the setback~~  
~~from the public streets and right-of-way. Such master development plan may be~~  
~~amended or revised pursuant to the procedures set forth in the planned unit~~  
~~development district.~~

~~(2) If the recorded plat of subdivision provides for a greater minimum yard~~  
~~requirement than provided by this district, the provisions of the plat shall prevail.~~



~~(3) Height: no limitation except as provided by Chapter 18.190 TMC, PUD Planned Unit Development District; and the airport hazard zoning regulations (Chapter 18.205 TMC).~~

All development shall comply with the density and dimensional standards in TMC 18.60.020.

Section 124. That section 18.175.050, General provisions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~General provisions~~ Other Regulations.

All principal and accessory uses permitted within this district are subject to the following requirements:

~~(a) Accessory Uses and Requirements.~~

- (1) Permitted Accessory Uses and Requirements. See Chapter 18.210 TMC.
- (2) Off-Street Parking Requirements. See Chapter 18.240 TMC.
- (3) Sign Regulations. See Chapter 18.20 TMC.

~~(b) Other Provisions.~~

- ~~(14)~~ Dimensional Requirements. See Chapter 18.230 TMC.
- ~~(25)~~ Nonconforming Uses. See Chapter 18.220 TMC.
- (6) Site Plan Regulations. See Chapter 18.260 TMC.
- (7) Landscaping Requirements. See Chapter 18.235 TMC.
- (8) Subdivision Regulations. See Chapters 18.30 through 18.45 TMC.

Section 125. That section 18.175.060, Development alternatives, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Development alternatives.~~

~~(a) The development of U-1 university district shall conform to a master development plan as approved by the planning commission and governing body. Any amendments, revisions or modifications of said plan shall follow the provisions of Chapter 18.190 TMC.~~

~~(b) The development of U-1 university district shall apply to subdivided land of record which meets the objectives and requirements of this district, the subdivision of land regulations, and the applicable plat of subdivision stipulations.~~

Section 126. That section 18.180.020, Regulations generally, of The Code of the City of Topeka, Kansas, is hereby repealed.

**Regulations generally.**

~~The regulations set forth in this chapter or set forth elsewhere in this division when referred to in this chapter, are the district regulations for the M-S medical service district.~~

Section 127. That section 18.180.030, Use regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Use regulationsPrincipal, special, and conditional uses.**

~~(a) Permitted Principal Uses.~~

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

~~(i) Health care facility, health service establishment and hospital as defined by this division.~~

~~(ii) Health care education, training and administrative facility.~~

~~(iii) Health care office, clinic, laboratory and treatment facility.~~

~~(iv) Health care testing and research.~~

- 4065 ~~(v) Indoor facilities which are used primarily for physical exercise and therapy;~~  
4066 ~~health maintenance including fitness centers, spas, swimming pools,~~  
4067 ~~gymnasiums, game courts, lockers and training rooms.~~
- 4068 ~~(vi) Public health agency.~~
- 4069 ~~(vii) Pharmacy and drug sales.~~
- 4070 ~~(viii) Orthopedic, medical appliance, equipment, prosthesis and supply sales~~  
4071 ~~and fitting.~~
- 4072 ~~(ix) Optician and eyeglass sales.~~
- 4073 ~~(x) Hearing aid evaluation, fitting and sales.~~
- 4074 ~~(2) Associated uses to health care facilities as set forth below:~~
- 4075 ~~(i) Funeral home or mortuary including the display and sale of products~~  
4076 ~~associated with the ceremonies, burial or cremation of the deceased; and~~  
4077 ~~crematorium.~~
- 4078 ~~(ii) Parking lot and/or parking garage.~~
- 4079 ~~(iii) Public parks, playgrounds, trails, paths, recreational areas, golf courses,~~  
4080 ~~scenic and historic sites, and associated recreational and leisure facilities,~~  
4081 ~~including but not limited to shelters, pools, court games, maintenance~~  
4082 ~~structures and associated parking to the above uses.~~
- 4083 ~~(iv) Public or private elementary and secondary schools.~~
- 4084 ~~(v) Reception, conference and assembly facility.~~
- 4085 ~~(vi) Religious assembly.~~
- 4086 ~~(vii) Crisis center, type I.~~

~~(viii) Offices for conducting affairs of business, profession, service, or government.~~

~~(3) Human habitation and dwelling facilities as set forth below:~~

~~(i) Detached single family dwelling, 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 board of zoning appeals.~~

~~(ii) Two family dwelling.~~

~~(iii) Multiple family dwelling.~~

~~(iv) Boarding and/or lodging house.~~

~~(v) Residential care facility, type III.~~

~~(vi) Building used for student or faculty housing.~~

~~(vii) Medical care facility, type I.~~

~~(viii) Medical care facility, type II.~~

~~(ix) Apartment hotel.~~

~~(x) Community living facility, type I.~~

~~(xi) Group home.~~

~~(xii) Bed and breakfast inn.~~

~~(xiii) Residential care facility, type I.~~

~~(xiv) Residential care facility, type II.~~

~~(xv) Home care, type I.~~

~~(xvi) Home care, type II.~~

~~(xvii) Assisted living facility.~~

- 4110 ~~(xviii) Single-family attached dwelling.~~
- 4111 ~~(4) Group residence, general.~~
- 4112 ~~(5) Group residence, limited.~~
- 4113 ~~(b) Permitted Incidental and Subordinate Uses.~~
- 4114 ~~(1) Heliports, ambulance station, emergency transportation facility and terminal,~~  
4115 ~~provided such facilities are on-site with and ancillary in nature to a hospital.~~
- 4116 ~~(2) Retail sales and/or service of a nature clearly incidental and subordinate to and~~  
4117 ~~customary in association with a principal use as provided in the human health care~~  
4118 ~~related facilities of the permitted principal uses of this district. Such incidental and~~  
4119 ~~subordinate uses shall only be permitted and located within a structure containing~~  
4120 ~~a recognized principal use; and may include the following:~~
- 4121 ~~(i) Food and beverage preparation and sale.~~
- 4122 ~~(ii) Floral and gift shop.~~
- 4123 ~~(iii) Magazine, card and stationery shop.~~
- 4124 ~~(iv) Beauty and barber shops.~~
- 4125 ~~(c) Provisional Uses.~~
- 4126 ~~(1) Day care facility, type II, subject to the requirements of Chapter 18.225 TMC.~~
- 4127 ~~(2) Vehicle surface parking lot in association with a principal use, subject to the~~  
4128 ~~requirements of Chapter 18.225 TMC, Specific Use Requirements.~~
- 4129 ~~(d) Uses Permitted by Conditional Use Permit. The following uses may be granted a~~  
4130 ~~conditional use permit by the governing body provided by Chapter 18.215 TMC:~~
- 4131 ~~(1) Bed and breakfast home, subject to the requirements of Chapter 18.225 TMC.~~
- 4132 ~~(2) Bed and breakfast inn, subject to the requirements of Chapter 18.225 TMC.~~

~~(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 division as accessory to a permitted use or exempt as set forth by definition; and subject to the requirements of Chapter 18.250 TMC.~~

~~(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 Chapter 18.225 TMC.~~

~~(11) Correctional placement residence or facility, limited, subject to the requirements of Chapter 18.225 TMC.~~

~~(12) Nonresidential small wind energy system, subject to Chapter 18.265 TMC.~~

(a) Principal uses identified in the use matrix table in TMC 18.60.010 shall be allowed.

(b) Special uses identified in the use matrix table in TMC 18.60.010 shall be allowed subject to the restrictions identified in Chapter 18.225 TMC.

(c) Conditional uses identified in the use matrix table in TMC 18.60.010 may be allowed in accordance with Chapter 18.215 TMC if approved by the governing body.

Section 128. That section 18.180.040, Dimensional requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Density and Dimensional requirements.**

~~(a) Minimum Lot Area and Maximum Intensity of Use.~~

~~(1) Single-family detached dwelling: 3,000 square feet.~~

~~(2) Two-family dwelling: 4,000 square feet.~~

~~(3) Single-family attached dwelling (both lots together): 4,000 square feet.~~

~~(4) Multiple family dwelling: 400 square feet per dwelling unit.~~

~~(5) Every building site and/or zoning lot on which there is erected or converted a housing facility which is designed for congregate living or a dormitory-type dwelling the occupancy shall not exceed the following:~~

~~(i) For the first occupant, 150 square feet of floor space and at least 100 square feet of floor space for every additional occupant thereof.~~

~~(ii) A total number of occupants equal to two times the number of habitable rooms.~~

~~(6) All other uses: 7,500 square feet.~~

~~(b) Minimum Yard Requirements and Maximum Structure Height.~~

~~(1) Front yard: 25 feet.~~

~~(2) Side yard:~~

~~(i) Where building does not exceed 50 feet in height: five feet unless attached.~~

~~(ii) Where building exceeds 50 feet in height: 10 feet.~~

~~(3) Rear yard: 25 feet.~~

~~(4) If the recorded plat of subdivision provides for a greater minimum yard requirement than provided by this district, the provisions of the plat shall prevail.~~

~~(5) The applicable side yard of a corner lot and the rear yard of a double frontage lot shall conform to the minimum front yard requirements of this district.~~

~~(6) Height:~~

~~(i) General or specialized hospital: 160 feet.~~

~~(ii) Any other building or structure shall not exceed a height of 100 feet; however, if located within 150 feet of the boundary of the district, it shall not exceed a height of 50 feet.~~

All development shall comply with the density and dimensional standards in TMC

18.60.020.

