

(Published in the Topeka Metro News April 24, 2017)

ORDINANCE NO. 20062

AN ORDINANCE introduced by Interim City Manager Douglas Gerber, concerning Topeka zoning regulations, specifically the conversion of existing C-5 zoning to D-1 zoning, amending and repealing sections of Topeka Municipal Code Title 18.

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

Section 1. That section 18.10.100, Maintenance and removal, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Maintenance and removal.

(a) All signs ~~must~~shall be maintained in good condition ~~and the owner thereof shall repair any signs when ordered to do so by the public works director, planning director or their designees.~~

(b) ~~If any sign is not maintained in good condition so as to meet the approval of the public works director, planning director or their designees, then the public works director, planning director or their designees may order such sign to~~A sign with missing or visibly damaged face panels, exposed internal lights and related internal hardware, visible deteriorating paint and rust, or structural damage that may be hazardous to the public is not in good condition and shall be repaired or be removed within a reasonable time as determined by the planning director or designee.

Section 2. That section 18.20.020, District regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

District regulations.

All signs listed hereafter are regarded as accessory structures as distinguished from off-premises billboard or poster panel signs which are regarded as a principal use in the districts in which allowed. All signs shall be located upon a lot, parcel or tract of

land so as not to encroach upon a recorded easement or public dedicated right-of-way, except as may be provided by Chapters 5.150, 18.10, 18.15 and 18.25 TMC.

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

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

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

(ii) Internal Illumination. Church and public building identification signs may be internally illuminated if the area to be illuminated does not exceed 10 square feet. The portion of the sign face consisting of the EMC shall not be considered internally illuminated.\

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

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

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

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

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

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

(3) Wall signs (in the M-2 district), nonilluminated, on the face of the 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, and Downtown Districts. The following types of signs are permitted in the O&I, and C, and D 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

78 exceed a total of 100 square feet or 50 square feet per sign face, and limited to a
79 maximum height of five feet.

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

82 (3) Signs (in the C-2 district) relating to either the name of the business
83 and/or products sold therein. Such signs shall not contain more than 200 square
84 feet per single sign face, and shall not exceed a height of 35 feet; provided,
85 however, that where such signs are within a 700-foot radius of the intersection of
86 the centerline of an interstate highway with any major street or thoroughfare, as
87 designated on the current adopted transportation plan, such signs shall not
88 exceed a height of 55 feet.

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

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

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

97 (1) Signs relating to the name of the business and/or products sold
98 therein. Such sign shall not contain more than 300 square feet per single sign
99 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 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-premises 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) D-2 Districts.

(1) On-premise signs shall comply with the standards for signs in the mixed use districts.

(2) Off-premise signs shall be regulated by Chapter 18.25 TMC.

(g) D-1 and D-3 Districts. On-premise signs shall comply with the standards in TMC 18.200.090.

(fh) 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 3. That section 18.50.020, District classification, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

District classification.

For the purpose of regulating and restricting the location and use of buildings and the use of land including the height, density, intensity, bulk and area of yards and open

148 space for dwellings, business, industry, conservation, floodplain or other purposes
149 deemed necessary, the jurisdiction is hereby divided into the following districts:

| | |
|----------------|--|
| RR-1 | Residential reserve district |
| R-1 | Single-family dwelling district |
| R-2 | Single-family dwelling district |
| R-3 | Single-family dwelling district |
| R-4 | Manufactured home district |
| M-1 | Two-family dwelling district |
| M-1a | Limited multiple-family dwelling district |
| M-2 | Multiple-family dwelling district |
| M-3 | Multiple-family dwelling district |
| M-4 | Multiple-family dwelling district |
| O&I-1 | Office and institutional district |
| O&I-2 | Office and institutional district |
| O&I-3 | Office and institutional district |
| C-1 | Commercial district |
| C-2 | Commercial district |
| C-3 | Commercial district |
| C-4 | Commercial district |
| C-5 | Commercial district |
| I-1 | Light industrial district |
| I-2 | Heavy industrial district |
| PUD | Planned unit development district |
| U-1 | University district |
| MS-1 | Medical service district |
| E | Multiple-family dwelling district |
| X-1 | Mixed use district |
| X-2 | Mixed use district |
| X-3 | Mixed use district |
| OS-1 | Open space district |
| D-1 | Downtown district |
| D-2 | Downtown district |
| D-3 | Downtown district |

The historic landmark overlay district (HL) as provided in Chapter 18.255 TMC is hereby incorporated by reference as if fully set forth herein. Any property so designated will be reflected on the official zoning map.

Section 4. That section 18.50.030, Conversion of existing districts, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Conversion of existing districts.

The districts and boundaries thereof are reclassified in accordance with the following:

(a) A single-family dwelling district converts to R-1 single-family dwelling district.

(b) B single-family dwelling district converts to R-2 single-family dwelling district.

(c) C two-family dwelling district converts to M-1 two-family dwelling district.

(d) D multiple-family dwelling district converts to M-2 multiple-family dwelling district.

(e) All remaining property classified E multiple-family dwelling district converts to M-3 multiple-family dwelling district.

(f) E-1 high-rise multiple-family dwelling district converts to M-4 multiple-family dwelling district. M-4 multiple-family dwelling district converts to M-3 multiple-family dwelling district.

(g) D&O multiple-family dwelling and office district converts to either M-2 multiple-family dwelling district or O&I-1 office and institutional district.

(h) F neighborhood shopping district converts to C-2 commercial district.

(i) G commercial district converts to C-4 commercial district.

(j) H business district converts to C-5 commercial district. C-5 commercial district converts to D-1 downtown district.

(k) I light industrial district converts to I-1 light industrial district.

(l) J heavy industrial district converts to I-2 heavy industrial district.

(m) U-1 university district converts to U-1 university district.

(n) U-2 university community district converts to M-3 multiple-family dwelling district.

(o) A, B, C, D, and E single-, two-family and multiple-family dwelling districts and community unit plan district, D&OP multiple-family dwelling and office park district, G commercial and shopping center unit district, G commercial and planned business center district, I-P industrial park district, and planned unit development convert to the PUD planned unit development district. Those developments heretofore assigned a planned unit district in conjunction with another district as set forth above, and assigned the PUD district upon the adoption of these regulations, shall be restricted to the use, dimensional, and general provisions of the conversion district of the classification in which said property was heretofore assigned.

(p) U-3 university service district, and conditional use permits (all city of Topeka); and special use permits (as issued by either the city of Topeka or Shawnee County) shall cease as classifications and as permit eligible uses effective with the conversion date of these regulations; and all existing uses as heretofore provided for by the district and/or by the aforementioned permits of record may continue pursuant to the provisions of TMC 18.50.040; and further, any conditions, limitations, stipulations and/or other provisions set forth within the resolution granting a site specific conditional or

special use permit shall continue to apply and remain in effect with the adoption of these regulations.

(q) Where newly created district classifications are provided herein, the boundary of such districts shall be established by ordinance within the city of Topeka, Kansas, ~~or resolution within unincorporated Shawnee County, Kansas,~~ all in accordance with Chapter 18.245 TMC.

Section 5. That section 18.50.120, Enforcement, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Enforcement.

It shall be the duty of the ~~code enforcement~~planning director of the city of Topeka or ~~designee~~the Shawnee County zoning administrator to enforce these regulations ~~within their respective jurisdictions through proper legal channels.~~ The planning director or designee may require site plans and other building plans as necessary to determine compliance with these regulations prior to the issuance of a building permit or the use of property subject to these regulations. Appeal from the decision of the ~~code enforcement director or zoning administrator~~planning director or designee may be made to the board of zoning appeals ~~as provided herein. Other officials of the various departments and divisions of the city of Topeka and Shawnee County shall have the duty and responsibility to report any apparent or alleged violations to the enforcement officer of the appropriate jurisdiction.~~

Section 6. 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.

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

“Adjacent” means nearby, but not necessarily touching.

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

“Agriculture” means land devoted to the production of plants, animals, fish, or horticultural products, including but not limited to: forages, grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef, cattle, sheep, swine and horses; aquaculture; trees and forest products; fruits, nuts and berries; vegetables; or

nursery, floral, ornamental and greenhouse products. Land devoted to agricultural use shall not include those lands which are used for recreational purposes; suburban residential acreages, rural homesites or farm homesites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition.

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

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

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

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

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

“Apartment hotel” means a building designed for or containing both apartments or suites of rooms, which caters primarily to tenants with flexible occupancy duration needs. Incidental businesses may be conducted only as a service for persons residing therein,

provided there is no entrance to such place(s) of business except from the interior of the building.

Area. See “tract.”

“Artisan Manufacturing” means the production and assembly of finished products or component parts, typically by hand, and including design, processing, fabrication, assembly, treatment, and packaging of finished products. Typical artisan manufacturing trades include, but are not limited to: food and bakery products; non-alcoholic beverages; printmaking; leather products; jewelry and clothing/apparel; metal work; woodwork; furniture; and glass or ceramic production. Artisan manufacturing differs from other forms of manufacturing as it is substantially limited in the scale of production and is controlled in a manner such that it shall not cause noise, odor, or detectable vibration onto any neighboring property.

“Assisted living facility” means a facility caring for six or more individuals unrelated to the administrator, operator or owner who, by choice or due to functional impairment, may need personal care and/or supervised nursing care to compensate for 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 and/or salvage yard” means an area outside of not enclosed within a building which is maintained, operated, or used for the storing, keeping, buying, or selling of junk as defined in Chapter 5.135 TMC where motor vehicles, heavy

appliances, or machinery not in operable condition are disassembled, dismantled,
junked, stored, or wrecked, or ~~where motor vehicles not in operable condition or used~~
~~parts of motor vehicles are stored~~ parts thereof are bought and/or sold.

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 7. 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. The micro-brewery is limited to 5,000 barrels per year, which is equivalent to 155,000 gallons per year.

“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.

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

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

Building Line. See “building setback line.”

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

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

363 “Bulk” is the term used to describe the size of buildings or other structures, and their
364 relationships to each other and to open areas and lot lines, and therefore includes: (1)
365 the size of buildings or other structures, (2) the area of the zoning lot upon which a
366 residential building is located, and the number of dwelling units or rooms within such
367 building in relation to the area of the zoning lot, (3) the shape of buildings or other
368 structures, (4) the location of exterior walls of buildings or other structures in relation to
369 lot lines, to other walls of the same building, to legally required windows, or to other
370 buildings or other structures, and (5) all open areas relating to buildings or other
371 structures and their relationship thereto.

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

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

381 Section 8. That section 18.55.030, “C” definitions, of The Code of the City of
382 Topeka, Kansas, is hereby amended to read as follows:

“C” definitions.

“Cargo container or shipping 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.

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

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

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

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

414 “Commercial equipment” means any equipment or machinery used in a business, trade
415 or industry, including liquid storage tanks exceeding 100 gallons, earth-moving
416 equipment, trenching or pipe-laying equipment, landscaping equipment, spools of
417 wiring/cable, portable pumps, portable generators, portable air compressors, pipes, pool
418 cleaning equipment and supplies, and any other equipment or machinery similar in
419 design or function. However, equipment and machinery for business use kept within an
420 enclosed pickup truck or van; ladders, PVC pipe, or conduit attached to a truck or van
421 via a rack; or equipment and machinery solely for personal residential use are not
422 included.

423 “Commercial vehicle” means any vehicle, excluding pickup trucks, used for a business
424 that has a height (including ladder racks and other items attached thereto) exceeding a
425 height of 10 and one-half feet or width (excluding mirrors) exceeding eight feet or length
426 exceeding 25 feet or manufacturer’s rating exceeding 12,000 pounds of gross vehicle
427 weight. Additionally, the following types of vehicles shall all be considered commercial
428 vehicles: flatbed, ~~or stake-bed~~, or box trucks except those that are pickup trucks, buses,
429 semi-trailers or tractor-trailers, dump trucks, cement mixers, wreckers, and trailers
430 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 ground area and the space above, which is unimpeded by any enclosed building, and located within a development which is designed for and designated for the use and enjoyment of occupants of the development. Common open space areas may 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.

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

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

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

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

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

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

“Correctional placement residence or facility” means a facility for individuals or offenders that provides residential and/or rehabilitation services for those who reside or have been placed in such facilities due to any one of the following situations: (1) prior to, or instead of, being sent to prison; (2) received a conditional release prior to a hearing; (3) as a part of a local sentence of not more than one year; (4) at or near the end of a 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 9. 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 number of dwelling units 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 premise 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, accessory” means an independent, detached dwelling unit having the defining characteristics of a “dwelling unit” but, in addition, being secondary to a primary dwelling located on the same lot of record and containing a maximum of 600 square feet, not including garage.

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

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

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

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

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

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

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

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

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

Section 10. That section 18.55.060, “F” definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

“F” definitions.

“Fabrication” means that part of manufacturing which relates to stamping, cutting or otherwise shaping processed materials into objects and may include the assembly of standard component parts, but does not include extracting, refining, or other initial processing of basic raw materials.

“Family” means an individual or two or more persons related by blood, marriage, or legal adoption, or a group of not more than five persons (excluding servants) not related by blood or marriage, living together as a single housekeeping unit with common kitchen facilities in a dwelling unit.

“Farm Winery” means a facility for the manufacture and storage of domestic table wine and domestic fortified wine for distribution, resale or wholesale, on or off premises, with a capacity of not more than 100,000 gallons per year; does not allow for agricultural production.

“Fence” means an artificial barrier, constructed from normally used fencing materials, that is erected to enclose or screen areas of land.

“Floor area, gross” means the sum of the gross horizontal areas of the several floors of a building, including interior balconies, mezzanines and accessory buildings. All horizontal dimensions are to be made between the exterior faces of the building walls,

or in the case of a common wall separating two buildings, it shall be measured from the center of such common wall.

“Floor area, net” means the sum of the areas of the several floors of a structure, as measured by the exterior faces of the walls, including fully enclosed porches and the like as measured by the exterior limits thereof, but excluding (1) garage space which is in the basement of a building or, in the case of garage space accessory to a dwelling, is at grade, (2) basement and cellar areas devoted exclusively to uses accessory to the operation of the structure, and (3) areas elsewhere in the structure devoted to housing mechanical equipment customarily located in the basement or cellar such as heating and air conditioning equipment, plumbing, electrical equipment, laundry facilities, and storage facilities.