Section 129. That section 18.180.050, General provisions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**General provisions**~~Other regulations.~~

All principal and accessory uses permitted within this zone are subject to the following requirements:

~~(a) Accessory Uses and Requirements.~~

(1) Permitted Accessory Uses and Requirements. See Chapter 18.210 TMC.

(2) Off-Street Parking Requirements. See Chapter 18.240 TMC.

(3) Sign Regulations. See Chapter 18.20 TMC.

~~(b) Other Provisions.~~

~~(4)~~ Dimensional Requirements. See Chapter 18.230 TMC.



(25) Nonconforming Uses. See Chapter 18.220 TMC.

(6) Site Plan Regulations. See Chapter 18.260 TMC.

(7) Landscaping Requirements. See Chapter 18.235 TMC.

(8) Subdivision Regulations. See Chapters 18.30 through 18.45 TMC.

Section 130. That section 18.180.060, Development alternatives, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Development alternatives.~~**

~~(a) The development of M-S medical service district uses with multiple principal structures and/or uses may follow the provisions of Chapter 18.190 TMC, PUD Planned Unit Development District.~~

~~(b) The development of a M-S medical service district shall apply to subdivided land of record which meets the objectives and requirements of this district, the subdivision of land regulations, and the applicable plat of subdivision stipulations.~~

Section 131. That section 18.185.040, Use regulations for X-1 mixed use district, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Principal, special, and conditional Use regulations for X-1 mixed use district.**

~~(a) Permitted Principal Uses.~~

~~(1) Single and two family dwellings.~~

~~(2) Three and four family dwellings.~~

~~(3) Dwelling units as primary or accessory use.~~

~~(4) Residential design manufactured home.~~

~~(5) Group home.~~

- 4225                    ~~(6) Churches, places of worship or assembly.~~
- 4226                    ~~(7) Schools.~~
- 4227                    ~~(8) Community facilities.~~
- 4228                    ~~(9) Parks, recreation, and open space.~~
- 4229                    ~~(10) Residential care facility, type I.~~
- 4230                    ~~(11) Artisan and photography galleries, studios.~~
- 4231                    ~~(12) Automobile service station, type I.~~
- 4232                    ~~(13) Bed and breakfast establishments.~~
- 4233                    ~~(14) Child care centers.~~
- 4234                    ~~(15) Clubs and lodges.~~
- 4235                    ~~(16) Funeral homes.~~
- 4236                    ~~(17) Health clubs.~~
- 4237                    ~~(18) Offices, financial services, medical clinics.~~
- 4238                    ~~(19) Pet shops/small animal clinics.~~
- 4239                    ~~(20) Indoor recreation facilities.~~
- 4240                    ~~(21) Restaurants.~~
- 4241                    ~~(22) Retail establishments.~~
- 4242                    ~~(23) Service shops — personal/business.~~
- 4243                    ~~(24) Home care, type I.~~
- 4244                    ~~(b) Uses Permitted by Conditional Use Permit.~~
- 4245                    ~~(1) Multifamily dwellings, more than four units per building and/or more than~~
- 4246                    ~~12 units per acre.~~
- 4247                    ~~(2) Boarding and lodging houses.~~

- 4248 ~~(3) Public use facilities.~~
- 4249 ~~(4) Residential care facility, type II.~~
- 4250 ~~(5) Indoor amusement.~~
- 4251 ~~(6) Automobile service station, type II.~~
- 4252 ~~(7) Automobile service station, type III.~~
- 4253 ~~(8) Bars and taverns.~~
- 4254 ~~(9) Entertainment facilities/theaters (nonadult).~~
- 4255 ~~(10) Farmer's markets.~~
- 4256 ~~(11) Parking lots/garages (principal use).~~
- 4257 ~~(12) Motor vehicle sales.~~
- 4258 ~~(13) Research and development.~~
- 4259 ~~(14) Group residence, limited, subject to Chapter [18.225](#) TMC.~~
- 4260 ~~(15) Nonresidential small wind energy system, subject to Chapter [18.265](#)~~
- 4261 ~~TMC.~~
- 4262 ~~(16) Home care, type II.~~
- 4263 ~~(17) Assisted living facility.~~
- 4264 (a) Principal uses identified in the use matrix table in TMC 18.60.010 shall be
- 4265 allowed.
- 4266 (b) Special uses identified in the use matrix table in TMC 18.60.010 shall be
- 4267 allowed subject to the restrictions identified in Chapter 18.225 TMC.
- 4268 (c) Conditional uses identified in the use matrix table in TMC 18.60.010 may
- 4269 be allowed in accordance with Chapter 18.215 TMC if approved by the governing body.

Section 132. That section 18.185.050, Use regulations for X-2 mixed use district, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Principal, special, and conditional Use regulations for X-2 mixed use district.**

~~(a) Permitted Principal Uses.~~

~~(1) Single and two-family dwellings.~~

~~(2) Three and four-family dwellings.~~

~~(3) Dwelling units as primary or accessory use.~~

~~(4) Residential design manufactured home.~~

~~(5) Schools.~~

~~(6) Community facilities.~~

~~(7) Parks, recreation, and open space.~~

~~(8) Artisan and photography galleries, studios.~~

~~(9) Automobile service station, type I.~~

~~(10) Automobile service station, type II.~~

~~(11) Child care centers.~~

~~(12) Clubs and lodges.~~

~~(13) Funeral homes.~~

~~(14) Health clubs.~~

~~(15) Motor vehicle sales (size restrictions).~~

~~(16) Offices, financial services, medical clinics.~~

~~(17) Indoor recreation facilities.~~

~~(18) Restaurants.~~

- 4293                    ~~(19) Retail establishments.~~
- 4294                    ~~(20) Service shops—personal/business.~~
- 4295                    ~~(21) Assembly without fabrication.~~
- 4296                    ~~(22) Fabrication of products allowed under I-1 light industrial district.~~
- 4297                    ~~(23) Distribution and processing.~~
- 4298                    ~~(24) Research and development.~~
- 4299                    ~~(25) Warehousing.~~
- 4300                    ~~(b) Uses Permitted by Conditional Use Permit. The following uses may be~~
- 4301                    ~~granted a conditional use permit by the governing body as provided by Chapter [18.215](#)~~
- 4302                    ~~TMC.~~
- 4303                    ~~(1) Multifamily dwellings, more than four units per building and/or more than~~
- 4304                    ~~12 units per acre.~~
- 4305                    ~~(2) Group homes.~~
- 4306                    ~~(3) Boarding and lodging houses.~~
- 4307                    ~~(4) Crisis centers.~~
- 4308                    ~~(5) Churches, places of worship or assembly.~~
- 4309                    ~~(6) Conference/convention center.~~
- 4310                    ~~(7) Public use facilities.~~
- 4311                    ~~(8) Residential care facility, type I.~~
- 4312                    ~~(9) Residential care facility, type II.~~
- 4313                    ~~(10) Amusement parks.~~
- 4314                    ~~(11) Automobile service station, type III.~~
- 4315                    ~~(12) Bars and taverns.~~

- 4316                    ~~(13) Bed and breakfast establishments.~~
- 4317                    ~~(14) Farmer's markets.~~
- 4318                    ~~(15) Hotel, motel.~~
- 4319                    ~~(16) Parking lots/garages (principal use).~~
- 4320                    ~~(17) Pet shops/small animal clinics.~~
- 4321                    ~~(18) Unenclosed, outdoor equipment/product storage.~~
- 4322                    ~~(19) Correctional placement residence or facility, limited, subject to Chapter~~
- 4323                    ~~[18.225](#) TMC.~~
- 4324                    ~~(20) Nonresidential small wind energy system, subject to Chapter [18.265](#)~~
- 4325                    ~~TMC.~~
- 4326                    ~~(21) Home care, type I.~~
- 4327                    ~~(22) Home care, type II.~~
- 4328                    ~~(23) Assisted living facility.~~

4329                    (a)    Principal uses identified in the use matrix table in TMC 18.60.010 shall be  
 4330 allowed.

4331                    (b)    Special uses identified in the use matrix table in TMC 18.60.010 shall be  
 4332 allowed subject to the restrictions identified in Chapter [18.225](#) TMC.

4333                    (c)    Conditional uses identified in the use matrix table in TMC 18.60.010 may  
 4334 be allowed in accordance with Chapter [18.215](#) TMC if approved by the governing body.

4335                    Section 133. That section 18.185.060, Use regulations for X-3 mixed use district,  
 4336 of The Code of the City of Topeka, Kansas, is hereby amended to read as follows.

4337                    **Principal, special, and conditional Use regulations for X-3 mixed use**  
 4338 **district.**

- 4339            ~~(a) Permitted Principal Uses.~~
- 4340            ~~(1) Single and two-family dwellings.~~
- 4341            ~~(2) Three and four-family dwellings.~~
- 4342            ~~(3) Multifamily dwellings, more than four units.~~
- 4343            ~~(4) Dwelling units as primary or accessory use.~~
- 4344            ~~(5) Residential design-manufactured home.~~
- 4345            ~~(6) Schools.~~
- 4346            ~~(7) Community facilities.~~
- 4347            ~~(8) Parks, recreation, and open space.~~
- 4348            ~~(9) Indoor amusement.~~
- 4349            ~~(10) Artisan and photography galleries, studios.~~
- 4350            ~~(11) Automobile service station, type I.~~
- 4351            ~~(12) Bars and taverns.~~
- 4352            ~~(13) Bed and breakfast establishments.~~
- 4353            ~~(14) Child-care centers.~~
- 4354            ~~(15) Clubs and lodges.~~
- 4355            ~~(16) Entertainment facilities/theaters (nonadult).~~
- 4356            ~~(17) Farmer's markets.~~
- 4357            ~~(18) Health clubs.~~
- 4358            ~~(19) Night clubs.~~
- 4359            ~~(20) Offices, financial services, medical clinics.~~
- 4360            ~~(21) Indoor recreation facilities.~~
- 4361            ~~(22) Restaurants.~~

4362                   ~~(23) Retail establishments.~~

4363                   ~~(24) Service shops—personal/business.~~

4364       ~~(b) Uses Permitted by Conditional Use Permit.~~

4365                   ~~(1) Group homes.~~

4366                   ~~(2) Boarding and lodging houses.~~

4367                   ~~(3) Churches, places of worship or assembly.~~

4368                   ~~(4) Conference/convention center.~~

4369                   ~~(5) Public use facilities.~~

4370                   ~~(6) Residential care facility, type I.~~

4371                   ~~(7) Residential care facility, type II.~~

4372                   ~~(8) Amusement parks.~~

4373                   ~~(9) Hotel/motel.~~

4374                   ~~(10) Parking lots/garages (principal use).~~

4375                   ~~(11) Pet shops/small animal clinics.~~

4376                   ~~(12) Unenclosed, outdoor equipment/product storage.~~

4377                   ~~(13) Research and development.~~

4378                   ~~(14) Warehousing.~~

4379                   ~~(15) Nonresidential small wind energy system, subject to Chapter [18.265](#)~~

4380                   ~~TMC.~~

4381                   (a)     Principal uses identified in the use matrix table in TMC 18.60.010 shall be

4382                   allowed.

4383                   (b)     Special uses identified in the use matrix table in TMC 18.60.010 shall be

4384                   allowed subject to the restrictions identified in Chapter 18.225 TMC.



(c) Conditional uses identified in the use matrix table in TMC 18.60.010 may be allowed in accordance with Chapter 18.215 TMC if approved by the governing body.

Section 134. That section 18.185.070, Dimensional and performance standards, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Dimensional and performance standards.**

(a) ~~Dimensional performance standards are set forth below and are not intended to supersede or undermine adopted design standards within this chapter:~~

~~(1) Mixed Use District X-1 Performance Standards.~~

~~(i) Maximum building coverage: 75 percent.~~

~~(ii) Front yard setback: range zero feet to 15 feet.~~

~~(iii) Rear yard setback: range zero feet to 25 feet.~~

~~(iv) Side yard setback: range zero feet to eight feet.~~

~~(v) Maximum building height: 40 feet.~~

~~(vi) Maximum residential density (net): 12 units/acre.~~

~~(2) Mixed Use District X-2 Performance Standards.~~

~~(i) Maximum building coverage: 75 percent.~~

~~(ii) Front yard setback: range zero feet to 25 feet minimum.~~

~~(iii) Minimum rear yard setback: 25 feet from residential.~~

~~(iv) Minimum side yard setback: 10 feet from residential.~~

~~(v) Maximum building height: 50 feet.~~

~~(vi) Maximum residential density (net): 12 units/acre.~~

~~(3) Mixed Use District X-3 Performance Standards.~~

~~(i) Maximum building coverage: 100 percent.~~

- 4408                   ~~(ii) Front yard setback: range zero feet to 10 feet.~~
- 4409                   ~~(iii) Minimum rear yard setback: zero feet.~~
- 4410                   ~~(iv) Minimum side yard setback: zero feet.~~
- 4411                   ~~(v) Maximum building height: 50 feet.~~
- 4412                   ~~(vi) Maximum residential density (net): 29 units/acre.~~

4413                   All development in the X districts shall comply with the density and dimensional  
4414                   standards in TMC 18.60.020.

4415                   (b) Within the North Crossings and traditional neighborhood areas as designated  
4416                   by the comprehensive metropolitan plan, all new development, including permitted  
4417                   commercial, office, institutional, multifamily residential, industrial uses, or combination  
4418                   thereof, or change of uses with exterior modifications shall be consistent with the  
4419                   following applicable design standards:

4420                   (1) Comprehensive Metropolitan Plan. Building design guidelines as  
4421                   adopted within the applicable neighborhood plan of the comprehensive  
4422                   metropolitan plan.

4423                   (2) Setbacks, Massing, and Form. Minimize building setbacks within  
4424                   traditional neighborhood or downtown district settings so as to reflect and  
4425                   align with existing setbacks of buildings on the block or facing block.  
4426                   Massing and form of building shall also be compatible with buildings on  
4427                   block, facing block, or neighborhood.

4428                   (3) Building Types. Permitted building types shall include a rear yard  
4429                   building that occupies the front of its lot at full width, a side yard building that  
4430                   occupies one side of the lot at full depth, or a courtyard building that

occupies all or most of the edges of its lot while internally defining one or more private spaces.

(4) Parking Lots. Parking lots shall not dominate the frontage of pedestrian-oriented and image streets or conflict with pedestrian crossings. No parking space shall be closer to the primary frontage street than the building.

(5) Facades. Blank walls in excess of 50 feet shall be avoided. Buildings with multiple storefronts should be unified in character, compatible with any upper floors, and pedestrian-oriented.

(6) Outdoor Activity. Buildings should accommodate outdoor activity with balconies, arcades, terraces, decks and courtyards for patrons', residents', or workers' interaction to the extent reasonably feasible.

(7) Outdoor Cafes. Restaurants should be encouraged to operate outdoor cafes on sidewalks, within buildings' setbacks or courtyards; provided, that pedestrian circulation and access to store entrances is not impaired, the space is well-kept, and street furniture/coverings are compatible with architectural character of the building/block.

(8) Pedestrian Circulation. Adequate pedestrian circulation must be maintained at all times. Pedestrian linkages between parking lots, alleys, parks, and the street or building fronts shall be provided for within the public right-of-way or by dedicated easement.

(9) Access. Vehicular access shall be consistent with adopted traffic access management standards and use rear lot access where applicable.

(10) Transition Yards and Landscaping. Where a commercial or industrial lot abuts a residential use(s), a landscaped yard consisting of, but not limited to, trees, vegetation, wood fencing, landscaped earthen berm, or other plantings shall be provided for as a visual buffer that creates spatial separation and meets crime prevention through environmental design principles. Front yard setback areas shall be landscaped.

(11) Open Storage. Any open storage visible from the street, adjacent to residential uses or within image areas designated by the comprehensive metropolitan plan shall be screened to substantially reduce visual impact by fencing, landscaping, or other appropriate means.

(12) Fences. For all office and commercial uses within the X-1, X-2, and X-3 mixed use districts, no fence, hedge or freestanding wall greater than four feet in height may be constructed within a front yard setback beyond the front face of a structure on an adjoining lot. Where no structure exists on an adjoining lot, no fence, hedge or freestanding wall greater than four feet in height may be constructed within a front yard parallel to the front face of the principal structure or building. Decorative open fences, constructed of wrought or cast iron, wood, or masonry, or similar material, greater than four feet in height may be permitted by the planning director upon review of the site and fence plans. Fences, walls, or hedges may be erected up to a height of eight feet in any side or rear yard where not in conflict with these regulations. For a corner lot, the fence height shall not exceed four feet in height beyond the face of a principal structure on an adjoining lot. Fences in

conjunction with all residential, institutional, and industrial uses shall be allowed consistent with TMC 18.210.040.

(c) Within the North Crossings and traditional neighborhood areas as designated by the comprehensive metropolitan plan, detached single-family, duplex, and triplex unit development shall be consistent with the residential design guidelines as adopted within the applicable neighborhood plan of the comprehensive metropolitan plan and M-1 two-family zoning district minimum yard requirements.

(d) The planning director may waive any of the above-listed design standards if he determines it to be unnecessary to the scope and nature of the proposed development.

(e) New development within nontraditional neighborhood areas shall be consistent with applicable site plan regulations of this division.

(f) Any property owner who is adversely impacted by a decision of the planning director regarding compliance or noncompliance with the dimensional and performance standards contained herein, may appeal the planning director's decision to the Topeka planning commission.

Section 135. That section 18.195.020, Use regulations for OS-1 open space district, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~Use regulations for OS-1 open space district~~Principal, special, and conditional uses.