“Floor area ratio” means a mathematical expression determined by dividing the gross floor area of a building by the area of the lot on which it is located, as:

Gross floor area/Lot area = Floor area ratio

“Fraternity or sorority house, collegiate” means a building used by an association of students, meeting periodically, limited to members, normally having culinary and sleeping facilities.

“Frontage” means any lot line abutting a public street right-of-way.

Section 11. 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.

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

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

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

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

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

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

“Landscaping” means the improvement of land by planting or installing living materials such as trees, shrubs, and ground cover; nonliving materials such as rocks, pebbles, bark, mulches, brick pavers, and earthen mounds (excluding pavement); and 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.

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

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

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

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

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

726 “Little free libraries” are structures for the storage of books or other nonperishable items
727 made available to the general public for no remuneration, and which may be located on
728 private property in a structure or receptacle of a limited size and volume.

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

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

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

735 “Lot-by-lot development” means the conventional approach to development in which
736 each lot is treated as a separate development unit conforming to all land use, density,
737 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.

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

“Lot lines” means the lines bounding a lot.

“Lot of record” means a lot which is part of a recorded subdivision plat or a parcel of land which has been recorded in the office of the Shawnee County register of deeds in

accordance with the city of Topeka subdivision regulations in effect at the time of the lot's creation.

"Lot, reversed corner" means a corner lot, the rear of which abuts the side of another lot.

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

Section 12. That section 18.55.130, "M" definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

"M" definitions.

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

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

"Manufacturing/processing, type I" means a business engaged in the manufacturing of finished parts or products, primarily from previously prepared materials. Typical uses include: food manufacturing (excluding slaughterhouses and rendering); computer and electronic product manufacturing/assembly; electrical equipment, small appliance, component manufacturing/assembly; upholstery shops; ceramic shops; candle-making; custom jewelry manufacturing; production of instruments and lenses for medical, dental, optical, scientific and other professional purposes; musical instrument manufacturing;

sign production; millwork and cabinet shops; and furniture and related product manufacturing/assembly.

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

“Manufacturing/processing, type III” means a business engaged in the basic 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; 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, and 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.

“Medical care facility, type II” means a dwelling or portion thereof, and premises, operated and licensed in accordance with any and all applicable state and local requirements, where accommodation, board, residential and personal care, nursing care (simple, supervised, or skilled) is provided to three or more individuals who are not acutely ill and not in need of hospital care, but who may require nursing care and domiciliary care due to functional impairments typically caused by aging, mental retardation, or mental health issues; 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 operated on a 24-hour-a-day basis.

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

“Micro-alcohol production” means a facility in which beer, wine, or spirits are brewed, fermented, or distilled for distribution and consumption, and possesses the appropriate license from the state; includes micro-breweries, farm wineries and micro-distilleries. Tap/Tasting rooms are permitted as an accessory use.

“Micro-brewery” means a facility ~~licensed by the state~~ for the production and packaging of ~~malt beverages with low alcoholic content~~ beer and/or hard cider for distribution, retail or wholesale, on or off premises, with a capacity of not more than 15,000 barrels per year.

“Micro-distillery” means a facility for the production and packaging of spirits for distribution, retail or wholesale, on or off premises, with a capacity of not more than 50,000 gallons per year.

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

“Mobile home, ANSI certified” means a mobile home which has certification as being in compliance with Parts B to E, inclusive, of the standard for mobile homes as 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.

“Mobile retail vendor” means a mobile food vendor, sidewalk vendor and a transient vendor as defined at TMC 5.115.010.

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

“P” definitions.

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

“Park” means a tract of land ~~owned by or controlled by a governmental entity and used~~open to use 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.

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

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

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

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

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

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

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

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

“Public utility facilities, type I” means water lines, sewer lines, poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, hydrants, and small unenclosed booster

or pump stations, and other similar facilities located on public rights-of-way, public property, or public easements and operated by a public utility.

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

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

Section 14. That section 18.55.180, “R” definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

“R” definitions.

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

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

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

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

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

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

983 “Recreation, outdoor (type III)” means high intensity activities including: go kart tracks,
984 horse and auto race tracks, drag strips, motorized kiddie parks, amusement parks, sport
985 stadiums/complexes and arenas, outdoor concert, music, performance, theater venues,
986 and similar activities.

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

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

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

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

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

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

“Residential care” means providing various levels of some or all of the following care and assistance as well as these services generally so associated to permit 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.

1046 “Restaurant, family dining” means a public eating establishment in which the primary
1047 function is the preparation and serving of food and beverage for consumption on the
1048 premises.

1049 “Restaurant, fast-food” means an establishment whose principal business is the sale of
1050 pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume
1051 state for consumption either within the restaurant building or off premises with
1052 significant off-premises sales typically being accomplished via a drive-through window.

1053 “Retail sales/service” means merchandising and repair activities of products having
1054 minimal impacts on nearby residents, specifically including shops for: apparel and
1055 accessories, bicycles, blueprinting, books, cards, cameras, computers, cosmetics,
1056 crafts, electronics, florists, food, gifts, home furnishings, jewelry, locksmith, music/video,
1057 musical instruments, office supplies, picture framing, small home appliances, sporting
1058 goods (excluding gun and ammunition sales/service), toys, travel agency, variety, and
1059 similar services.

1060 “Retail store” means any building or structure in which one or more articles of
1061 merchandise or commerce are sold at retail, including department stores.

1062 “Retail trade” means establishments engaged in selling goods or merchandise to the
1063 general public for personal or household consumption and rendering services incidental
1064 to the sale of such goods.

1065 “Rezoning” means an amendment to or a change in the district map provided by an
1066 ordinance or resolution, as applicable to the subject jurisdiction.

1067 “Riding academy” means an establishment where horses are boarded and cared for
1068 and where instruction in riding, jumping and showing is offered and the general public
1069 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.

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

“T” definitions.

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

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

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

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

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

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

- (1) Portable, handheld and vehicular transmissions;
- (2) Industrial, scientific and medical equipment operating at frequencies designated for that purpose by the FCC;
- (3) A source of nonionizing electromagnetic radiation with an effective radiated power of seven watts or less;
- (4) A sole-source emitter with an average output of one kilowatt or less if used for amateur purposes;
- (5) Marketed consumer products, such as microwave ovens, citizens band radios, and remote control toys; and

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

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

Section 16. That section 18.60.010, Use tables, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Use tables.

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

Residential

| | | Approval Levels + = Allowed Use S = Allowed per Special Use Requirements under Chapter 16.225 S/C = If unable to meet Special Use Requirements, may apply for CUP. C = Conditional Use Permit (CUP) approved by Governing Body | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|--|------------------------|-------------------------|---------------------------------------|------------------------------|------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------|----------------|----------------|----------------|---------------|----------------------|----------------------|----------------|----------------------|---------------|---------------|---------------|------------------------|------------------------|------------------------|--------------------------|-----------------|--|--|
| # = See Definition in Chapter 16.55 Topeka Municipal Code | | See Design Standards for "X" & "D" Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Use | Description | R-1/R-2, R-3 Single Family Dwelling | R-4 Manufactured Homes | M-1 Two Family Dwelling | M-1a Limited Multiple Family Dwelling | M-2 Multiple Family Dwelling | M-3 Multiple Family Dwelling | O-1-1 - Office And Institutional | O-1-2 - Office And Institutional | O-1-3 - Office And Institutional | C-1 Commercial | C-2 Commercial | C-3 Commercial | C-4 Commercial | CS 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 | RS-1 Residential Reserve | OS-1 Open Space | | |
| | | Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Residential | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Assisted Living Facility # | has individual living units where at least 6 persons receive personal/nursing care. <u>Refer to: TMC 16.225 Dwelling Units on main floor.</u> | 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 | | |
| Bed & Breakfast Home # | owner-occupied home with up to 4 guest rooms | C | C | C | C | S | S | - | - | - | - | - | - | - | - | - | - | - | C | C | C | C | C | 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 | C | C | C | C | C | C | C | C | C | C | C | C | C | C | | |
| Boarding House # | dwelling where lodging, with or without food, for 2-20 persons is provided | - | - | - | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | 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 | - | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | | |
| Community Living Facility, Type II # | dwelling operation for residential care providing an intermediate and primary treatment setting | - | - | - | - | - | - | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | 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 | C | C | C | C | C | C | 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 | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | | |
| Crisis Center, Type I # | may include meals and merchandise to residents | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | C | C | C | C | C | C | C | C | | |
| Crisis Center, Type II # | facility used for immediate human social service functions including meals, merchandise or shelter | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | C | C | C | C | C | C | C | C | | |
| Dwelling, Detached Single-Family # | | 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 | | |
| Dwelling, Attached Single-Family # | | - | - | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | | |
| Dwelling, Two-Family # (Duplex) | | - | - | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | | |
| Dwelling, Three/Four-Family | includes 3-4 unit row or town houses # | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |
| Dwelling, Multiple-Family # | structure with at least 5 units | - | - | - | - | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | | |
| Dwelling, Accessory # | secondary to primary dwelling, not exceeding 400 sq. ft. | - | - | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | | |
| Dwelling Units Above Ground Floor or Basement | other than medical care & community living facility | - | - | - | - | - | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | | |
| Dwelling Units on main floor | subordinate to principal non-residential uses. <u>Refer to TMC 16.225</u> | - | - | - | - | - | S | S | S | S | S | S | 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 | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | | |
| Group Residence, General # | dwelling occupied by 9 to 15 persons and at least 6 with a disability | - | - | - | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | | |
| Group Residence, Limited # | dwelling occupied by up to 10 persons, up to 6 with a disability, and up to 2 staff residents | 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 | | |
| Home Care, type I # | nonsecure dwelling with residential/nursing care for up to 8 care receivers | 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 | | |
| 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 | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | | |
| Management/Leasing Facilities | for managing an onsite multi-family community <u>Refer to TMC 16.225</u> | - | - | S/C | S/C | S/C | S/C | S/C | - | - | - | - | - | - | - | - | - | - | S/C | C | C | C | C | C | C | C | C | | |
| Medical Care Facility, type I # | dwelling for the personal nursing care & treatment for up to 2 persons | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |

Residential

| | | Approval Levels • = Allowed Use * = Allowed per Special Use Requirements under Chapter 16.228 S/C = If unable to meet Special Use Requirements, may apply for CUP. C = Conditional Use Permit (CUP) approved by Governing Body | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|---|------------------------|-------------------------|---------------------------------------|------------------------------|------------------------------|--------------------------------|--------------------------------|--------------------------------|----------------|----------------|----------------|----------------|---------------|----------------------|----------------------|----------------|----------------------|---------------|---------------|---------------|------------------------|------------------------|------------------------|--------------------------|-----------------|
| # = See Definition in Chapter 16.55 Topeka Municipal Code | | See Design Standards for "X" & "D" Districts | | | | | | | | | | | | | | | | | | | | | | | | | |
| Use | Description | R-1/R-2/R-3 Single Family Dwelling | R-4 Manufactured Homes | M-1 Two Family Dwelling | M-1a Limited Multiple Family Dwelling | M-2 Multiple Family Dwelling | M-3 Multiple Family Dwelling | O&I-1 Office And Institutional | O&I-2 Office And Institutional | O&I-3 Office And Institutional | C-1 Commercial | C-2 Commercial | C-3 Commercial | C-4 Commercial | CS 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 | RS-1 Residential Reserve | OS-1 Open Space |
| Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Residential | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Medical Care Facility, Type II # | dwelling for the personal nursing care & treatment for more than 3 persons | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Mobile Home #, Manufactured Home # | residential structure manufactured on-site excluding "residential-design manufactured home" | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • |
| 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 | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • |
| 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 | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Residential Care Facility, Type III # | nonsecure dwelling in which residential care is provided to children and/or adults on a 24-hour basis | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Student or Faculty Housing | <u>Refer to INK 15.225 (dwelling units) on main floor.</u> | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • |

Civic/Cultural

| | | 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 | | | | | | | | | | | | | | | | | | | | | | | | | |
| # = See Definition in Chapter 18.55 Topeka Municipal Code | | See Design Standards for "X" & "D" Districts | | | | | | | | | | | | | | | | | | | | | | | | | |
| Use | Description | R-1/R-2/R-3 Single Family Dwelling | M-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 | RS-1 Residential Passive | OS-1 Open Space |
| Civic, Cultural and Recreational | | Districts | | | | | | | | | | | | | | | | | | | | | | | | | |
| Art and Portrait Galleries | framing and sales of pictures and frames must be subordinate to the principal use | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Cemetery # | See standards in Chapter 18.225 TMC | C | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C |
| Class "A" & "B" Clubs # | as licensed by state alcohol beverage control board (e.g. ELKS) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Club or Lodge, Private # (excludes Class "A" & "B" Clubs) | organization for social, educational, or recreational purposes. Not licensed by the State. | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 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 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 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 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Day Care Facility, Type II # (includes Child Care and Pre-Schools)* | structure where care is provided for children and/or adults, <u>Refer to TMC 18.225</u> | C | C | C | C | S | S | S | S | S | S | S | S | S | S | C | - | - | S | S | S | S | S | S | S | S | - |
| Fairgrounds | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 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 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 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 |
| Gardens, Community Type II # | Sales/Non-Type I standards | C | C | C | C | C | C | C | C | C | C | 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 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Government Services, Type I | government administrative offices and services | C | C | C | C | C | C | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Government Services, Type II | police, fire, and ambulance stations | 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 | C |
| Reception, Conference, and Assembly Facilities | <u>For Conditional Use Refer to TMC 18.225 for standards</u> | C | - | C | C | C | C | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Recreation, Indoor Type I # (lower intensity recreational uses) | indoor pools, fitness clubs, skating rinks, gyms, dancing, martial arts, etc. | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Recreation, Indoor Type II # (higher intensity recreational uses) | pool & billiard halls, bowling alleys, arcades, indoor amusement parks, etc. | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 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 | C | C | C | C | C | C | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |

Civic/Cultural

| | | 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 | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|--|------------------------|-------------------------|---------------------------------------|------------------------------|------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------|----------------|----------------|----------------|----------------|----------------------|----------------------|----------------|----------------------|---------------|---------------|---------------|------------------------|------------------------|------------------------|--------------------------|-----------------|
| # = See Definition in Chapter 18.55 Topeka Municipal Code | | See Design Standards for "X" & "D" Districts | | | | | | | | | | | | | | | | | | | | | | | | | |
| Use | Description | R-1/R-2/R-3 Single Family Dwelling | R-4 Manufactured Homes | M-1 Two Family Dwelling | M-1a Limited Multiple Family Dwelling | M-2 Multiple Family Dwelling | M-3 Multiple Family Dwelling | O&I-1 - Office And Institutional | O&I-2 - Office And Institutional | O&I-3 - Office And Institutional | C-1 Commercial | C-2 Commercial | C-3 Commercial | C-4 Commercial | 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 | RS-1 Residential Passive | OS-1 Open Space |
| Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Civic, Cultural and Recreational 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 |
| 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, <u>outdoor concert, music, performance, and theater venues</u> , etc. | C | - | - | - | - | - | - | - | - | - | - | - | C | ● | C | C | C | - | - | ● | ● | ● | ● | ● | ● | C |
| Religious Assembly # | <u>Refer to TOC 18.225</u> | S/C | S/C | S/C | S/C | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | C | C | ● | ● | ● | ● | ● |
| RV Short-Term Campgrounds # | has at least 24 campsites | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | ● | ● | - | - | C |
| Schools #, Public or Private Educational Facility # | elementary school # and secondary school # | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | C |
| School, Business and Vocational School # | includes technical colleges and training academies | - | - | - | - | - | - | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | - | - |
| Youth Camps | retreats for scouting, etc. | C | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | |

Commercial/Office

| | | Approval Levels | |
|---|--|---|---|
| | | * = Allowed Use S/C = Allowed per Special Use Requirements under Chapter 18.228 S/C = If unable to meet Special Use Requirements, may apply for CUP. C = Conditional Use Permit (CUP) approved by Governing Body | |
| # = See Definition in Chapter 18.55 Topelka Municipal Code | | See Design Standards for "X" & "D" Districts | |
| Use | Description | | |
| | | R-1/R-2, R-3 Single Family Dwelling R-4 Manufactured Homes M-1 Two Family Dwelling M-1a Limited Multiple Family Dwelling M-2 Multiple Family Dwelling M-3 Multiple Family Dwelling O-1-1 Office And Institutional O-1-2 Office And Institutional O-1-3 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 M-5-1 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 R-1 Residential Reserve OS-1 Open Space | |
| Commercial/Office | | Districts | |
| Animal Care and Services type I# | for common household pets in an enclosed building | - | - |
| Animal Care and Services type II# | services within an enclosed building | - | - |
| Artisan Manufacturing # | Refer to TMC 18.226 | - | - |
| Auction House | | - | - |
| Automobile or Vehicle Carwash # | | - | - |
| Automotive Rental Establishments | | - | - |
| Auto Service Station, type I # | convenience store with gas sales | - | - |
| Auto Service Station, type II # | includes drive-train work | - | - |
| Auto Service Station, type III # | includes drive-train work | - | - |
| Automobile Sales & Service | includes heavy duty vehicles and type III auto services | - | - |
| Automobile, Boat, Truck, Heavy & Ag Equipment, Sales/Services | includes heavy-duty trucks, rec. vehicles, trailers and type III service | - | - |
| Automobile or Vehicle Tow Lot and Body Shop | not including wrecker yard or long-term storage of disabled vehicles | - | - |
| Bakery (Commercial) | including wholesale distribution | - | - |
| Bank/Financial Institution | Does not include drive-thru/drive-through | - | - |
| Bars-and-Taverns | includes allowing a microbrewery as an accessory use | - | - |
| Billboard/Panel Poster Sign # (See Section 18.25.110 TMC) | off-premise advertising signs | - | - |
| Billboard, Modified Legal Non-Conforming Billboards | relocation, remodeling or rebuilding of legal non-conforming billboard | - | - |
| Body Art Service/ Tattooing, Body-Piercing | excludes ear-piercing only | - | - |
| Brew Pub # | Includes a microbrewery as an accessory use. Microbrewery limited to 5000 barrels per year. | - | - |
| Building, Construction, & Mechanical Contractor Office | showrooms, shop & sales including plumbing, heating, air, electrical, etc. | - | - |
| Catering | | - | - |
| Check cashing/pay-day loans/title loans | | - | - |
| Drinking Establishment # | includes allowing a microbrewery as an accessory use. Microbrewery limited to 4000 barrels per year. | - | - |
| Drive-through establishments/facilities | Refer to TMC 18.226 | - | - |
| Funeral Home, Mortuary # without Crematorium | includes the display and sale of related products | - | - |
| Funeral Home, Mortuary # with Crematorium | includes the display and sale of related products | - | - |
| Grave Monuments & Markers | includes display but not stone engraving or cutting | - | - |
| Gun Ranges, Indoor | | - | - |
| Health Services #, Clinic #, Health Care Facility # | May include a pharmacy as part of the facility | - | - |
| Home Improvement & Building Supply | includes display-storage of retail merchandise, outdoor display limited to only C-4 & I. Refer to TMC 18.226 | - | - |
| Labor Pools # | | - | - |
| Hospital # | institution providing inpatient health services, medical or surgical care, and related facilities | - | - |
| Hotel #, Motel # | commercial establishment providing sleeping rooms for overnight guests | - | - |

Commercial/Office

| | | 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 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| # = See Definition in Chapter 18.55 Topoka Municipal Code | | See Design Standards for "X" & "D" Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Use | Description | R-1/R-2/R-3 Single Family Dwelling | M-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-1-1 Office And Institutional | O-1-2 Office And Institutional | O-1-3 Office And Institutional | C-1 Commercial | C-2 Commercial | C-3 Commercial | C-4 Commercial | CS 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 | R-1 Residential Reserve | OS-1 Open Space | | |
| Commercial/Office | | Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Lawn/Garden Centers | landscape materials, lawn & garden equipment and supplies | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |
| Liquor Sales, Packaged Goods | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |
| Manufactured Housing & Accessory Structure Sales | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |
| Medical Equipment | Hearing aids, eyeglasses, prosthetic stores, etc. | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |
| Mobile Retail Vendors # | Refer to TMC 18.225 | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | | |
| Office #, Professional Office # | includes medical offices | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |
| Oil/Gas Well Drilling | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |
| Parking, Surface Lot - As a stand alone Principal Use | temporary storage of vehicles as a principal use | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |
| Parking, Surface Lot, in association with a Principal Use | temporary storage of vehicles as in association with a principal use | C | C | C | C | S/C | S/C | S/C | S/C | S/C | S/C | S/C | S/C | S/C | S/C | S/C | S/C | S/C | S/C | S/C | S/C | S/C | S/C | S/C | S/C | S/C | S/C | | |
| Parking Garage, (Multi-Level) | temporary storage of vehicles as a principal use | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |
| Patio/Garden, Hardware | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |
| Pawn Shops/Second Hand Shops | For outdoor display, see Retail Merchandise Outdoor Display, TMC 18.225 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |
| Personal Services # | including beauty & barber shops, laundromats, dry-cleaning, tailors, tanning salons, etc. | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |
| Pet Shops | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |
| Pharmacy # & Drugstores | retail sales of drugs, prosthetic, rehabilitation equipment & medicine. Does not include drive throughs | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |
| Printing/ Copy Center | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |
| Radio & TV Broadcasting/ Recording Studio | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |
| Rental Establishment | general equipment and domestic items | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |
| Restaurant, Family Dining, carry-out # (Delicatessen) | limited to 50 seats and no drive-through in C-1 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |
| Restaurant, drive-in/drive through # | Refer to TMC 18.225 for drive throughs | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |
| Restaurant, fast-food # | See TMC 18.225, Retail Merchandise, outdoor display, one-level, no drive-through, no tenting used for storage in any district except in C-1 and C-2 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |
| Retail Merchandise, Outdoor Display | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |
| 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 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |
| Tobacco Shop | Includes Tobacco & Smoke, Shop/Smoke House/Cigarettes, Shop/Cigar Shop | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |
| Truck Stop # | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |

Industrial

| | | 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 | | | | | | | | | | | | | | | | | | | | | | | | | |
| # = See Definition in Chapter 18.55 Tapaoka Municipal Code | | See Design Standards for "X" & "D" Districts | | | | | | | | | | | | | | | | | | | | | | | | | |
| Use | Description | R-1/R-2/R-3 Single Family Dwelling | R-4 Manufactured Homes | M-1 Two Family Dwelling | M-1a Limited Multiple Family Dwelling | M-2 Multiple Family Dwelling | M-3 Multiple Family Dwelling | OU-1 - Office And Institutional | OU-2 - Office And Institutional | OU-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 |
| Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Industrial | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Airport | including landing strips & heliports | C | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C |
| Agriculture # | agricultural activity and the production, storage, processing of agricultural products | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Agricultural Product Sales & Storage | storage & retail sales of raw food material, fertilizers, pesticides, and similar products for crop/livestock production | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C |
| Automobile Wrecking and/or Salvage Yards # | Refer to TMC 18.225 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | - | - | - | - | - | - | - | - | - | - |
| Bottling Works | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Contractor Yards | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | C | - | - | - | - | - |
| Helipad | heliport only | C | - | - | - | - | - | - | C | C | - | - | - | - | - | - | C | S | - | - | - | - | - | - | - | - | C |
| Landfill, Demolition # | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C |
| Landfill, Sanitary # | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C |
| Laundry, Commercial #; Dry-Cleaning, Drycleaning | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C |
| 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 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Microbrewery # Micro-Alcohol Production # | in X-2, D Districts limited to 5,000 barrels per year; taprooms allowed in G-5, X-2 & D-1 Refer to TMC 18.225 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | - | - | - | S | S | - | S | S | S | - |
| Publishing Establishments and Distribution | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Raw Material Extraction | extraction, processing, storage, and sale of these materials | 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 |
| Storage of non-merchandise, outdoor | in G-6 and H-1a Districts Merchandise - Outdoor Storage - See 18.225 Outdoor Storage of non-merchandise, no truck bodies or cargo containers used for storage except in G-6 & H-1a | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S/C | S/C | - | - | C | C | - | - | - | - | - |
| Tower, Communication #, Transmission Tower # | ground-mounted free-standing structure transmitting or receiving tv, radio, & microwave frequencies Refer to TMC 18.20 | C | C | C | C | C | C | C | C | C | C | C | C | S | S | S | C | C | C | - | - | - | - | C | C | C | - |
| Towers, Receiving and Commercial Broadcasting | For radio and television Refer to TMC 18.20 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Truck/Freight/Bus Terminal | in G-6 bus terminal only | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Bus Terminal | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Warehouse #, Storage #, Distribution Facilities | structure for storing goods, wares, and merchandise, for accessory cargo containers refer to TMC 18.210.20, accessory uses | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Welding, Tinsmithing & Machine Shop | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |

Section 17 That section 18.60.020, Density/dimensional standards, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Density/dimensional standards.

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

Density Dimensional Standards - RR, R, M Districts

| Density and Dimensional Standards - All Other 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 | | | | | | | | |
| Lot Standards | | | | | | | | | | |
| Minimum Lot Area (sq. ft.) | New Lots [3,7,14] | 20 acs | 6,500 | 5,000 | 4,000 | 30,000 | 4,500 | 4,500 | 7,500 | 7,500 |
| Maximum Building Coverage | % of lot area | 10 | 45 | 50 | 50 | 50 | 50 | 50 | 60 | 60 |
| Minimum Lot Width (ft.) | 2-4 units per lot | 300 | 60 | 40 | 40 | 40 | 50 | 50 | 50 | 50 |
| Maximum Density | Dwelling units/acre | — | — | — | — | — | 6 | 10 | 15 | 30 |
| Principal Buildings | | | | | | | | | | |
| Minimum Setbacks (ft.) [1],[2] | Front [4] | 30 | 30 | 25 | 4; 15 | 25 | 25 | 25 | 25 | 25 |
| | Side [5][6] | 7 | 7 | 5 | 0 | 5 | 5 | 5 | 5 | 5 |
| | Rear | 30 | 30 | 25 | 10 | 25 | 25 | 25 | 25 | 25 |
| Maximum Height (ft.) | | 42 | 42 | 42 | 42 | 42 | 42 | 45 | 50 | 160 |
| Minimum Number of Lots in District | | — | — | — | — | 10 | — | — | — | — |
| Accessory Buildings (Detached) | | | | | | | | | | |
| Minimum Setbacks (ft.) [1],[2] [12],[13] | Front [8] | 30 | 30 | 25 | 15 | 25 | 25 | 25 | 25 | 25 |
| | Side[5] [9] | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 |
| | Rear | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 |
| | From other buildings [10] | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 |
| Maximum Accessory Building Coverage Ratio | % of principal building coverage | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 |
| Maximum Height (ft.) | [11] | 15-20 | 15-20 | 15-20 | 15-20 | 15-20 | 15-20 | 15-20 | 15-20 | 15-20 |
| Minimum Garage Entry Setback (ft.) | front entry | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 |
| Minimum Garage Entry Setback (ft.) | rear entry (from alley) | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 |
| Minimum Garage Entry Setback (ft.) | side entry (from alley) | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 |
| Maintenance Accessory Building | Maximum size (sq. ft.) | — | — | — | — | — | — | — | 400 | 400 |
| | Maximum # | — | — | — | — | — | — | — | 1 | 1 |

NOTES:

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

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

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

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

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

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

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

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

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

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

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

[12] 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 Dimensional Standards - O, C Districts

| Density and Dimensional Standards - All Other 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] | | — | — | — | — | — | — | — | — | |
| 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 lot shall conform to the minimum front yard requirements of the district.

[3] During site plan review, side yard setbacks may be reduced to zero feet where the

buildings are attached along a common lot line.

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

~~[5](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 nor to have any side greater than 60 feet nor to have any wall closer than 20 feet to any lot line may be constructed without reference to the above limitations. Any applicable provisions of Chapter 18.225 TMC shall apply to buildings erected in this district.

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

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

Density Dimensional Standards - Other Districts

| Density and Dimensional Standards - All Other Districts | | | | | | | | | | | |
|---|----------------------------------|-------------------------------|-------------------------------|-----------------------|--------------------------------|-----------------------|-----------------------|-----------------------|--------------------------------|----------------------|----------------------|
| | | I-1 Light Industrial District | I-2 Heavy Industrial District | U University District | MS-1 Medical Services District | X1 Mixed Use District | X2 Mixed Use District | X3 Mixed Use District | D1 Downtown District *See #177 | 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 | 25 | 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, 16] | | 70 | None | — | 160 | 40 | 50 | 50 | see #116 | 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

1219 plat shall prevail.

1220 [2] The side yard of a corner lot and rear yard of a double frontage lot shall conform to
1221 the minimum front yard requirements of the district.

1222 [3] Height restrictions of airport overlay district may be more restrictive.

1223 [4] I districts: 10-foot rear or seven-foot side yard setback where that yard abuts any
1224 residential dwelling district.

1225 [5] I districts: Where the frontage along one side of the street in that block abuts a
1226 residential district, then the front yard requirements of the residential district shall apply.

1227 [6] U-1 district: Minimum yard requirements and maximum height shall be in accordance
1228 with the approved master development plan.

1229 [7] MS-1 district: The side setbacks are five feet for buildings up to 50 feet in height and
1230 10 feet for buildings taller than 50 feet in height.

1231 [8] MS-1 district: Any other building or structure that is not a hospital shall not exceed a
1232 height of 100 feet; however, if located within 150 feet of the boundary of the district, it
1233 shall not exceed a height of 50 feet.

1234 [9] X districts: Setbacks with a range are determined at the discretion of the planning
1235 director.

1236 [10] X-2 district: Side and rear yard setbacks may be reduced if not abutting residential
1237 uses, as determined at the discretion of the planning director.

1238 [11] Accessory structures shall not be located within a required front yard or beyond the
1239 front face of the principal structure, whichever is more restrictive. However, a minimum
1240 setback of 20 feet from all street rights-of-way shall be provided for roadside stands,
1241 garages and carports. If, in the judgment of the planning director, construction of a
1242 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 six feet from the principal building may extend to within three feet of a side ~~yard~~property line.

[16] (i) In "D-1" District, no building hereafter erected or structurally altered shall exceed a height at the street line which is greater than the width of the street right-of-way times a factor of three. On corner lots, and where the widths of the two intersecting streets are varied, the larger street width shall be used to determine the height of any building or structure.

(ii) Exception. Within the state zoning area, as defined by K.S.A. 75-3620, the height of structures and buildings shall be regulated in accordance with the following provisions: no building shall exceed a height at the street line of six stories or 75 feet, but above the height permitted at the street line three feet may be added to the height of the building for each one foot that the building or portion thereof is set back from all sides of the lot, except that the cubical contents of such building shall not exceed the cubical contents of a prism having a base equal to the area of the lot and a height equal to two times the width of the street; provided, however, that a tower with a base not to exceed 20 percent of lot area 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.

[17] “D-1” District: Refer to *Downtown Topeka Urban Design Guidelines*.

Section 18. That section 18.160.010, Purpose, of The Code of the City of Topeka, Kansas, is hereby repealed.

Purpose – Intent.

~~This district is established to provide for a wide range of commercial activities which are contained in the central business or core area of the community. The extent and range of uses permitted are to provide for high efficiency of land use and to encourage a broad mix of commercial, office and residential uses. (Code 1995 § 48-49.00.)~~

Section 19. That section 18.160.030, principal, special, and conditional uses, of The Code of the City of Topeka, Kansas, is hereby repealed.

Principal, special, and conditional uses.

~~(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 20. That section 18.160.040, Density and dimensional requirements, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Density and dimensional requirements.~~

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

Section 21. That section 18.160.050, Other regulations, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Other regulations.~~

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

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

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

~~(c) Sign Regulations. See Chapter 18.20 TMC.~~

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

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

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

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

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

Section 22. That section 18.185.010, Purpose and regulations, of The Code of

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

Purpose and regulations.

(a) Purpose. The mixed use districts ~~are unique to~~ may be located in traditional neighborhood settings and, to a limited extent, in areas envisioned for mixed use development by the comprehensive plan, and are provided to encourage a compatible mixed use environment, ~~utilizing the historic character of the area.~~ The X mixed use districts serve to implement neighborhood land use plans ~~of the Topeka-Shawnee County comprehensive metropolitan plan that are within the city of Topeka and~~ the comprehensive plan.

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

Section 23. That section 18.185.020, mixed use district classifications, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Mixed use district classifications.

There are three classifications of mixed use districts as follows:

(a) X-1 Mixed Use District. This district facilitates a compatible mixed use activity center within a traditional residential neighborhood and, to a limited extent, in areas envisioned for mixed use development by the comprehensive plan. The district includes a balance of compatible residential, office, civic, and neighborhood commercial retail/service uses of low to moderate intensity that complement and support dense neighborhood residential areas and pedestrian usage with quality urban design.

(b) X-2 Mixed Use District. This district facilitates a mixed use area that transitions from a higher intensity industrial use area to lower intensity neighborhood-

scale residential areas and includes a balance of compatible residential, office, commercial service, and light industrial uses.

(c) X-3 Mixed Use District. This district facilitates a destination-oriented mixed use district in the area known as the North Crossings area of North Topeka that serves as the northern entertainment/cultural anchor of downtown. The objectives of the district include:

(1) Improving the area as a 24-hour destination for urban, cultural, entertainment, community, and residential experiences; and

(2) Retention and attraction of businesses, workplaces and residences through adaptive reuse and rehabilitation of existing buildings as a preference; and

(3) Redeveloping vacant and under-utilized properties through appropriately scaled in-fill development; and

(4) High quality development and urban design standards that maintain a sense of history, human scale, and pedestrian-orientation.

Section 24. That section 18.185.030, Applicability of mixed use districts, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Applicability of mixed use districts.

(a) The X districts shall only be permitted on an area-wide basis as designated by a specific land use policy set forth in the comprehensive-metropolitan plan for that area. The X district shall be identified as an area that merits special design considerations, involving a variety of property owners and uses within a developed urban environment. The X district shall be sufficiently cohesive and substantial to achieve a common objective as identified in the comprehensive-metropolitan plan.

(b) The procedure for amending the district map to include X mixed use districts shall be in accordance with the procedures of TMC 18.245.020.

(c) Properties in the X districts may be allowed more than one principal structure per zoning lot and more than one use per building.

Section 25. That section 18.200.010, Purpose and regulations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Purpose and regulations.

(a) Purpose. The downtown districts are unique to the downtown Topeka area and are provided to encourage a compatible mixed use activity. The D downtown districts serve to implement the downtown Topeka redevelopment plan, which is part of the city of Topeka's comprehensive metropolitan plan.

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

Section 26. That section 18.200.030, Use regulations for D-1 district, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

~~Use regulations for D-1 district~~ **Principal, special, and conditional uses.**

~~(a) Permitted Principal Uses.~~

~~(1) Permitted uses in the C-3 commercial district.~~

~~(2) Single and two-family dwellings.~~

~~(3) Three and four family dwellings.~~

~~(4) Multifamily dwellings.~~

~~(5) Group homes.~~

~~(6) Dwelling units as primary or accessory use.~~

~~(7) Residential design manufactured home.~~

- 1386 ~~(8) Amusement indoor establishments, including dance, pool, and billiard~~
1387 ~~halls; archery ranges, shooting galleries, pinball, electronic and video game~~
1388 ~~arcades; taverns and similar establishments licensed by the city to sell and~~
1389 ~~dispense cereal malt beverages for drink on premises.~~
- 1390 ~~(9) Churches, places of worship or assembly.~~
- 1391 ~~(10) Schools.~~
- 1392 ~~(11) Community facilities.~~
- 1393 ~~(12) Conference/convention center.~~
- 1394 ~~(13) Cultural facility.~~
- 1395 ~~(14) Public use facilities.~~
- 1396 ~~(15) Parks, recreation, and open space.~~
- 1397 ~~(16) Amusement parks.~~
- 1398 ~~(17) Camera and film shop, photography and artist studio, frame shop.~~
- 1399 ~~(18) Automobile service station, type I and type II.~~
- 1400 ~~(19) Bed and breakfast establishments.~~
- 1401 ~~(20) Child care centers.~~
- 1402 ~~(21) Clubs and lodges.~~
- 1403 ~~(22) Farmer's markets.~~
- 1404 ~~(23) Funeral homes.~~
- 1405 ~~(24) Health clubs.~~
- 1406 ~~(25) Hotel, motel.~~
- 1407 ~~(26) Theater, nonadult.~~

~~(27) Offices for conducting affairs of business, profession, service, industry or government, including financial institutions and human health care clinics which may contain a pharmacy.~~

~~(28) Orthopedic, medical appliance, and prosthesis stores, optician and the sale of eyeglasses; hearing aid evaluations, fitting and sales.~~

~~(29) Pet shops/small animal clinics.~~

~~(30) 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.~~

~~(31) Personal service shops.~~

~~(32) Parking lot and/or multistory parking garage.~~

~~(33) Communication towers or telecommunication equipment attached to a building and which must meet the criteria of Chapter 18.250 TMC.~~

~~(34) Boarding and lodging houses.~~

~~(35) Crisis centers.~~

~~(36) Residential care facility, type I.~~

~~(37) Residential care facility, type II.~~

~~(38) Child care centers.~~

~~(39) Parking lots/garages (principal use).~~

~~(b) Uses Permitted by Conditional Use Permit.~~

~~(1) Private or public utility structures facilitating the transmission, distribution and/or collection systems, including substations, distributions~~

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

~~(2) Freestanding communication towers or telecommunication equipment which must meet the criteria of Chapter 18.250 TMC.~~

~~(3) 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.~~

~~(4) Automobile service station, type III.~~

~~(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 27. That section 18.200.040, Use regulations for D-2 district, of The Code of the City of Topeka, Kansas, is hereby repealed.

Use regulations for D-2 district.

~~(a) Permitted Principal Uses.~~

~~(1) Single and two family dwellings.~~

~~(2) Multifamily dwellings.~~

~~(3) Group homes.~~

~~(4) Residential design manufactured home.~~

~~(5) Churches, places of worship or assembly.~~

- 1456 ~~(6) Schools.~~
- 1457 ~~(7) Personal service shop less than 10,000 square feet.~~
- 1458 ~~(8) Community facilities.~~
- 1459 ~~(9) Public use facilities.~~
- 1460 ~~(10) Parks, recreation, and open space.~~
- 1461 ~~(11) Amusement parks.~~
- 1462 ~~(12) Camera and film shop, photography and artist studio, frame shop.~~
- 1463 ~~(13) Bed and breakfast establishments.~~
- 1464 ~~(14) Retail uses less than 10,000 gross square feet.~~
- 1465 ~~(15) Dwelling units as accessory use.~~
- 1466 ~~(b) Uses Permitted by Conditional Use Permit.~~
- 1467 ~~(1) Private or public utility structures facilitating the transmission, distribution~~
1468 ~~and/or collection systems, including substations, distributions stations, pump stations,~~
1469 ~~reservoirs, towers, transmission equipment buildings and similar such uses.~~
- 1470 ~~(2) Communication towers or telecommunication equipment which must meet the~~
1471 ~~criteria of Chapter 18.250 TMC with the exception that all towers must be attached to an~~
1472 ~~existing building or structure, and may exceed 20 feet in height.~~
- 1473 ~~(3) Boarding and lodging houses.~~
- 1474 ~~(4) Crisis centers.~~
- 1475 ~~(5) Conference/convention center.~~
- 1476 ~~(6) Cultural facility.~~
- 1477 ~~(7) Residential care facility, type I.~~
- 1478 ~~(8) Residential care facility, type II.~~

~~(9) 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.~~

~~(10) Child care centers.~~

~~(11) Farmer's markets.~~

~~(12) Funeral homes.~~

~~(13) Health clubs.~~

~~(14) Hotel, motel.~~

~~(15) Offices for conducting affairs of business, profession, service, industry or government, including financial institutions and human health care clinics which may contain a pharmacy.~~

~~(16) Parking lots/garages as a principal use.~~

~~(17) Recreation, indoor.~~

~~(18) Restaurants.~~

~~(19) Retail establishments greater than 10,000 gross square feet.~~

~~(20) Personal service shop greater than 10,000 gross square feet.~~

~~(21) Automobile service station, type I.~~

~~(22) Clubs and lodges.~~

~~(23) Entertainment facilities/theaters (nonadult).~~

~~(24) Small animal clinics.~~

~~(25) Nonresidential small wind energy system, subject to Chapter 18.265 TMC.~~

Section 28. That section 18.200.050, Use regulations for D-3 district, of The Code of the City of Topeka, Kansas, is hereby repealed.

Use regulations for D-3 district.