~~(a) Permitted Uses.~~

~~(1) Agricultural uses.~~

- 4499           ~~(2) Common open space.~~
- 4500           ~~(3) Detached single-family dwellings.~~
- 4501           ~~(4) Drainage or flood prevention facilities.~~
- 4502           ~~(5) Golf course.~~
- 4503           ~~(6) Private park.~~
- 4504           ~~(7) Public park.~~
- 4505           ~~(8) Trails.~~
- 4506           ~~(b) Uses Permitted by Conditional Use Permit.~~
- 4507           ~~(1) Campgrounds.~~
- 4508           ~~(2) Cemetery.~~
- 4509           ~~(3) Commercial equine riding academies.~~
- 4510           ~~(4) Cultural facility.~~
- 4511           ~~(5) Fairgrounds.~~
- 4512           ~~(6) Farmer's markets.~~
- 4513           ~~(7) Hunting/fishing preserve (outside city limits).~~
- 4514           ~~(8) Public use facility.~~
- 4515           ~~(9) Recreational field, court, or track.~~
- 4516           ~~(10) Utility structure (private or public).~~
- 4517           ~~(11) Nonresidential small wind energy system, subject to Chapter 18.265 TMC.~~
- 4518           (a)   Principal uses identified in the use matrix table in TMC 18.60.010 shall be
- 4519           allowed.
- 4520           (b)   Special uses identified in the use matrix table in TMC 18.60.010 shall be
- 4521           allowed subject to the restrictions identified in Chapter 18.225 TMC.

(c) Conditional uses identified in the use matrix table in TMC 18.60.010 may be allowed in accordance with Chapter 18.215 TMC if approved by the governing body.

Section 136. That section 18.210.010, Accessory uses, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Accessory uses.**

Accessory uses, buildings and land customarily associated with, and clearly incidental to, a permitted use, ~~provisional uses~~ special use requirement or conditional use permit shall be permitted provided they are:

(a) Located on the same lot or parcel as a principal use and commonly associated with a principal building or use.

(b) Subordinate in area, extent and purpose to the principal building. The cumulative footprint of all accessory buildings shall not exceed 90 percent of the principal building's footprint.

(c) Operated and maintained under the same ownership and are contributory to the comfort, convenience or necessity of the occupants, business or industry in the principal building or use served.

(d) Time of Construction. No accessory building shall be constructed or established more than 120 days prior to the time of completion of the construction or establishment of the principal building or use to which it is an accessory.

Section 137. That section 18.210.020, Permitted uses, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Permitted uses.**

4544           The accessory uses, buildings and other structures permitted in each zone may  
4545 include the following:

4546           (a) In the RR-1 district:

4547                 (1) Open or enclosed storage of farm materials and equipment.

4548                 (2) Farm buildings, including barns, stables, sheds, toolrooms, shops, tanks,  
4549 bins and silos.

4550                 (3) Fuel storage tanks and dispensing equipment for fuels used solely for  
4551 farming operations. No wholesale/retail sales of such fuels shall be allowed  
4552 as an accessory use.

4553                 (4) Wholesale and retail sales of agricultural products grown or raised upon  
4554 the premises.

4555                 (5) Roadside stands for the sale of produce grown on the premises;  
4556 provided, that such a stand shall not contain more than 600 square feet of  
4557 floor area, the stand is located no closer than 20 feet from the right-of-way,  
4558 and access to the stand is from an entrance to the farm or residence.

4559                 (6) Private, noncommercial antenna and supporting structure when used for  
4560 amateur radio service; citizens band radio; a telecommunication device that  
4561 receives only a radio frequency signal; a sole-source emitter with more than  
4562 one kilowatt average output; and satellite receiving devices, provided they  
4563 shall not be located in the area between the street and principal building nor  
4564 within the required side yard.

4565                 (7) Fences as regulated by TMC 18.210.040.



- 4566 (8) Gazebos, enclosed patios and similar buildings for passive recreational  
4567 use.
- 4568 (9) Home occupations as regulated by TMC 18.210.035.
- 4569 (10) Private garages and carports.
- 4570 (11) Private greenhouses or conservatories.
- 4571 (12) Private recreational uses and facilities including but not limited to  
4572 swimming pools and tennis courts, if the use of such facilities is restricted to  
4573 occupants of the principal use and guests for whom no admission or  
4574 membership fees are charged.
- 4575 (13) Private or public utility transmission, distribution and/or collection  
4576 systems; and not, however, including substations and distribution  
4577 substations, pump stations, reservoirs, towers, transmission equipment  
4578 buildings and similar facilitating structures.
- 4579 (14) Residential accessory storage buildings for the storage of wood,  
4580 lumber, lawn or gardening equipment and other materials and equipment,  
4581 exclusively for the personal use of the residents of the premises, but not  
4582 including a storage building for commercial purposes.
- 4583 (15) Signs as regulated by Chapter 18.20 TMC.
- 4584 (16) Statuary, arbors, trellises, flagpoles, and barbecue stoves.
- 4585 (17) Structures for the shelter of household pets except kennels.
- 4586 (18) Temporary construction buildings for on-site construction purposes for  
4587 a period not to exceed the duration of the construction project.

(b) In the R-1, R-2, R-3, R-4, M-1 and M-1a districts: in addition to the accessory uses included in subsections (a)(6) through (a)(18) of this section, the following shall be permitted:

(1) Storage buildings and garages for the storage of wood, lumber, lawn or gardening equipment and other materials and equipment, exclusively for the personal use of the residents of the premises, but not including storage for commercial purposes. Truck bodies and cargo containers are not allowed as accessory uses. However, cargo containers may be used on a temporary basis for up to 30 days within a calendar year.

(2)(i) No farming equipment or farming machinery shall be parked or stored on a lot or tract of land unless within an enclosed lawful structure, or screened from view from any abutting property or street. No truck, excluding a pickup truck, trailer, boat, bus, tractor, or similar vehicle, machinery, or equipment with a curb weight (unloaded vehicle weight) or manufacturer's gross vehicle weight rating exceeding six tons shall be parked or stored any place on a lot or tract of land within an R, M-1 or M-1a district.

(ii) No commercial vehicles or commercial equipment, machinery or materials of any kind shall be stored any place on a lot or tract of land, except if such vehicles, equipment, machinery or materials are in temporary usage to actively accomplish permitted temporary activities on the premises such as construction, repair, moving, and other similar activities. In such case they shall be removed from the lot or tract of land within 48 hours of completion of said activity.

- 4611 (3) Off-street parking as regulated by Chapter 18.240 TMC.
- 4612 (4) A child's playhouse.
- 4613 (c) In the M-2, and M-3 ~~and M-4~~ districts: in addition to the accessory uses
- 4614 included in subsection (b) of this section, the following shall be permitted:
- 4615 (1) A maintenance storage building incidental to a permitted use, provided
- 4616 no such structure shall exceed 160 square feet in gross floor area, and shall
- 4617 be in keeping with the principal structure.
- 4618 (2) A facility for leasing, managing and/or maintenance of a multiple-family
- 4619 dwelling or planned unit development, provided such facility is of such size
- 4620 and scale which is in keeping with, and is accessory in nature to, said
- 4621 multiple-family dwelling or planned unit development, all as determined by
- 4622 the planning director.
- 4623 (d) In the O&I-1, O&I-2 and O&I-3 districts:
- 4624 (1) For residential uses, the accessory uses included in subsection (c) of
- 4625 this section shall be permitted.
- 4626 (2) Off-street parking as regulated by Chapter 18.240 TMC.
- 4627 (3) A storage building incidental to a permitted use, provided no such
- 4628 structure shall exceed ~~200~~400 square feet in gross floor area, and shall be
- 4629 in keeping with the principal structure.
- 4630 (4) Employee restaurants and cafeterias, when located in a principal
- 4631 structure.
- 4632 (5) Signs as regulated by Chapter 18.20 TMC.
- 4633 (6) Fences as regulated by TMC 18.210.040.

4634 (7) Flagpoles and statuary.

4635 (8) Private garages and carports.

4636 (e) In the C-1, C-2, C-3, C-4 and C-5 districts: in addition to the accessory uses included  
4637 in subsection (d) of this section, the following shall be permitted:

4638 (1) Restaurants, drugstores, gift shops, clubs, lounges, newsstands, and  
4639 travel agencies when located in a permitted hotel or motel.

4640 (2) One independent, freestanding commercial structure of 400 square feet  
4641 or less in the C-1 district and 600 square feet in the other districts shall be  
4642 permitted on a zoning lot. Such accessory structure shall not be required to  
4643 provide off-street parking, but shall be located as to not interfere with or  
4644 reduce the amount of required parking for the principal use. The location of  
4645 such accessory structure shall be reviewed and approved by the planning  
4646 director at the time of building permit application, provided such location  
4647 does not conflict or interfere with site access and interior vehicular  
4648 circulation.

4649 (f) In the I-1 and I-2 districts, the following shall be permitted:

4650 (1) Fences as regulated by TMC 18.210.040.

4651 (2) Off-street parking as regulated by Chapter 18.240 TMC.

4652 (3) Signs as regulated by Chapter 18.20 TMC.

4653 (4) Gatehouse.

4654 (5) Employee recreational facilities.

4655 (6) Flagpoles and statuary.

(7) Employee restaurants and cafeterias when located in the principal building of the use served.

(8) Employee child care facilities.

(9) Storage and warehousing.

(10) Caretaker's or night watchmen's quarters.

(g) In the U-1 district: the accessory uses included in subsection (c) of this section.

(h) In the MS-1 district: the accessory uses included in subsection (d) of this section.