~~(a) Permitted Principal Uses.~~

~~(1) Single and two-family dwellings.~~

~~(2) Three and four family dwellings.~~

~~(3) Multifamily dwellings.~~

~~(4) Group homes.~~

~~(5) Dwelling units as an accessory use.~~

~~(6) Parks, recreation, and open space.~~

~~(7) 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.~~

~~(8) Amusement parks.~~

~~(9) Camera and film shop, photography and artist studio, frame shop.~~

~~(10) Automobile service station, type II.~~

~~(11) Cultural facility.~~

~~(12) Entertainment facilities/theaters.~~

~~(13) Offices for conducting affairs of business, profession, service, industry or government, including financial institutions and human health care clinics which may contain a pharmacy.~~

~~(14) Manufacture, processing, storage and/or warehousing of any product, equipment, or material; except any activities involving the following:~~

~~(i) Acetylene, gas manufacture or storage.~~

1526 ~~(ii) Acid, alcohol, ammonia, bleaching powder, chlorine, cement, lime, gypsum, plaster~~
1527 ~~of paris, disinfectant, dyestuff, glue, fertilizer, size, gelatin, oilcloth, linoleum, oiled~~
1528 ~~rubber goods, paint, oil, shellac, turpentine, varnish, paper, pulp, shoe polish, soap~~
1529 ~~(other than liquid), tallow grease, lard, refining of animal fat, tar distillation, tar roofing,~~
1530 ~~waterproofing products, vinegar and yeast manufacture.~~
1531 ~~(iii) Arsenal, high explosives (other than armory).~~
1532 ~~(iv) Asphalt, cement or other paving materials manufacture or central mixing plant.~~
1533 ~~(v) Vehicular wrecking or dismantling for salvage purposes.~~
1534 ~~(vi) Blast furnace, coke oven, boiler works, forge plant, ore reduction, smelting of tin,~~
1535 ~~copper, zinc or iron ores, iron, steel, brass or copper foundry or fabrication plant.~~
1536 ~~(vii) Brick, tile, pottery or terracotta manufacture (other than the manufacture of~~
1537 ~~handcraft products only).~~
1538 ~~(viii) Creosote manufacture or treatment.~~
1539 ~~(ix) Distillation of bones, coal or wood.~~
1540 ~~(x) Explosives or fireworks manufacture or storage.~~
1541 ~~(xi) Fat rendering.~~
1542 ~~(xii) Garbage, offal or dead animals reduction or disposal.~~
1543 ~~(xiii) Junk, iron or rags or paper storage or bailing except as provided elsewhere in~~
1544 ~~these regulations.~~
1545 ~~(xiv) Petroleum or its products, refining or wholesale storage.~~
1546 ~~(xv) Planing mills, rock crusher, rolling mill.~~
1547 ~~(xvi) Rubber or gutta-percha manufacture or treatment.~~
1548 ~~(xvii) Stockyard or slaughter of animals or fowls.~~
1549 ~~(xviii) Stone mill.~~

- 1550 ~~(xix) Tanning, curing or storage of raw hides or skins.~~
- 1551 ~~(xx) Wool pulling or scouring.~~
- 1552 ~~(xxi) And in general, those uses which may be obnoxious or offensive by reason of~~
- 1553 ~~emission of odor, dust, smoke, gas or noise.~~
- 1554 ~~(15) Recreation, indoor.~~
- 1555 ~~(16) Restaurants.~~
- 1556 ~~(17) Retail establishments less than 30,000 gross square feet.~~
- 1557 ~~(18) Theater, nonadult.~~
- 1558 ~~(19) Churches, places of worship or assembly.~~
- 1559 ~~(20) Schools.~~
- 1560 ~~(21) Automobile service station, type I.~~
- 1561 ~~(b) Uses Permitted by Conditional Use Permit.~~
- 1562 ~~(1) Private or public utility structures facilitating the transmission, distribution and/or~~
- 1563 ~~collection systems, including substations, distributions stations, pump stations,~~
- 1564 ~~reservoirs, towers, transmission equipment buildings and similar such uses.~~
- 1565 ~~(2) Communication towers or telecommunication equipment which must meet the~~
- 1566 ~~criteria of Chapter 18.250 TMC with the exception that all towers must be attached to an~~
- 1567 ~~existing building or structure, and may exceed 20 feet in height.~~
- 1568 ~~(3) Billboards and panel posters not exceeding 300 square feet per single face area and~~
- 1569 ~~which do not exceed a height of 55 feet above grade.~~
- 1570 ~~(4) Community facilities.~~
- 1571 ~~(5) Conference/convention center.~~
- 1572 ~~(6) Public use facilities.~~
- 1573 ~~(7) Automobile service station, type III.~~

- 1574 ~~(8) Bed and breakfast establishments.~~
- 1575 ~~(9) Child care centers.~~
- 1576 ~~(10) Clubs and lodges.~~
- 1577 ~~(11) Farmer's markets.~~
- 1578 ~~(12) Health clubs.~~
- 1579 ~~(13) Hotel, motel.~~
- 1580 ~~(14) Parking lots/garages principal use.~~
- 1581 ~~(15) Pet shops/small animal clinics.~~
- 1582 ~~(16) Retail establishments less than 30,000 square feet.~~
- 1583 ~~(17) Personal service facility.~~
- 1584 ~~(18) Nonresidential small wind energy system, subject to Chapter 18.265 TMC.~~

1585 Section 29. That section 18.200.060, Dimensional and performance standards,
1586 of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

1587 **Dimensional and performance standards.**

1588 ~~Dimensional performance standards are set forth below and are not intended to~~
1589 ~~supersede or undermine adopted design standards within this chapter:~~

1590 ~~(a) — D-1 District Performance Standards.~~

1591 ~~(1) Maximum building coverage: 100 percent.~~

1592 ~~(2) Minimum front yard setback: 0 feet.~~

1593 ~~(3) Minimum rear yard setback: 0 feet.~~

1594 ~~(4) Minimum side yard setback: 0 feet.~~

1595 ~~(b) D-2 District Performance Standards.~~

1596 ~~(1) Maximum building coverage: 75 percent.~~

1597 ~~(2) Minimum front yard setback: 0 feet.~~

1598 ~~(3) Minimum rear yard setback: 0 feet.~~

1599 ~~(4) Minimum side yard setback: 0 feet.~~

1600 ~~(5) Maximum building height: 50 feet.~~

1601 ~~(c) D-3 District Performance Standards.~~

1602 ~~(1) Maximum building coverage: 100 percent.~~

1603 ~~(2) Front yard setback: 0 feet.~~

1604 ~~(3) Minimum rear yard setback: 0 feet.~~

1605 ~~(4) Minimum side yard setback: 0 feet.~~

1606 ~~(5) Maximum building height: 60 feet.~~

1607 All development shall comply with the density and dimensional standards in TMC

1608 18.60.020.

1609 Section 30. That section 18.200.090, Design and appearance guidelines, of
1610 The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

1611 **Design and appearance guidelines and sign standards.**

1612 (a) Within the D-1, D-2 and D-3 districts, all new development, including
1613 permitted commercial, office, institutional, multifamily residential, industrial uses, or
1614 combination thereof, or change of uses with exterior modifications shall be consistent
1615 with the following design guidelines. No building permit shall be issued unless it is in
1616 compliance with the ~~downtown Topeka general design and appearance~~ guidelines
1617 which are set forth in Exhibit A at the end of this section.

1618 (b) Compliance shall be determined by the planning director by evaluating site
1619 plans and exterior elevations for conformity with the ~~downtown Topeka general design~~
1620 ~~and appearance~~ guidelines.

1621 (c) Decisions on conformity with the guidelines shall be made within 10

working days of submission.

(d) An appeal from the planning director's decision as to compliance with the downtown Topeka general design ~~and appearance~~ guidelines may be made to the Topeka-Shawnee County metropolitan planning commission's ~~planning and policy committee~~ board of zoning appeals pursuant to Chapter 2.45 TMC. ~~Such appeal shall be heard at the next scheduled meeting of the committee.~~

(e) On-premise signs in the D-2 district shall comply with the standards for signs in the X (Mixed Use) districts pursuant to TMC 18.20.020 (e). Off-premise signs shall be regulated by TMC 18.25, Article IV.

(f) D-1 and D-3 District sign standards.

(1) Wall Signs.

(i) Each establishment is permitted one or more wall signs at the first floor on each building face occupied by said establishment. The accumulated area of wall signs on each building face shall be limited to 20 percent of the area of the exterior building elevation at the pedestrian level or 150 square feet, whichever is less.

(ii) Wall signage above the first floor shall be limited to no more than one sign not exceeding 150 square feet, for every 50 lineal feet of street frontage, on the exterior wall of the floor on which the signage is located. For buildings in excess of three floors or exceeding 40 feet in height, one wall sign per building face is permitted no larger than 300 square feet and located above the third floor or above 40 feet, whichever is the least. For signage above the third floor, the planning director, or the historic landmarks commission if the sign is located on a historic landmark

or in a historic district, may approve signage of greater than 300 square feet to the extent the applicant demonstrates signage exceeding 300 square feet is necessary for visibility and legibility of the sign.

(2) Painted Exterior Wall Signs.

(i) A painted exterior wall sign identifies a use or on-premise establishment and consists entirely of copy that is painted directly on the exterior material of a building not including the exterior surface of a window, awnings, or other appurtenances.

(ii) Any painted exterior wall sign applied to the front or side of a building directly facing a street shall be regulated in the same manner as a wall sign. Any painted exterior wall sign applied to the side or rear of a building that does not directly abut a street is permitted provided the area of all such signs does not exceed 300 square feet on the wall on which the signage is applied. In determining the number of square feet, only text or logos pertaining to the business, industry, or activity conducted on or within the premises shall be included. Art and graphic representations associated with the painted exterior wall sign that are not text or logos shall not be subject to the area restriction

(3) Awning and Marquee Signs. Awning and marquee signs are signs incorporated in the awning material or attached flat to the face of an awning or marquee. A marquee is a roof-like projection or shelter, typically over the entrance to an entertainment venue, and typically containing an illuminated flat area for static or changeable sign copy. Signage attached such that the sign face is parallel with, or at an angle between 0 and less

than 45 degrees of the building façade, shall be regulated in the same manner as wall signs. Signs attached in such a way as to be at a 45 degree or greater angle to the building façade shall be regulated in the same manner as projecting signs. For marquees electronic message centers (EMCs) may comprise 100 percent of the face of the marquee and 100 percent of the size allowed for marquee signs.

(4) Window Signs. Window signs are signs on the inside or outside of the window that are visible from the outside of the window. Window signs are permitted provided all window signs in aggregate constitute no more than 50 percent of the area of all windows for each tenant and for each side of the building on which the window signs are located.

(5) Projecting Signs. Each establishment is permitted a maximum of one projecting sign, visible from any single angle, mounted to the exterior of the first or second floors. The area of the projecting signs shall be limited to 10 percent of the building face at the level on which the establishment is located or 75 square feet, whichever is less.

(6) Ground Signs.

(i) A ground sign is any sign placed upon, or supported by, the ground independently of any building or structure on the property. Ground signs permitted in the D-1 district include monument signs and pylon signs. A monument sign is a ground sign for which the width of the widest part of the base or pylon cover of the sign is at least 75 percent of the width of the widest part of the sign face, and for which the total height of

the sign does not exceed 5 feet. A pylon sign is a ground sign whose sign face or cabinet is above ground level and is supported by poles, pylons, or posts.

(ii) Any parcel of land located in a historic district is allowed one monument sign per street frontage not to exceed two signs, to a height not to exceed 10 feet. For each sign, the sign area shall not exceed .5 square feet per lineal foot of frontage on the street to which it is oriented or 50 square feet, whichever is less. A pylon sign located on a base that is within 2 feet of the exterior building wall may be mounted on a pylon or similar support structure and the dimensional standards for projecting signs shall apply.

(iii) Any parcel of land located outside of a historic district shall be permitted one monument or pylon sign per street frontage not to exceed two signs, to a height not to exceed 20 feet. For each sign the cumulative sign area shall not exceed .75 square foot per foot of frontage on the street to which it is oriented or 120 square feet, whichever is less.

(iv) Parcels of land with frontage on two or more streets may utilize a single ground sign in lieu of two ground signs provided the total area of said sign does not exceed 150 percent of the sign area allowed for any of the ground signs and in no instance is greater than 75 square feet in the downtown Topeka historic district and no more than 150 square feet in area outside of the historic district.

(v) The poles or pylons used to support the cabinet of a pylon sign shall be contained within the pole or pylon covers of a material and

1718 color compatible with the sign and adjacent buildings. Pole or pylon
1719 covers shall have an outside diameter of one foot or more.

1720 (vi) Legal nonconforming ground signs may be refaced or have
1721 cabinets replaced without being required to comply with the standards in
1722 paragraphs i-iii. Legal non-conforming signs shall comply with the
1723 standards in paragraphs i-iii in the event they are removed or pole, pylon,
1724 or base is replaced.

1725 (7) Roof Signs. Each building that exceeds three floors or 40 feet is
1726 permitted one roof sign no larger than 300 square feet. The height of a roof sign,
1727 measured from the top of the highest parapet to the top of the sign, shall not
1728 exceed 25% of the height of the building or 30 feet, whichever is most restrictive.
1729 Roof signs shall comply with all applicable engineering and construction code
1730 requirements. The planning director, or the historic landmarks commission if the
1731 sign is located on a historic landmark or in a historic district, may approve
1732 signage exceeding the above dimensional standards to the extent the applicant
1733 demonstrates signage exceeding the dimensional standards is necessary for
1734 visibility and legibility of the sign.

1735 (8) Electronic Message Centers (EMC). EMCs may be incorporated in
1736 whole or in part into any of the above sign types. One EMC sign is permitted per
1737 street frontage per establishment provided the size of the EMC is limited to 50
1738 percent of the allowable sign area for the type of sign in which it is incorporated.
1739 EMCs that are part of a marquee are allowed 100 percent of the allowed sign
1740 area and may comprise 100 percent of the face of the marquee. All aspects of

EMCs not specifically addressed herein are subject to the sign standards in TMC Title 18, Division 2.

(9) Directional Signs. A directional sign provides direction to pedestrian or vehicular traffic into and out of a site, or within a site. In addition to the ground signs provided in TMC 18.20.020(g), up to two directional signs, constructed as ground signs, whether as a monument or pylon type, each not to exceed 6 square feet and 5 feet in height, are permitted for each 50 feet of street frontage not to exceed four per parcel. All other directional signs shall be regulated in accordance with paragraphs 1 through 5 and paragraphs 7, 8 and 10.

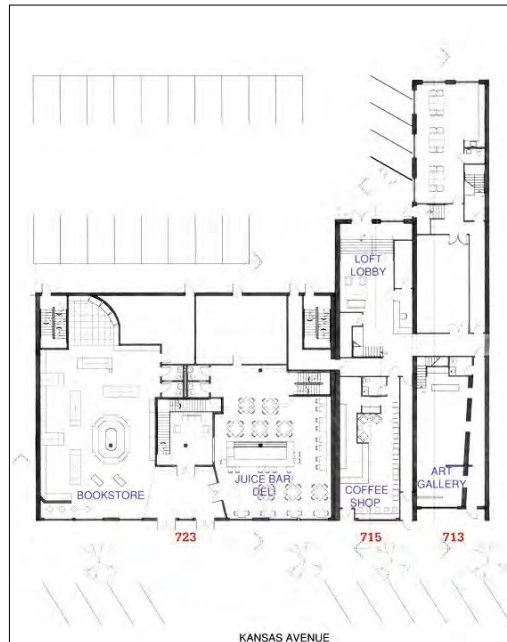
(10) Illumination. Internal, flood illumination, or direct (i.e. neon) are permitted. Flashing, strobing, blinking, fluttering, chasing, and similar lighting features are prohibited unless they are determined by the planning director to contribute to or consistent with the historic character of the sign and building.

Exhibit A

DOWNTOWN TOPEKA URBAN DESIGN GUIDELINES

Purpose

Urban design is concerned with the appearance of Downtown Topeka, and the physical implications of design and planning decisions for the public realm of the City. Urban design is an effective means to coordinate how various public and private development proposals, including transportation and public infrastructure will affect the City physically. The focus of concern is on the public realm of Downtown: the public faces of buildings, public spaces, streets, sidewalks, parks and plazas that provide the outdoor public venues for many activities. The purpose of these guidelines is to provide the regulatory authority to ensure that new construction and renovation of existing structures is consistent with the established urban



form of downtown. These guidelines are to be used as criteria for the design of new public and private projects and to be utilized in the evaluation of new projects by the approving authorities. These guidelines seek to balance private property rights against the public interest of protecting the appearance and existing investments downtown.

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

- Maintaining the street wall at the front property line;
- enhancing the design of street façades;
- ensuring pedestrian compatibility;
- designing public spaces at a pedestrian-scale;
- creating visual interest; and
- maintaining design integrity and compatibility with surrounding structures.

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

Applicability

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

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

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

Waiver/Exception

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

Definitions

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

MIXED-USE DEVELOPMENT

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

INFILL DEVELOPMENT

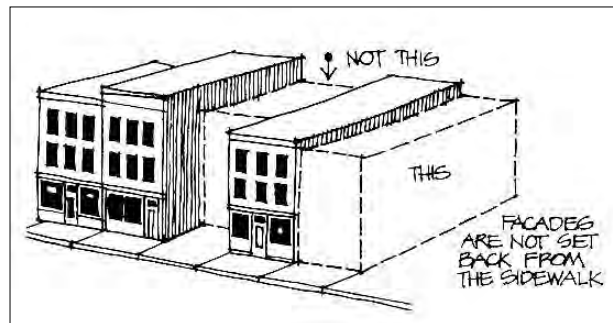
1. Exterior additions to existing buildings or adjacent infill construction should be compatible with the character of the site, and take into account the size, proportions, façade composition, rhythm and proportion of openings, materials, and colors of neighboring buildings. Techniques to help ensure compatibility with neighboring buildings include:

- Maintaining the street wall by locating the new building at the sidewalk;
- Ensuring the street level façade fits in contextually with neighboring properties;
- Differentiating the upper stories of the building from the street level facade by setting back the upper stories at the plane above the street level façade, and;
- Using different wall materials than the lower facade.

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

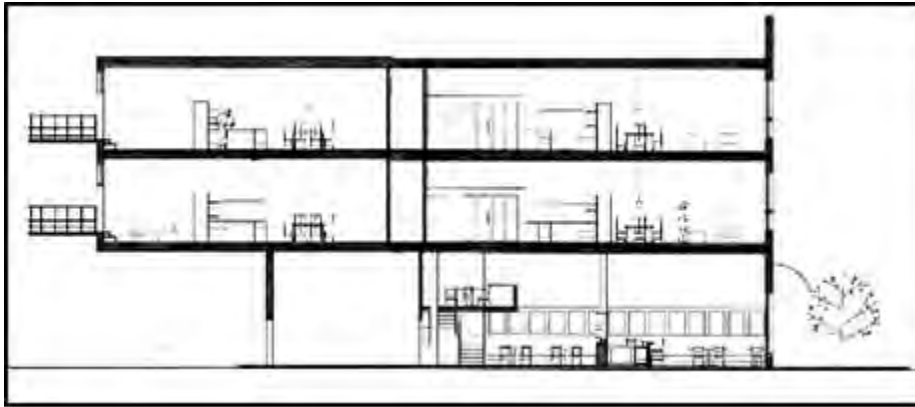
STREET ORIENTATION

1. Buildings should generally be built up to the edge of the sidewalk in a consistent plane with the other buildings on the street.



2. Other street-level setbacks, plazas and widened sidewalks from the building line should be strategically placed in accordance with an overall open space plan. The new open spaces should be located to relate to other land uses such as retail, entertainment and transit routes.

STREET LEVEL USESFORM



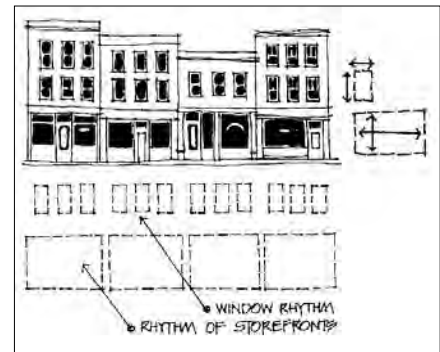
1. The ground floorsstreet frontage of buildings should contain public or semi-public uses such as commercial, office, retail or entertainment uses with direct entry from the street. Non-public/semi-public uses are appropriate on the first floor if located to the rear of the street frontage use.
2. New buildings should express a principaleal public façade and entrance on the adjacent street, and entries from parking facilities should be considered as secondary.
3. Retail activities within buildings should be oriented towards the street and have direct access from sidewalks through storefront entries.
4. Ground floor storefront restaurants are ~~strongly encouraged to have French doors, operable storefront windows and sidewalk cafes to increase the~~ a strong connection between the interior of the structure and the exterior street environments.
5. Upper floor balconies should not extend structural supports into the public right-of-way below.
6. Sidewalk cafes should not impair pedestrian circulation nor store entrance access. There should be at least a 6-foot contiguous and unobstructed walkway for use by pedestrians.

BUILDINGS FACADES

1. New buildings should be open and inviting in both their principal and secondary facades. Blank walls, or any wall with less than 30% glass, should not be placed along public streets, but may be placed along alleys and service lanes.
2. Entryways should be generously proportioned and visually transparent so as to encourage connections to the public realm.



3. Decorative and functional elements such as signage, awnings, and ornamentation should be used to create human scale elements on the street-level facades to further encourage openness.
4. ~~Blank walls should not be placed along public streets, but may be placed along alleys and service lanes.~~
5. Loading docks and garage entrances should not be located on the major pedestrian street side of new buildings.
5. New curb cuts that conflict with safe pedestrian travel and existing on-street parking are discouraged.
6. Retail storefronts are strongly encouraged along the ground floor of all new and renovated buildings ~~within the Downtown D-1 District~~. These should be visually transparent to the interior with large areas of window display and should provide for direct entry from the sidewalk. The rhythm of windows and storefronts should be consistent.
7. ~~Store display windows should be lit at night so as to contribute to ambient street lighting and a livelier street presence. Pull down doors that cover the entire storefront are discouraged; visually open grates and grilles are preferred for security where needed.~~

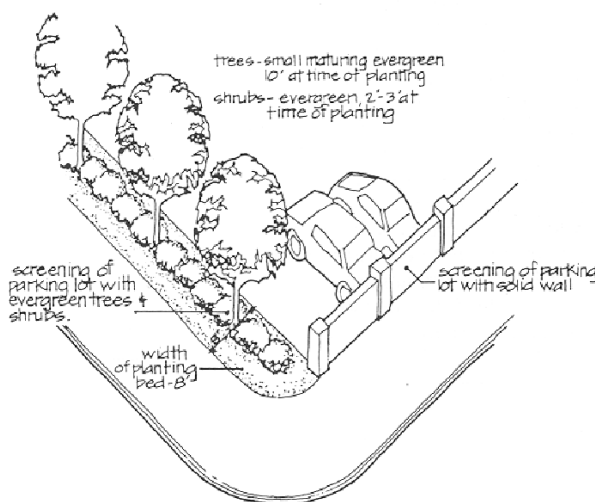


PARKING FACILITY DESIGN

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



4. Surface parking lots should provide a ~~minimum of 20 square feet of landscaping for each parking space~~ landscaping in compliance with Topeka's landscape ordinance. Required landscaping should take the form of planter strips, landscaped areas and perimeter landscaping.
5. The existing street setback should be maintained along the principal street frontage in developed areas and established in new districts or developments. Tools for accomplishing this can include walls, fences, row of trees, hedges or any combination of these elements. The height and placement of such features should be in accordance with CPTED (crime prevention through environmental design) principles.
6. While it is important to provide adequate interior lighting for safety and comfort, it should be controlled to avoid spill out on the adjacent streets creating excessive glare.



ARCHITECTURE AND CONTEXT

1. The architectural design of new buildings and the rehabilitation of existing buildings should be sensitive to the existing built and natural environment within which they are constructed. The architecture of the existing downtown buildings, ~~particularly buildings built before 1940,~~ should provide examples of architectural themes, rhythm, materials and forms.



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

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PUBLIC INFRASTRUCTURE IMPROVEMENTS

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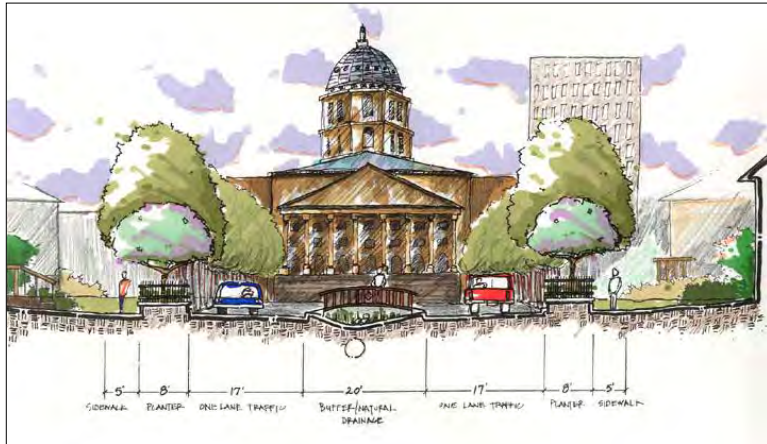
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1. All new public infrastructure projects (roads, sidewalks, public buildings, and streetlights) should meet high standards of design quality and provide significant secondary benefits in the form of major public space improvements. These projects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



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



ART IN PUBLIC PLACES

- ~~1. New public spaces and infrastructure improvements are encouraged to have a significant component of public art so the project will have a visible presence.~~

PUBLIC SPACES

1. New public spaces should consist of renovated or enhanced streets, or strategically selected places that are directly linked to the street system. ~~Primary opportunities are adjacent to the Kansas-Quincy, and at the intersections of 9th and Kansas Ave. and 8th and Van Buren St.~~
2. Generally, pedestrian ways should not be separated from streets and sidewalks, unless in riverfront parks. They should maintain direct access from the adjacent streets. They should be open along the adjacent sidewalk and allow for multiple points of entry. A passerby should be able to see directly into the space.
- ~~3. The development of new districts and projects should emphasize the continuation or conservation of traditional block and street patterns.~~



2034 43. New public spaces should be developed
2035 with pedestrian amenities, such as follows:
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- 2037 • ~~1 tree per 1000 square feet of open~~
2038 ~~space. (3½" caliper at~~
2039 ~~planting)~~ Landscaping.
- 2040 • ~~A minimum of 25 linear feet of seating for~~
2041 ~~every 1000 square feet of e~~ Open space.
- 2042 • Seating.
- 2043 • Public art.
- 2044 • However, walls, fences and dense
2045 planting that visually secludes the interior
2046 space from the sidewalk should be
2047 avoided.



2048 HISTORY AND IDENTITY

- 2051 1. All projects are encouraged to
2052 express local history and identity
2053 through functional and ornamental
2054 design elements and works of public
2055 art.
- 2056 2. New development projects or
2057 renovation of existing structures
2058 should be designed to preserve the
2059 historic resources that exist on the
2060 site and reinforce the historical
2061 context within which they are
2062 developed.



- 2063 3. In the event that it is not possible to preserve the entirety of a historic building the
2064 retention of historic facades is encouraged.

2065 STREET AND BLOCK ORGANIZATION

- 2066 1. New buildings and development should respect the existing organization of the city
2067 and the street and block patterns that exist.
- 2068 2. Superblock developments that join together one or more blocks are discouraged.
- 2069 3. Where it is feasible, street grids should be extended, reestablished or newly created
2070 in areas of large-scale redevelopment.
- 2071 4. New buildings or pedestrian bridges should not bridge across or block access to
2072 existing streets.

ENTRANCES AND VISTAS

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

Illustrations:

- ~~P.1 Dawn Wessels & Kim Korphage (top), Draft Lawrence, Kansas Downtown Design Guidelines (bottom)~~
~~P.2 Keeping Up Appearances Storefront Guidelines, National Trust for Historic Preservation (top), Kim Wassels (bottom)~~
~~P.3 Dave Devore (top), Planning staff (middle), Keeping Up Appearances Storefront Guidelines, National Trust for Historic Preservation (bottom)~~
~~P.4 Planning staff (top), Design Review, American Planning Assoc., PAS Report #454 (bottom)~~
~~P.5 Dawn Wessels & Kim Korphage (top), Charlotte Cox & Ryan Wilt (bottom).~~
~~P.6 Planning Staff (top, middle), Chris Handzel (bottom)~~
~~P.7 Bryce Wittenborn (top), Joe Loretta & Aaron Harnden (bottom)~~
~~P.8 Model and photograph by KSU Studio Students~~

Section 31. 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, 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 and as restricted by TMC 18.60 density/dimensional standards.

(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 32. 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.

The accessory uses, buildings and other structures permitted in each zone may include the following:

(a) In the RR-1 district:

(1) Open or enclosed storage of farm materials and equipment.

(2) Farm buildings, including barns, stables, sheds, toolrooms, shops, tanks, bins and silos.

(3) Fuel storage tanks and dispensing equipment for fuels used solely for farming operations. No wholesale/retail sales of such fuels shall be allowed as an accessory use.

(4) Wholesale and retail sales of agricultural products grown or raised upon the premises.

(5) Roadside stands for the sale of produce grown on the premises; provided, that such a stand shall not contain more than 600 square feet of floor area, the stand is located no closer than 20 feet from the right-of-way, and access to the stand is from an entrance to the farm or residence.