(i) In the X-1, X-2 and X-3 districts: the accessory uses included in subsections (b), (c), (d), (e) and (f) of this section shall be in compliance with any applicable performance standards of the X mixed use districts.

Section 138. That section 18.210.030, Accessory regulations, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Accessory regulations.~~**

~~(a) Detached Accessory Uses and Buildings. In all districts, except as otherwise provided, detached accessory uses and buildings shall be subject to the following requirements:~~

~~(1) Time of Construction. No accessory building shall be constructed or established more than 120 days prior to the time of completion of the construction or establishment of the principal building or use to which it is an accessory.~~

~~(2) Setback from Property Lines. Except as otherwise provided, an accessory building shall be separated from lot lines in compliance with the following requirements:~~

~~(i) Accessory structures shall not be located within a required front yard or beyond the front face of the principal structure, whichever is more restrictive. However, a minimum setback of 20 feet from all street rights-of-way shall be provided for roadside stands, garages and carports. If, in the judgment of the planning director, construction of a roadside stand, garage or carport is compatible with the neighborhood, in respect to availability of land for public sidewalks, right of way needs, and the location of structures within the block, then such construction may occur with revised minimum setback(s) as determined by the planning director. If more restrictive than provided above, setbacks as set forth by plats of subdivision shall apply to any and all accessory structures.~~

~~(ii) In residential districts an accessory building shall not be located closer than three feet from a side lot line and five feet from a rear lot line. An accessory building for a zero lot line dwelling shall comply with the above requirements and shall not be located in the required 10-foot side yard.~~

~~(iii) Setback from Alley. When a garage or carport is entered directly from an alley, it shall not be located closer than 10 feet from the alley right of way line.~~

~~(3) Setback from Principal Building. No portion of an accessory building shall be located closer than six feet to the principal building or another accessory building on the same lot. However, an unenclosed breezeway may be extended between the principal structure and the accessory structure for the purpose of providing a covered walkway. In no event shall the construction of a covered walkway be deemed to join the principal and accessory structures into one principal structure.~~

~~(4) Maximum Rear Yard Coverage. In residential districts, the cumulative footprint of accessory buildings shall not occupy more than 30 percent of the required rear yard area.~~

~~(5) Maximum Height. Accessory buildings and structures in residential districts shall not exceed the greater of the height of the principal building or 12 and one half feet, but in no event shall the accessory structure exceed 20 feet in height. In other districts, accessory buildings or structures shall not exceed the maximum height permitted for a principal building.~~

~~(6) Reverse Corner Lot. On a reversed corner lot in a residential district, and within 15 feet of any adjacent property to the rear in a residential district, no detached accessory building or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than a distance equal to the least depth which would be required under this division for the front yard on such adjacent property to the rear. Further, in the above instance, all such accessory buildings shall meet the minimum side yard~~

~~requirements of such adjacent property which coincides with the side lot line or portion thereof of property in any residential district.~~

~~(b) Attached Accessory Buildings. Attached accessory buildings shall be located pursuant to the requirements for principal buildings. Attached garages and carports shall be located on a lot so that a minimum 20 foot length "aisle" between the building and the street right-of-way line is provided.~~

Section 139. That section 18.225.010, Use and requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**18.225.010 ~~Use and~~ Special use requirements.**

The following ~~principal~~ special uses are ~~listed as provisional uses or conditional use permits in various districts in this division~~ identified in the use matrix table at TMC 18.60.010 are subject to the additional requirements of this chapter. These uses are required to meet the regulations indicated, in addition to the regulations of the district in which the uses are allowed, only when this chapter is referenced to in the requirements for each use. In case of any conflict between the regulations of the district in which the use is allowed ~~as a provisional use or conditional~~ and the additional regulations of this chapter, the most restrictive regulations shall govern:

(a) ~~Adult Motion Picture Theater~~ Automobile or Vehicle Dealership.

~~(1) An adult motion picture theater shall not be located within 1,000 feet of any building or premises used as a church, school or hospital.~~

~~(2) An adult motion picture theater shall not be located within 1,000 feet of any of the following districts: agriculture, residential dwelling, multiple-family dwelling, office and institutional, university, and medical service districts.~~



4746                   (3) ~~An adult motion picture theater shall not be constructed or~~  
4747 ~~reconstructed unless there is provided on the same lot, or within 300 feet thereof,~~  
4748 ~~a space for off street parking which contains an area adequate to accommodate~~  
4749 ~~one automobile for every 12 seats in the theater.~~

4750                   This use includes the sales, leasing, and service of vehicles and trailers having a  
4751 gross vehicle weight rating over 12,000 pounds, watercraft, recreational vehicles, heavy  
4752 construction equipment, and agricultural equipment.

4753                   (1) Ancillary towing services and body shops are permitted. Storage of  
4754 damaged vehicles needing body shop repairs shall only be stored in rear yards  
4755 or screened from view from public roadways and screened from abutting  
4756 residentially-zoned properties. Automotive wrecking and dismantling for salvage  
4757 purposes is prohibited. Each disabled vehicle is limited to thirty days of on-site  
4758 storage.

4759                   (2) The inventory of vehicles for sale, lease, or service shall be parked  
4760 only on paved areas and shall not displace the minimum required number of off-  
4761 street parking spaces.

4762                   (3) A solid, opaque screen, fence or sight prohibitive landscaping shall  
4763 be provided along lot lines adjoining residential property at a height of not less  
4764 than six feet except in front yards where it may be reduced to three feet or  
4765 replaced with shrubs designed to grow two to three feet in height.

4766                   (4) Automobile dealerships shall have frontage on a roadway  
4767 designated as an arterial roadway by the Shawnee County Functional  
4768 Classification of Roadways Map.

(b) Automobile or Vehicle Car Wash Facility.

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

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

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

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

(5) The traffic circulation plan for the facility shall be subject to the approval of the traffic engineer or authorized designee of the public works department.

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

(c) Automobile Sales. Except in the C-4 Commercial District, ancillary uses for a body shop and automotive service station type 3 are prohibited unless a conditional use permit is secured.

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

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

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

(ed) Automotive Service Station.

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

(2) Type 2. A facility which ~~dispenses automotive fuels and oil together with~~ may include those uses defined in type 1 and specifically includes replacement of automotive parts such as including but not limited to fan belts, hoses, sparkplugs, tires and tubes, ignition parts, batteries, shock absorbers, and fuses, etc., including incidental merchandise as defined above. Minor automotive services shall be permitted, which includes minor repair and replacement. A type 2 facility is limited to servicing automobiles, pickups, motorcycles and other vehicles having a gross vehicle weight rating of 12,000 pounds or less. The following automotive services shall be permitted in a Type 2 facility:

(i) Lubrication.

(ii) Tire repair and replacement.

4814 (iii) Brake repair and wheel balancing and alignment.  
4815 (iv) Muffler and exhaust system repair and replacement.  
4816 (v) Shock absorber and strut replacement.  
4817 (vi) Engine adjustment (tune-up).  
4818 (vii) Replacement of pumps, cooling systems, generators,  
4819 alternators, wires, starters, air conditioners, bearings and other  
4820 similar devices.  
4821 (viii) Radio, GPS, rear cameras, and similar electronics installation  
4822 and repair.  
4823 (ix) Glass replacement.  
4824 (x) Trailer hitch and wiring installation and repair.  
4825 (xi) And other similar repair and replacement services normally  
4826 deemed to be emergency and convenience services; however, the  
4827 same shall not include drive train units such as the engine,  
4828 transmission or drive components.  
4829 (3) Type 3. A facility which may include those uses defined in types 1  
4830 and 2, and specifically includes repair, rebuilding and replacement of drive train  
4831 units of automobiles, pickup trucks, ~~street vans,~~ motorcycles, trailers, and  
4832 ~~racing~~ other vehicles.  
4833 (4) For Types 1, 2, and 3 a solid, opaque screen, fence or sight  
4834 prohibitive landscaping shall be provided along lot lines adjoining residential  
4835 property at a height of not less than six feet except in front yards where it may be

reduced to three feet or replaced with shrubs designed to grow two to three feet in height.

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

(1) Storage of damaged vehicles needing body shop repairs shall only be parked on paved areas in rear yards or screened from view from public roadways.

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

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

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

(df) Cemetery.

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

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

lots shall be set back not less than 30 feet from any property line or street right-of-way line.

(3) A cemetery shall have the principal entrance or entrances on a major traffic thoroughfare as designated on and in accordance with the provisions of the transportation plan as a collector or arterial roadway on the Shawnee County Functional Classification of Roadways Map, with ingress and egress so designed as to minimize traffic congestion.

(4) All on-site private drive locations and their widths shall be reviewed by the traffic engineer or designee of the applicable department of public works in respect to providing efficient vehicular access and traffic flow; and to minimize vehicle conflict with pedestrians. Development of the cemetery shall not commence until approval of the aforementioned drive locations and their widths ~~has~~have been secured.

(g) Community Gardens.

(1) All community gardens shall be allowed only after the owner or applicant has registered the community garden with the planning department and has paid a fee of \$50. The planning director shall adopt administrative procedures necessary to govern the registration requirements and ensure compliance with the requirements.