(6) Private, noncommercial antenna and supporting structure when used for amateur radio service; citizens band radio; a telecommunication device that receives only a radio frequency signal; a sole-source emitter with more than one kilowatt average output; and satellite receiving devices, provided they shall not be located in the area between the street and principal building nor within the required side yard.

(7) Fences as regulated by TMC 18.210.040.

(8) Gazebos, enclosed patios and similar buildings for passive recreational use.

(9) Home occupations as regulated by TMC 18.210.035.

(10) Private garages and carports.

(11) Private greenhouses or conservatories.

(12) Private recreational uses and facilities including but not limited to swimming pools and tennis courts, if the use of such facilities is restricted to occupants of the principal use and guests for whom no admission or membership fees are charged.

(13) Private or public utility transmission, distribution and/or collection systems; and not, however, including substations and distribution substations, pump stations, reservoirs, towers, transmission equipment buildings and similar facilitating structures.

(14) Residential accessory storage buildings 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 a storage building for commercial purposes.

2164 (15) Signs as regulated by Chapter 18.20 TMC.
2165 (16) Statuary, arbors, trellises, flagpoles, and barbecue stoves.
2166 (17) Structures for the shelter of household pets except kennels.
2167 (18) Temporary construction buildings for on-site construction purposes,
2168 including cargo containers, for a period not to exceed the duration of the
2169 construction project.

2170 (19) Little free libraries associated with residential uses are limited to a
2171 height of 6 feet, a width of 2 feet, and volume of 6 cubic feet, and to a height of 6
2172 feet, width of 4 feet, and volume of 10 cubic feet when associated with non-
2173 residential uses.

2174 (b) In the R-1, R-2, R-3, R-4, M-1 and M-1a districts: in addition to the
2175 accessory uses included in subsections (a)(6) through (a)(~~18~~19) of this section, the
2176 following shall be permitted:

2177 (1) Storage buildings and garages for the storage of wood, lumber,
2178 lawn or gardening equipment and other materials and equipment, exclusively for
2179 the personal use of the residents of the premises, but not including storage for
2180 commercial purposes. Truck bodies and cargo containers are not allowed as
2181 accessory uses. However, cargo containers may be used on a temporary basis
2182 ~~for up to 30 days within a calendar year~~ as regulated by TMC 18.210.050.

2183 (2)(i) No farming equipment or farming machinery shall be parked or
2184 stored on a lot or tract of land unless within an enclosed lawful structure, or
2185 screened from view from any abutting property or street. No truck, excluding a
2186 pickup truck, trailer, boat, bus, tractor, or similar vehicle, machinery, or
2187 equipment with a curb weight (unloaded vehicle weight) or manufacturer's gross

2188 vehicle weight rating exceeding six tons shall be parked or stored any place on a
2189 lot or tract of land within an R, M-1 or M-1a district.

2190 (ii) No commercial vehicles or commercial equipment, machinery or
2191 materials of any kind shall be stored any place on a lot or tract of land, except if
2192 such vehicles, equipment, machinery or materials are in temporary usage to
2193 actively accomplish permitted temporary activities on the premises such as
2194 construction, repair, moving, and other similar activities. In such case they shall
2195 be removed from the lot or tract of land within 48 hours of completion of said
2196 activity.

2197 (3) Off-street parking as regulated by Chapter 18.240 TMC.

2198 (4) A child's playhouse.

2199 (c) In the M-2 and M-3 districts: in addition to the accessory uses included in
2200 subsection (b) of this section, the following shall be permitted:

2201 (1) A maintenance storage building incidental to a permitted use,
2202 provided no such structure shall exceed 160 square feet in gross floor area, and
2203 shall be in keeping with the principal structure.

2204 (2) A facility for leasing, managing and/or maintenance of a multiple-
2205 family dwelling or planned unit development, provided such facility is of such size
2206 and scale which is in keeping with, and is accessory in nature to, said multiple-
2207 family dwelling or planned unit development, all as determined by the planning
2208 director.

2209 (d) In the O&I-1, O&I-2 and O&I-3 districts:

2210 (1) For residential uses, the accessory uses included in subsection (c)
2211 of this section shall be permitted.

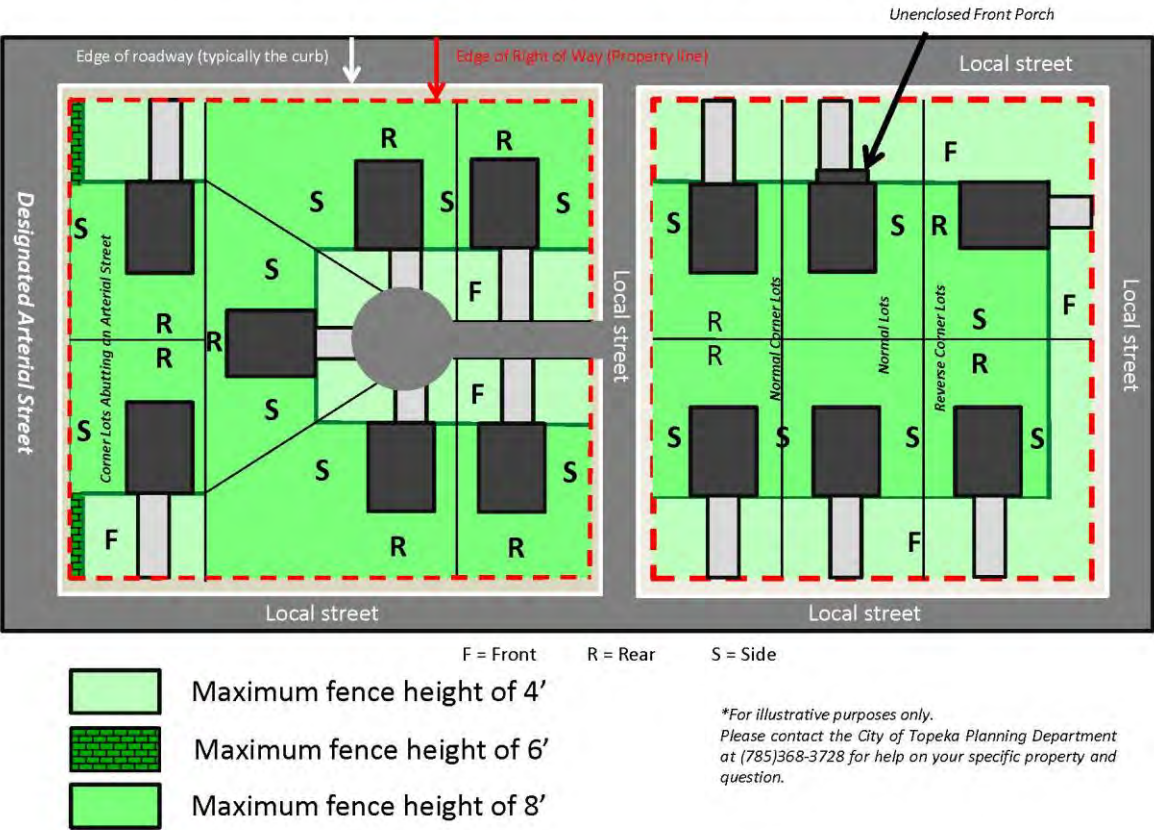
- 2212 (2) Off-street parking as regulated by Chapter 18.240 TMC.
- 2213 (3) A storage building incidental to a permitted use, provided no such
2214 structure shall exceed 400 square feet in gross floor area, and shall be in
2215 keeping with the principal structure.
- 2216 (4) Employee restaurants and cafeterias, when located in a principal
2217 structure.
- 2218 (5) Signs as regulated by Chapter 18.20 TMC.
- 2219 (6) Fences as regulated by TMC 18.210.040.
- 2220 (7) Flagpoles and statuary.
- 2221 (8) Private garages and carports.
- 2222 (e) In the C-1, C-2, C-3, C-4 and ~~C-5~~D districts: in addition to the accessory
2223 uses included in subsection (d) of this section, the following shall be permitted:
- 2224 (1) Restaurants, drugstores, gift shops, clubs, lounges, newsstands,
2225 and travel agencies when located in a permitted hotel or motel.
- 2226 (2) One independent, freestanding commercial structure of 400 square
2227 feet or less in the C-1 district and 600 square feet in the other districts shall be
2228 permitted on a zoning lot. Such accessory structure shall not be required to
2229 provide off-street parking, but shall be located as to not interfere with or reduce
2230 the amount of required parking for the principal use. The location of such
2231 accessory structure shall be reviewed and approved by the planning director at
2232 the time of building permit application, provided such location does not conflict or
2233 interfere with site access and interior vehicular circulation.
- 2234 (f) In the I-1 and I-2 districts, the following shall be permitted:
- 2235 (1) Fences as regulated by TMC 18.210.040.

- 2236 (2) Off-street parking as regulated by Chapter 18.240 TMC.
- 2237 (3) Signs as regulated by Chapter 18.20 TMC.
- 2238 (4) Gatehouse.
- 2239 (5) Employee recreational facilities.
- 2240 (6) Flagpoles and statuary.
- 2241 (7) Employee restaurants and cafeterias when located in the principal
- 2242 building of the use served.
- 2243 (8) Employee child care facilities.
- 2244 (9) Storage and warehousing.
- 2245 (10) Caretaker's or night watchmen's quarters.
- 2246 (g) In the U-1 district: the accessory uses included in subsection (c) of this
- 2247 section.
- 2248 (h) In the MS-1 district: the accessory uses included in subsection (d) of this
- 2249 section.
- 2250 (i) In the X-1, X-2 and X-3 districts: the accessory uses included in
- 2251 subsections (b), (c), (d), (e) and (f) of this section shall be in compliance with any
- 2252 applicable performance standards of the X mixed use districts.
- 2253 Section 33. That section 18.210.040, Fences, of The Code of the City of
- 2254 Topeka, Kansas, is hereby amended to read as follows:
- 2255 **Fences.**
- 2256 (a) Location and Height. Fences and hedges shall be subject to the following
- 2257 location and height requirements:
- 2258 (1) Except as provided in subsection (e~~d~~) of this section, no portion of a
- 2259 fence shall exceed eight feet in height.

(2) Fences and hedges shall be located so no part thereof extends into public right-of-way nor is located closer than one foot from a public sidewalk.

(3) In R and M districts, fences beyond the front face of the principal structure shall not exceed four feet in height. On corner lots, but not including reversed corner lots, fences beyond the front face of the principal structure where the fence is located along an arterial street that runs perpendicular to the corner lots' established rear yard shall not exceed six feet in height. On reversed corner lots, fence heights shall be limited to four feet within all required front yards. On double frontage lots, fence heights shall be limited to four feet where such lots abut the established minimum front yard of any adjoining lot. The following diagram illustrates the setback requirements established in this section:

Fence Height Limit Diagram* (for "R" and "M" zoning districts)



(b) Hazards. Notwithstanding subsection (a) of this section, no fence shall be constructed:

(1) Upon determination by the city engineer that the proposed fence constitutes a traffic hazard;

(2) The location of the fence creates a site obstruction, such as within a site distance triangle, as prohibited by Chapter 12.20 TMC, Public Traffic Hazards; or

(3) In such a manner or design as to be hazardous or dangerous to persons or animals.

(c) Construction methods and materials. Fences in all districts shall be constructed of normally used fencing materials such as chain link, wood slats, masonry, iron, vinyl, or other materials typically supplied by vendors of fencing materials. The finished side of the fence shall face the street.

(ed) The following shall constitute exceptions to the requirements of subsection (a)(1) of this section:

(1) Fences located in or upon parks and/or recreational facilities; provided, however, this exception shall not apply to recreational facilities which are accessory to a single-family dwelling.

(2) Fences located in or upon public use facilities or public utility facilities, such as electrical substations or pumping stations, shall be limited to eight feet in height unless the planning director determines that additional height, not to exceed ~~nineteen~~ feet, is necessary for public health and safety.

(e) Fences in X districts shall comply with TMC 18.185.070.

Section 34. That The Code of the City of Topeka, Kansas, is hereby amended

by adding a section, to be numbered 18.210.050, which said section reads as follows:

Cargo Containers.

Cargo containers as an accessory use are permitted in the I-1 and I-2 districts.

In all other districts cargo containers are permitted only in accordance with the following provisions and standards.

(a) In a residential zoning district, one cargo container used as a moving pod no larger than 160 square feet and no more than 9 feet tall may be used on a temporary basis for up to 30 days within a calendar year.

(b) In a non-residential or mixed use zoning district, cargo containers no larger than 320 square feet and no more than 9 feet tall may be used on a temporary basis for up to 30 days within a calendar year.

(c) In commercial zoning districts C-3, C-4, X-2 and where accessory to institutional uses in other zoning districts, cargo containers shall not be visible from a public street either by placement or opaque fence/landscape screening. Any cargo container only visible from the front of buildings on adjacent property shall be set against the primary building and color matched with the building, and shall be limited to one cargo container. In addition, cargo containers shall:

(1) not displace or interfere with required parking, circulation, or emergency access;

(2) not be used as a base, platform, or location for business identification signs;

(3) not be located in any required front or side yard setback adjoining a street right-of-way; and

(4) be located at grade level and not stacked.

(d) Exceptions to the requirements in subsections a – c above include:

(1) Cargo containers used for allowed on-site construction purposes for a period not to exceed the duration of a construction project with a valid building permit and for no more than 180 days for construction projects not requiring a building permit.

(2) Cargo containers used where accessory to public or institutional athletic fields as the primary use.

(e) Any legally existing cargo containers made nonconforming on the effective date of this ordinance shall conform on or before September 1, 2017.

Section 35. That section 18.225.010, Special use requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Special use requirements.

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

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

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

2344 purposes are prohibited. Each disabled vehicle is limited to 30 days of on-site
2345 storage.

2346 (2) The inventory of vehicles for sale, lease, or service shall be parked
2347 only on paved areas and shall not displace the minimum required number of off-
2348 street parking spaces.

2349 (3) A solid, opaque screen, fence or sight prohibitive landscaping shall
2350 be provided along lot lines adjoining residential property at a height of not less
2351 than six feet except in front yards where it may be reduced to three feet or
2352 replaced with shrubs designed to grow two to three feet in height.