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

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

(4) Sales and operation of mechanical equipment shall occur only between 8:00 AM and 8:00 PM. For Type 1 gardens, sales of produce grown on-site are permissible provided that all stands and displays are removed on or before 8:00 PM.

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

(6) The cultivated area shall have a minimum setback of 3 feet from all property lines. Crops planted in any minimum front yard setback are limited to those that will grow to a height of 4 feet or less (e.g., 4 feet maximum in the front 30 feet).

(7) Dead garden plants shall be removed regularly and no later than November 30<sup>th</sup> of each year.

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

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

4903                   (10) The site shall be designed and maintained so that no water,  
4904                   fertilizers, or pesticides drain onto adjacent property.

4905                   (11) The entire site shall be maintained in a manner, including noise and  
4906                   odors, so that it complies with Chapter 8.60 TMC.

4907                   (12) Signage is limited to one permanent identification sign per property  
4908                   frontage consisting of up to 10 square feet per sign face and temporary signs are  
4909                   allowed in accordance with TMC 18.25.230(a).

4910                   (13) Orchards and tree farms shall meet the front yard setback for their  
4911                   zoning district and shall be setback at least 15 feet from all other property lines,  
4912                   with the measurements based on nearest part of the trees' canopies.

4913                   (14) Accessory structures for Type I community gardens are limited to  
4914                   the following standards.

4915                   (i) Accessory structures may include storage buildings, green  
4916                   houses, high tunnels and hoop houses maintained in good condition.

4917                   (ii) Maximum height of 12.5 feet.

4918                   (iii) Maximum lot coverage for structures shall be calculated  
4919                   based on the cultivated area for the community garden, including  
4920                   pathways. Maximum lot coverage for structures shall be 10% or less than  
4921                   150 square feet, whichever is greater.

4922                   (iv) Storage buildings are limited to less than 150 square feet  
4923                   and may only be used for storing garden equipment and materials used  
4924                   on-site.



4925                    (v) Each structure shall meet the required setbacks from  
4926                    property lines as outlined in TMC 18.210.030(a)(2). If the area of  
4927                    cultivated land exceeds one-acre, a 50' setback is required between  
4928                    properties with existing dwelling units and any cultivated area or  
4929                    accessory structures.

4930                    (15) Accessory structures for Type II community gardens are limited to  
4931                    the following standards:

4932                    (i) In addition to Type I standards, Type II permitted accessory  
4933                    structures include: garden sales stands, other buildings for storage,  
4934                    structures for cold storage and processing of garden products, and  
4935                    buildings for aquaculture, aquaponics, and hydroponics.

4936                    (ii) Maximum lot coverage for structures is 30% of the site area  
4937                    designated for the community garden (cultivated area and pathways).

4938                    (iii) Accessory structures 150 square feet or greater are  
4939                    permitted, subject to required building permits.

4940                    (16) If one or more of the requirements cannot be met, a person may  
4941                    apply for a conditional use permit pursuant to Chapter 8.215 TMC.

4942                    (eh) Day Care Facility, Type I.

4943                    (1) An on-site automobile drop off/pickup area for a minimum of two  
4944                    vehicles shall be provided for a facility which only has street frontage on a major  
4945                    traffic thoroughfare as designated by the transportation plan; and said drop  
4946                    off/pickup shall be in accordance with any applicable provisions of said plan.

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

(fi) Day Care Facility, Type II.

(1) An on-site automobile drop off/pickup area for a minimum of two vehicles shall be provided for a facility which only has street frontage ~~on a major traffic thoroughfare as designated on the transportation plan~~ on a roadway that is classified as a collector or arterial roadway on the Shawnee County Functional Classification of Roadways Map; and said drop off/pickup shall be provided in accordance with any applicable provisions of said plan.

(gj) Demolition Landfill.

(1) ~~In addition to the standard application components required of an applicant to petition for a conditional use permit (fee, certificate of ownership for notification purposes and completed application form), a petition for a conditional use permit shall be accompanied by documentation that a demolition landfill permit has been issued by the appropriate agency. At the time of application to the appropriate agency for said demolition landfill permit, the applicant shall provide and submit plans, information and data as established by the governing body and agency. Further, the petitioner for a conditional use permit~~ The applicant shall submit documentation of the issuance of showing compliance with all any other licenses or permits required by the state department of health and environment prior to construction and within 30 days of renewal of any state licenses and permits. The site shall maintain a neat appearance along all public

road frontages and along all property boundaries abutting residential zoning districts.

(k) Dwelling Units on Main Floor.

Dwelling units located on main floors shall meet the following requirements:

(1) The units must be subordinate to non-residential uses on the main floor; or

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

(h) Extraction, Processing, Storage and Sale of Raw Materials, Including Ore, Minerals, Sand, Rock, Stone, Gravel, Topsoil, Fill Dirt, and Other Materials Delivered by Quarry, Mining, Dredging, or Stripping Operations. In addition to the standard application components required of an applicant to petition for a conditional use permit (fee, certificate of ownership for notification purposes and completed application form), a request for the subject use shall identify the specific raw material and type of operation under consideration and furthermore, shall include the below-listed additional information, plans and data.

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

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

- 4992 (ii) Contour intervals: two feet for slopes 20 percent or less; 10  
4993 feet for greater slopes when map scale is one inch equals 200 feet.
- 4994 (iii) Identify name, grade, right-of-way and street width of  
4995 existing and proposed streets extending through or adjacent to the site.
- 4996 (iv) Identify width and purpose of easements extending through  
4997 or adjacent to the site.
- 4998 (v) Identify natural land features including but not limited to  
4999 watercourses and drainageways, floodplains, rock outcropping, springs,  
5000 wooded areas, etc.
- 5001 (vi) Identify manmade features such as buildings and other  
5002 structures, dams, dikes and impoundments of water.
- 5003 (vii) Identify all of the above-noted adjacent land features within  
5004 300 feet of the site. In addition, show all platted subdivision lots and metes  
5005 and bounds parcels.
- 5006 (viii) Show location of at least five borings, which show depths to  
5007 ground water.
- 5008 (ix) Provide a cross-section to illustrate physical conditions of the  
5009 site. Show vertical scale equal to, or in exaggeration of, horizontal scale.
- 5010 (2) Development Plan. A development plan prepared in the same  
5011 manner as the site plan and including the following:
- 5012 (i) North point, scale and date.
- 5013 (ii) Extent of area to be excavated.

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

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

(v) Benchmarks.

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

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

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

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

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

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

(xii) Location of screening berms shall be shown to scale, and notes shall be provided indicating when they will be used as reclamation

material. In the same manner overburden storage areas shall be identified and noted.

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

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

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

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

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

(iii) Estimated type and volume of the excavation.

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

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

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

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

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

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

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

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

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

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

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

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

(~~im~~) Golf Course – Country Club.

(1) A golf course or country club shall be established on a minimum contiguous area of ~~80~~ 20 acres and shall consist of a minimum of nine holes.

(2) Vehicular access to a golf course or country club may ingress/egress directly to a local street provided ~~said~~the local street intersects

5082 with a ~~major traffic thoroughfare as designated on the transportation plan~~roadway  
5083 that is classified as a collector or arterial roadway on the Shawnee County  
5084 Functional Classification of Roadways Map; and further provided, that said points  
5085 of ingress/egress are located within 300 feet of the centerline of the  
5086 aforementioned thoroughfare.

5087 (3) All patron parking lots, clubhouses and recreational facilities other  
5088 than those for golf, shall be located a minimum distance of 500 feet from all  
5089 property boundaries of the golf course or country club.

5090 (4) All maintenance facilities and employee parking lots shall be  
5091 located a minimum distance of 200 feet from all property boundaries of the golf  
5092 course or country club.

5093 (5) If one or more of the requirements cannot be met, a person may  
5094 apply for a conditional use permit pursuant to Chapter 18.215 TMC.

5095 ~~(jn) Portrait or Artist Studio~~ Indoor Gun Range.

5096 (1) ~~Portrait or artist studios may include the production of studio photographs~~  
5097 ~~for customers, scheduled portrait sittings, the display of finished products, and the~~  
5098 ~~custom processing of film; providing, that the area devoted for the film processing is no~~  
5099 ~~more than 400 square feet or 20 percent of the entire area, whichever is less, and that~~  
5100 ~~the remaining area is devoted to the creation of studio portraits; but expressly~~  
5101 ~~prohibiting the selling of picture frames, related accessory items and equipment.~~A  
5102 building for the safe discharge of firearms shall meet the following requirements:

5103 (i) The building shall be designed so that discharged  
5104 ammunition does not escape the confines of the building.



5105                   (ii)     Discharge noise does not adversely impact neighboring  
5106                   properties.

5107                   (iii)    The building shall be located at least 200 feet from any  
5108                   residentially zoned property.

5109                   (2)     If one or more of the requirements cannot be met, a person may  
5110                   apply for a conditional use permit pursuant to Chapter 18.215 TMC.

5111                   (o)     Outdoor Storage of Non-Merchandise

5112                   When storage is located in a yard that abuts or is located across the street from  
5113                   residentially-zoned property it shall be screened from public view by a solid, opaque  
5114                   screen, fence or sight prohibitive landscaping of not less than six feet in height, except  
5115                   in front yards where it may be reduced to three feet or replaced with shrubs designed to  
5116                   grow two to three feet in height. If storage is adjacent to driveways or intersections,  
5117                   screening may be reduced to comply with site distance triangles, as outlined in TMC  
5118                   12.20.020.

5119                   (kp)    Reception, Conference and Assembly Facility.

5120                   (1)     As an independent principal use within any subdistrict of the  
5121                   ~~agricultural~~, residential dwelling, and multiple-family dwelling districts, the facility  
5122                   shall be located only within a structure that exists on the date of the adoption of  
5123                   these regulations, except for the ~~RA-1 and~~ RR-1 districts; and further, vehicle  
5124                   parking lots shall not be permitted within the established front yard setback.

5125                   (2)     All applications requesting a conditional use permit shall include  
5126                   and address the following considerations in respect to:

5127                   (i)     Maximum occupant load at any one time.

- 5128 (ii) Presentation of a plan of operation which shall include:
- 5129 (A) Days of the week and hours of operation in which the
- 5130 facility will function.
- 5131 (B) Any permitted outdoor activities.
- 5132 (C) Supervision of guests and arrangements for
- 5133 enforcement of any provisions of the conditional use permit.
- 5134 (iii) Any proposed screening, buffering, or landscape plan.
- 5135 (iv) On-site vehicle parking and ingress/egress plan.
- 5136 (v) Address the general applicability of building, life safety, and
- 5137 associated codes and standards to the facility.
- 5138 (3) All activities of the facility as a conditional use permit shall be by
- 5139 prearranged lease, contract, or agreement and therefore the facility shall not be
- 5140 open to the general public.
- 5141 ~~(4)~~ Recycling Depot.
- 5142 Recycling depots shall meet the following requirements:
- 5143 (1) ~~Shall be limited~~ to the collection, storage and processing of metal,
- 5144 glass or plastic food or beverage containers and paper resources as an initial
- 5145 phase of a recycling process.
- 5146 (2) The recycling process shall be limited to the volume reduction of
- 5147 such materials by a mechanical and hand sorting methods only.
- 5148 (3) All storage and processing operations in conjunction therewith shall
- 5149 be contained within the principal structure.
- 5150 ~~(5)~~ Religious Assembly.

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

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

~~(NS)~~ Relocation, Remodeling or Rebuilding of Legal Nonconforming Billboards.

No application for a conditional use permit to relocate, remodel, or rebuild an existing legal nonconforming billboard shall be approved unless the governing body, ~~after review of the~~upon recommendation by the ~~zoning and platting committee~~planning commission, shall determine that the proposed billboard is appropriate in the location proposed based upon its consideration of the ~~general~~ standards set forth below.

~~(1) General Standards. No application for a conditional use permit to relocate, remodel, or rebuild a legal nonconforming billboard shall be recommended or granted unless the application is determined to be in compliance with the following general standards:~~

~~(i1) Subsection (n) of t~~This subsection shall apply only to existing legal nonconforming billboards presently located within the C-4 commercial district. In seeking a conditional use permit, the applicant shall specify the location, size, height and area of the existing billboard proposed to be removed.

~~(i2)~~ The structural members of all billboard materials shall be constructed entirely of noncombustible materials excepting only the sign face,

5174 ornamental molding and platform and shall be installed only on single-pole  
5175 structures.

5176 (~~iii~~3) The proposed relocated sign shall not be larger than the existing  
5177 billboard proposed to be removed, but not to exceed 750 square feet including  
5178 extensions; nor shall such relocated sign have more than two sign faces.

5179 (~~iv~~4) No billboard to be relocated shall be erected upon the roof of any  
5180 building or attached to any building.

5181 (~~v~~5) No billboard to be relocated shall be set back less than 20 feet from  
5182 any public right-of-way line.

5183 (~~vi~~6) No billboard to be relocated shall be less than either 1,320 feet  
5184 from any other such sign on the same street or closer than a 400-foot radius on  
5185 different streets.

5186 (~~vii~~7) No billboard to be relocated shall be less than 200 feet from any  
5187 underpass, overpass or bridge structure.

5188 (~~viii~~8) No billboard to be relocated shall be placed within 300 feet of a  
5189 residential dwelling, which fronts on the same street right-of-way, nor within 500  
5190 feet of any religious assembly or public or private elementary or secondary  
5191 school on the same street.

5192 (~~ix~~9) No billboard shall result in the loss or damage of natural, scenic, or  
5193 historic features of significant importance; and shall be constructed and operated  
5194 with minimal interference of the use and development of neighborhood property.

5195 (~~x~~10) No billboard shall be so designed to include the vertical stacking of  
5196 billboards on the sign pole. Each billboard shall be comprised of a single sign

face oriented in a given direction. This provision does not preclude double sided billboards where arranged back to back on the sign pole.

(t) Manufactured Home.

A manufactured home for the purpose, use and occupancy of a family shall meet the following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(ew) Small Animal Hospital or Veterinary Clinic for Small Domestic Animals Care and Services, Type I.~~

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

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

~~(3) Kennel or boarding operations incidental to the principal use shall be permitted only within the confines of an enclosed building or structure.~~

(4)3 The building or structure shall be constructed in such a manner as to prevent ~~the extension of~~ audible noise and/or odor from ~~the animals to the~~ adversely impacting adjoining properties.

~~(5) The governing body shall have the authority to order the discontinuance of this use upon the proper showing that such use constitutes a nuisance or has violated the above-listed provisions.~~

~~(px)~~ Television, Radio, and Microwave Transmission Towers – Telecommunication Equipment – Accessory Facilities.

In addition to the standard application components required of an applicant to petition for a conditional use permit ~~(fee, certificate of ownership for notification purposes, and completed application form)~~, a petition for a conditional use permit for the subject use shall include:

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

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

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

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

~~(a)~~ Vehicle Surface Parking Lot.

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



(2) The parking lot site shall not be separated from an associated principal use by an intervening public street right-of-way is classified as a collector or arterial roadway on the Shawnee County Functional Classification of Roadways Map.

(3) The nearest point of a parking lot site to the nearest point of the building ~~in which~~ served by the parking lot ~~is in association~~ shall not be greater than 500 feet.

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

(fz) Bed and Breakfast Home.

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

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

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

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

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

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

(vi) Individual guestrooms shall not contain cooking facilities.

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

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

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

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

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

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

5332 (D) No commercial telephone listing, newspaper, radio or  
5333 television service shall be used to advertise the sale of  
5334 merchandise.

5335 (E) The total area devoted to the display or merchandise  
5336 shall not exceed five percent of the gross floor area of the dwelling,  
5337 excluding an attached garage.

5338 (~~saa~~) Bed and Breakfast Inn.

5339 (1) Specific Requirements. Requests to establish a bed and breakfast  
5340 inn shall conform to all of the following requirements:

5341 (i) The bed and breakfast shall be located in an existing single-  
5342 family dwelling and no new structure shall be built expressly for a bed and  
5343 breakfast establishment.

5344 (ii) The bed and breakfast shall be operated within the single-  
5345 family dwelling and not in any accessory structure.

5346 (iii) The primary entrance to all guestrooms shall be from within  
5347 the dwelling. A guestroom can retain an original secondary exterior  
5348 entrance opening onto a porch or balcony.

5349 (iv) The exterior of the dwelling and premises shall outwardly  
5350 remain and appear to be a single-family dwelling giving no appearance of  
5351 a business use.

5352 (v) Individual guestrooms shall not contain cooking facilities.

5353 (vi) One non-illuminated nameplate sign, attached flat on the  
5354 face of the principal dwelling, shall be permitted not to exceed nine square

feet. The nameplate shall be styled and detailed architecturally with the principal building and shall be limited to the name of the bed and breakfast or owner or both.

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

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

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

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

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

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

(F) In the ~~RA-1~~ and RR-1 District districts, a bed and breakfast inn shall not be established on less than a three-acre

5378 parcel. In all other districts where permitted, a bed and breakfast  
5379 inn shall be established on a parcel having a minimum size  
5380 equivalent to 500 square feet per guestroom plus the minimum lot  
5381 area of the district, for a single-family dwelling, in which located.

5382 (G) Social events such as weddings, receptions, parties,  
5383 business engagements or similar activities may be accommodated  
5384 in conjunction with a bed and breakfast inn, subject to the following  
5385 requirements:

5386 1. The scheduling and conduct of social events shall  
5387 be incidental and subordinate to the principal use of the  
5388 premises as a bed and breakfast inn.

5389 2. All scheduled events shall be by prearranged  
5390 contract or agreement. Such event shall not be open to the  
5391 general public.

5392 3. No amplified sound or music, noise or glare shall  
5393 be allowed outside the inn nor be perceptible from beyond  
5394 the property line.

5395 4. Social events shall be restricted to between the  
5396 hours of 9:00 a.m. and 11:00 p.m.

5397 5. Submission of a plan of operation which shall  
5398 include:

5399 a. Types of social events anticipated to be  
5400 scheduled at the inn including the types of services to

5401 be offered in conjunction with a social event and the  
5402 anticipated maximum number of guests to be  
5403 accommodated.

5404 b. Days of the week and hours of operation for  
5405 which social events would be scheduled.

5406 c. Any permitted outdoor activities and the  
5407 location on the premises that may be used for such  
5408 activities.

5409 d. Supervision of guests and arrangements for  
5410 enforcement of any provisions of the conditional use  
5411 permit, when applicable.

5412 e. Any proposed screening, buffering, or  
5413 landscaping to mitigate potential negative effects.

5414 f. Arrangements for parking. Specify the added  
5415 number and location of guest parking in conjunction  
5416 with social events. Additional on-site parking shall not  
5417 interfere with accessing guest parking spaces nor  
5418 conflict with internal traffic circulation.

5419 (2) If one or more of the requirements cannot be met, a person may  
5420 apply for a conditional use permit pursuant to Chapter 18.215 TMC.

5421 (~~t~~b) Management/Leasing Office and Maintenance Facility.

5422           (1) A facility for leasing, managing and/or maintaining a residential  
5423 community in ~~the M-1 two-family dwelling district in accordance with~~shall meet  
5424 the following ~~specific~~ requirements:

5425           (4*i*) The proposed facility shall be located within the boundaries  
5426 of and operate exclusively in association with a legally described  
5427 residential community consisting of rental housing units. ~~No tenant space~~  
5428 ~~or other a~~Activity not ~~exclusively~~ associated with the management of the  
5429 residential community or that serves the residents of the community shall  
5430 not be permitted within the facility.

5431           (2) ~~The proposed facility shall be comparable in size and scale~~  
5432 ~~to the rental units located within the residential community.~~

5433           (3*ii*) The proposed facility shall be ~~designed to appear as a~~  
5434 ~~residential structure~~ comparable in design, construction, materials, siding  
5435 and roofing to the rental units located within the residential community.

5436           (4*iii*) All materials, equipment and supplies shall be maintained  
5437 within the facility or within a detached accessory structure that is  
5438 comparable in size and design to other detached accessory structures  
5439 located within the residential community.

5440           (5) ~~Off street parking shall be assessed at the rate of one space~~  
5441 ~~per employee.~~

5442           (6*iv*) ~~No exterior advertising shall be permitted except for a~~  
5443 building sign is limited to one wall-mounted identification sign not  
5444 exceeding six square feet.

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

(u~~cc~~) Automobile Rental Establishments.

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

(4~~2~~) No automobile sales and/or long-term ~~lease~~leasing of vehicles exceeding six months shall be permitted.

(2~~3~~) No on-site vehicle maintenance or mechanical service shall be permitted except to clean and prepare a vehicle for rental.

(3~~4~~) No gasoline service shall be provided on site.

(4~~5~~) No exterior storage or display of products, materials, supplies or equipment shall be permitted except for the rental vehicles.

(5~~6~~) The inventory of rental vehicles shall be parked only on paved areas and shall not displace the required number of off-street parking spaces to be provided.

(6~~7~~) A solid, opaque screen, fence or sight prohibitive landscaping shall be provided along lot lines adjoining residential property at a height of not less than six feet except in front yards where it may be reduced to three feet or replaced with shrubs designed to grow two to three feet in height.

(7) ~~Rental vehicles shall not exceed a gross vehicle weight of 12,000 pounds.~~

(v~~dd~~) Group Residence, General – Group Residence, Limited – Correctional Placement Residence or Facility, General – Correctional Placement Residence or



Facility, Limited – Home Care, Type II. In considering an application for a conditional use permit for a correctional placement residence or facility, general; a correctional placement residence or facility, limited – home care, type II.; a group residence, general; or a group residence, limited, the planning commission and governing body will give consideration to the following criteria:

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

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

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

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

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

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

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

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

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

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

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

(12) The recommendation of professional staff.

Section 140. That section 18.230.030, General yard requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**General yard requirements.**

(a) Location of Required Yards. The required yard space for any building, structure or use shall be contained on the same zoning lot as the building, structure or use and such required yard space shall be entirely upon land in a district in which the principal use is permitted.

(b) Yard Requirements for Open Land. If a zoning lot is, or will be, occupied by a permitted use without buildings or structures, then the minimum yards that would otherwise be required for said zoning lot shall be provided and maintained unless some other provision of this division requires or permits a different minimum yard. The minimum yards shall not be required on zoning lots used for gardening purposes without structures except for community gardens as described in Section 18.225.010, or on zoning lots used for public recreational areas.

(c) Restrictions on Allocation and Disposition of Required Yards or Space.

(1) No part of a lot, yard, off-street parking space, open space or other space provided in connection with any building, structure or use in order to comply with this division shall, by reason of change of ownership or otherwise, be included as part of the minimum lot area, yard, off-street parking space, open space or other space required for any other building, structure or use, except as specifically provided herein.

(2) All of the lot area, yards, off-street parking, open space or other space provided in connection with any building, structure or use in order to comply with this division shall be located on the same zoning lot as such building, structure or use.

(3) No part of a lot, yard, off-street parking, open space or other space provided in connection with any building, structure or use (including, but not limited to, any building, structure or use existing on the effective date of the ordinance codified in this division) shall be subsequently reduced below, or further reduced if already less than, the minimum requirements of this division for the equivalent new construction.

(d) Computing Rear Yard. In computing the required minimum depth of a rear yard for any principal building, principal structure or principal use where such yard abuts on an alley, one-half of the alley right-of-way width may be included as part of the required minimum rear yard.

(e) Yards for Corner and Double Frontage Lots. Front yard requirements included in the district regulations within which the zoning lot is located shall apply on both frontages. A double frontage lot shall have two front yards, two side yards, and no rear

yard. A corner lot shall have two front yards, one side yard, and one rear yard. The corner lot's rear yard shall be opposite the front yard, which is the yard having the least street frontage, unless the applicant desires otherwise or doing so would create a reversed corner lot. The planning director may approve the creation of an alternative layout when doing so would result in a better development pattern based on existing and anticipated future development. A property owner may appeal the decision of the planning director by filing an appeal to the planning commission within 10 days of receiving written notification of the decision. Such appeal shall be made in writing to the planning director and shall be considered by the planning commission at its next regularly scheduled meeting.

(f) Front Yard Building Setbacks on Existing Lots of Record. An individual lot of record may be developed with revised minimum front yard setback requirements, as determined by the planning director, subject to the following requirements:

(1) The proposed development of said property does not conflict with or, alternatively, promotes the policies and objectives as stated in the adopted comprehensive metropolitan plan or an adopted neighborhood plan;

(2) The proposed development is intended to complement the existing character and architecture of the surrounding properties in the neighborhood;

(3) The proposed development will be consistent with the established building front yard setbacks so as to reflect and align with existing setbacks of buildings on the block face. Where variable building setbacks exist with respect to these properties, an average of the building setbacks may be applied.

(g) Platted Building and Setback Lines. If a recorded plat imposes a building or setback line for a lot which is greater than the minimum front yard of the district in which located, then notwithstanding any other provisions of this division, the minimum setback shall be the setback as imposed by the plat.

(h) Where a lot in the O&I, C, I or MS district abuts an R district, a yard at least equal to the abutting yard required in the R district shall be provided along the R district boundary line.

(i) An owner of an existing improved property who desires to undertake further improvements to the property, but which property does not comply with the yard requirements, shall not be required to file a variance with the ~~metro~~-board of zoning appeals for such further improvement, provided the following conditions are met:

(1) The additional improvement will not result in any less yard than that observed by the existing structure; and

(2) The original structure was in compliance with regulations existing at the time the original structure was built, or a variance was previously granted which allowed for the deviation from the dimensional requirements; and

(3) Applicable designated yard requirements with which the existing improvements are in conformance shall continue to be observed and conformed to, unless an official variance is granted by the ~~metro~~-board of zoning appeals.

Section 141. That original §§ 18.20.020, 18.55.010 through 18.55.040, 18.55.070, 18.55.120, 18.55.130, 18.55.150, 18.55.160, 18.55.180, 18.55.190, 18.65.030 through 18.65.050, 18.70.030 through 18.70.050, 18.75.030 through 18.75.050, 18.80.030 through 18.80.050, 18.85.030 through 18.85.050, 18.90.030

through 18.90.050, 18.95.030 through 18.95.050, 18.100.030 through 18.100.050,  
18.105.010, 18.105.030 through 18.105.050, 18.125.030 through 18.125.050,  
18.130.030 through 18.130.050, 18.135.030 through 18.135.050, 18.140.030,  
18.140.050, 18.140.060, 18.145.010, 18.145.030 through 18.145.050, 18.150.010,  
18.150.030 through 18.150.050, 18.155.030 through 18.155.050, 18.160.030 through  
18.160.050, 18.165.030 through 18.165.050, 18.170.030 through 18.170.050,  
18.175.030 through 18.175.050, 18.180.030 through 18.180.050, 18.185.040 through  
18.185.070, 18.195.020, 18.210.010, 18.210.020, 18.225.010, and 18.230.030 of The  
Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 142. This ordinance shall take effect and be in force from and after its  
passage, approval and publication in the official City newspaper.

Section 143. This ordinance shall supersede all ordinances, resolutions or rules,  
or portions thereof, which are in conflict with the provisions of this ordinance.

Section 144. 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 \_\_\_\_\_.

CITY OF TOPEKA, KANSAS

\_\_\_\_\_  
Larry E. Wolgast, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Younger, City Clerk