2353 (4) Automobile dealerships shall have frontage on a roadway
2354 designated as an arterial roadway by the Shawnee County functional
2355 classification of roadways map.

2356 (b) Automobile or Vehicle Car Wash Facility.

2357 (1) All washing facilities shall be within the interior of the structure or
2358 beneath a roofed area.

2359 (2) Vacuum, automatic air drying, and similar facilities shall not be
2360 located in such a manner that will restrict the orderly ingress to the facility.

2361 (3) The washing facility shall be set back a minimum of 50 feet from
2362 any public street.

2363 (4) All accesses, drives and off-street parking spaces shall be in
2364 accordance with the parking standards.

2365 (5) The traffic circulation plan for the facility shall be subject to the
2366 approval of the traffic engineer or authorized designee of the public works
2367 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.

(d) Automotive Service Station.

(1) Type 1. A facility which dispenses automotive fuels and oil with or without 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 may include those uses defined in type 1 and specifically includes replacement of automotive parts including but not

limited to fan belts, hoses, sparkplugs, tires and tubes, ignition parts, batteries, shock absorbers, and fuses. 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.

(iii) Brake repair and wheel balancing and alignment.

(iv) Muffler and exhaust system repair and replacement.

(v) Shock absorber and strut 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, GPS, rear cameras, and similar electronics installation and repair.

(ix) Glass replacement.

(x) Trailer hitch and wiring installation and repair.

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

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

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

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

(1) Storage of damaged vehicles 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 30 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.

(f) Cemetery.

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

(2) Setback. All structures including but not limited to a mausoleum, permanent 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 designated as a collector or arterial roadway on the Shawnee County functional classification of roadways map, with ingress and egress so designed as to minimize traffic congestion.

(4) All on-site private drive locations and their widths shall be reviewed by the traffic engineer or designee of the 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 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 \$50.00. 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 a.m. and 8:00 p.m. 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 p.m.

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

(7) Dead garden plants shall be removed regularly and no later than November 30th 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.

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

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

(12) Signage is limited to one permanent identification sign per property frontage consisting of up to 10 square feet per sign face and temporary signs are allowed in accordance with TMC 18.25.230(a).

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

(14) Accessory structures for type I community gardens are limited to the following standards.

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

(ii) Maximum height of 12 and one-half feet.

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

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

2508 (v) Each structure shall meet the required setbacks from property
2509 lines as outlined in TMC 18.210.030(a)(2). If the area of cultivated land
2510 exceeds one acre, a 50-foot setback is required between properties with
2511 existing dwelling units and any cultivated area or accessory structures.

2512 (15) Accessory structures for type II community gardens are limited to
2513 the following standards:

2514 (i) In addition to type I standards, type II permitted accessory
2515 structures include: garden sales stands, other buildings for storage,
2516 structures for cold storage and processing of garden products, and
2517 buildings for aquaculture, aquaponics, and hydroponics.

2518 (ii) Maximum lot coverage for structures is 30 percent of the site
2519 area designated for the community garden (cultivated area and pathways).

2520 (iii) Accessory structures 150 square feet or greater are permitted,
2521 subject to required building permits.

2522 (16) If one or more of the requirements cannot be met, a person may
2523 apply for a conditional use permit pursuant to Chapter 18.215 TMC.

2524 (h) Day Care Facility, Type I.

2525 (1) An on-site automobile drop off/pickup area for a minimum of two
2526 vehicles shall be provided for a facility which only has street frontage on a major
2527 traffic thoroughfare as designated by the transportation plan; and said drop
2528 off/pickup shall be in accordance with any applicable provisions of said plan.

2529 (2) Playground equipment or structures shall not be permitted to be
2530 located in a required yard adjacent to a public street.

2531 (i) Day Care Facility, Type II.

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

(j) Demolition Landfill.

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

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

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

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

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

operation under consideration and furthermore, shall include the below-listed additional information, plans and data.

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

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

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

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

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

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

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

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

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

2579 (ix) Provide a cross-section to illustrate physical conditions of the
2580 site. Show vertical scale equal to, or in exaggeration of, horizontal scale.

2581 (2) Development Plan. A development plan prepared in the same
2582 manner as the site plan and including the following:

2583 (i) North point, scale and date.

2584 (ii) Extent of area to be excavated.

2585 (iii) Location, dimension and intended use of proposed structures.

2586 (iv) Location of all areas on the property subject to inundation or
2587 flood hazard, and the location, width, and directions of flow of all
2588 watercourses and flood control channels that may be affected by the
2589 excavation.

2590 (v) Benchmarks.

2591 (vi) Typical cross-section, at sufficient intervals, showing the extent
2592 of overburden, extent of sand and gravel deposits or rock, and the water
2593 table.

2594 (vii) Identification of processing and storage areas, the boundaries
2595 of which to be shown to scale.

2596 (viii) Proposed fencing, gates, parking areas and signs.

2597 (ix) Sequences of operation showing approximate areas involved
2598 shall be shown to scale and serially numbered with a description of each.

2599 (x) Ingress/egress roads including on-site haul roads and proposed
2600 surface treatment and means to limit dust.

2601 (xi) A map showing access routes between the property and the
2602 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.

(m) Golf Course – Country Club.

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

(2) Vehicular access to a golf course or country club may ingress/egress directly to a local street provided the local street intersects with a roadway that is classified as a collector or arterial roadway on the Shawnee

County functional classification of roadways map; and further provided, that said points of ingress/egress are located within 300 feet of the centerline of the aforementioned thoroughfare.

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

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

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

(n) Indoor Gun Range.

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

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

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

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

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

(o) Outdoor Storage of Nonmerchandise. When storage is located in a yard that abuts or is located across the street from residentially zoned property it shall be

2675 screened from public view by a solid, opaque screen, fence or sight prohibitive
2676 landscaping of not less than six feet in height, except in front yards where it may be
2677 reduced to three feet or replaced with shrubs designed to grow two to three feet in
2678 height. If storage is adjacent to driveways or intersections, screening may be reduced to
2679 comply with site distance triangles, as outlined in TMC 12.20.020.

2680 (p) Reception, Conference and Assembly Facility.

2681 (1) As an independent principal use within any subdistrict of the
2682 residential dwelling and multiple-family dwelling districts, the facility shall be
2683 located only within a structure that exists on the date of the adoption of these
2684 regulations, except for the RR-1 district; and further, vehicle parking lots shall not
2685 be permitted within the established front yard setback.

2686 (2) All applications requesting a conditional use permit shall include
2687 and address the following considerations in respect to:

2688 (i) Maximum occupant load at any one time.

2689 (ii) Presentation of a plan of operation which shall include:

2690 (A) Days of the week and hours of operation in which the facility
2691 will function.

2692 (B) Any permitted outdoor activities.

2693 (C) Supervision of guests and arrangements for enforcement of
2694 any provisions of the conditional use permit.

2695 (iii) Any proposed screening, buffering, or landscape plan.

2696 (iv) On-site vehicle parking and ingress/egress plan.

2697 (v) Address the general applicability of building, life safety, and
2698 associated codes and standards to the facility.

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

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

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

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

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

(r) Religious Assembly.

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

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

(s) Relocation, Remodeling or Rebuilding of Legal Nonconforming Billboards.

No application for a conditional use permit to relocate, remodel, or rebuild an existing legal nonconforming billboard shall be approved unless the governing body, upon recommendation by the planning commission, shall determine that the proposed

billboard is appropriate in the location proposed based upon its consideration of the standards set forth below.

(1) This subsection shall apply only to existing legal nonconforming billboards presently located within the C-4 commercial district. In seeking a conditional use permit, the applicant shall specify the location, size, height and area of the existing billboard proposed to be removed.

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

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

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

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

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

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

(8) No billboard to be relocated shall be placed within 300 feet of a residential dwelling, which fronts on the same street right-of-way, nor within 500

feet of any religious assembly or public or private elementary or secondary school on the same street.

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

(10) No billboard shall be so designed to include the vertical stacking of 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 percent of the first floor area of the business.

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

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

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

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

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

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

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

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

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

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

(w) Animal Care and Services, Type I.

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

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

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

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

(1) A site plan or plans drawn to scale of one inch equals 30 feet or larger and identifying the site boundary; tower(s); guy wire anchors; existing and proposed structures; vehicular parking and access; existing vegetation to be

retained, removed, or replaced; and uses, structures, and land use designations on the site and abutting parcels.

(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.

(y) 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. 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 served by the parking lot shall not be greater than 500 feet.

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

(z) 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 nonilluminated 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.

(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.

(aa) Bed and Breakfast Inn.

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

(i) 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.

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

(iii) 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.

(iv) 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.

(v) Individual guestrooms shall not contain cooking facilities.

(vi) One nonilluminated 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.

(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:

2910 (A) The merchandise offered for sale shall be confined to the
2911 dwelling and not located within a garage or accessory structure,
2912 whether attached or detached.

2913 (B) Merchandise offered for sale shall be restricted to that produced
2914 on site; souvenir items bearing the name and/or logo of the
2915 establishment; and those items customarily provided for the
2916 convenience of resident guests.

2917 (C) There shall be no advertising, display or other indication of
2918 merchandise offered for sale on the premises.

2919 (D) No commercial telephone listing, newspaper, radio or television
2920 service shall be used to advertise the sale of merchandise.

2921 (E) The total area devoted to the display or merchandise shall not
2922 exceed five percent of the gross floor area of the dwelling,
2923 excluding an attached garage.

2924 (F) In the RR-1 district, a bed and breakfast inn shall not be
2925 established on less than a three-acre parcel. In all other districts
2926 where permitted, a bed and breakfast inn shall be established on a
2927 parcel having a minimum size equivalent to 500 square feet per
2928 guestroom plus the minimum lot area of the district, for a single-
2929 family dwelling, in which located.

2930 (G) Social events such as weddings, receptions, parties, business
2931 engagements or similar activities may be accommodated in
2932 conjunction with a bed and breakfast inn, subject to the following
2933 requirements:

2934 a. The scheduling and conduct of social events shall be
2935 incidental and subordinate to the principal use of the
2936 premises as a bed and breakfast inn.

2937 b. All scheduled events shall be by prearranged contract or
2938 agreement. Such event shall not be open to the general
2939 public.

2940 c. No amplified sound or music, noise or glare shall be
2941 allowed outside the inn nor be perceptible from beyond the
2942 property line.

2943 d. Social events shall be restricted to between the hours of
2944 9:00 a.m. and 11:00 p.m.

2945 e. Submission of a plan of operation which shall include:

2946 1. Types of social events anticipated to be scheduled at the inn
2947 including the types of services to be offered in conjunction with
2948 a social event and the anticipated maximum number of guests
2949 to be accommodated.

2950 2. Days of the week and hours of operation for which social
2951 events would be scheduled.

2952 3. Any permitted outdoor activities and the location on the
2953 premises that may be used for such activities.

2954 4. Supervision of guests and arrangements for enforcement of
2955 any provisions of the conditional use permit, when applicable.

2956 5. Any proposed screening, buffering, or landscaping to
2957 mitigate potential negative effects.

2958 6. Arrangements for parking. Specify the added number and
2959 location of guest parking in conjunction with social events.
2960 Additional on-site parking shall not interfere with accessing
2961 guest parking spaces nor conflict with internal traffic circulation.

2962 (2) If one or more of the requirements cannot be met, a person may
2963 apply for a conditional use permit pursuant to Chapter 18.215 TMC.

2964 (bb) Management/Leasing Office and Maintenance Facility.

2965 (1) A facility for leasing, managing and/or maintaining a residential
2966 community shall meet the following requirements:

2967 (i) The proposed facility shall be located within the boundaries of and
2968 operate exclusively in association with a legally described residential
2969 community consisting of rental housing units. Activity not associated with
2970 the management of the residential community or that serves the residents
2971 of the community shall not be permitted within the facility.

2972 (ii) The proposed facility shall be comparable in design, construction,
2973 materials, siding and roofing to the rental units located within the
2974 residential community.

2975 (iii) All materials, equipment and supplies shall be maintained within the
2976 facility or within a detached accessory structure that is comparable in size
2977 and design to other detached accessory structures located within the
2978 residential community.

2979 (iv) A building sign is limited to one wall-mounted identification sign not
2980 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.

(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.

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

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

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

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

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

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

(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.

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

(ff) Micro-Alcohol Production in X-2 and X-3 and D Districts:

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

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

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

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

(gg) Artisan Manufacturing

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

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

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

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

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

(hh) Drive-up/Drive Through Facilities.

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

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

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

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

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

(6) Approval of a traffic impact analysis by the city traffic engineer may be required.

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

Section 36. That section 18.230.040, Permitted encroachments in required yards, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Permitted encroachments in required yards.

Under the terms of this division, a required yard shall be open, unoccupied, and unobstructed from grade to the sky. The following are permitted encroachments in required yards ~~except in the case of platted setbacks and recorded easements, in which case no encroachments are permitted.~~

(a) Accessory Building. Accessory buildings may be located in any yard except the front yard, provided they shall comply with the requirements of Chapter 18.210 TMC.

(b) Architectural Features. Eaves, cornices, marquees, awnings, canopies, belt courses, sills, buttresses or other similar features which extend beyond the wall of a building may encroach into any required yard by not more than 30 inches.

(c) Canopy, Gas Pump Island. Unenclosed canopies over gas pump islands may encroach into any required yard, provided the supports shall be no closer than 10 feet to the right-of-way line and do not conflict with the sight distance triangle as established by the city or county.

(d) Chimneys, Bay Windows and Balconies. Chimneys, bay windows and balconies may encroach into any yard not more than 30 inches, provided such features

do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.

(e) Fences, Hedges and Walls. Fences, hedges and walls may be located in any yard, subject to the requirements of TMC 18.210.040.

(f) Fire Escapes and Unenclosed Stairways. Fire escapes and unenclosed stairways exceeding a height of six (6) feet may encroach into any yard, provided they shall not extend into a side yard more than three feet or into a rear yard more than five feet. Fire escapes and unenclosed stairways that are six (6) feet or less in height are subject to subsection (i).

(g) Dispensing Equipment and Devices. Fuel pump and air dispensing devices located in districts where allowed shall be exempt from the front yard requirement, but, on a corner lot all such dispensing equipment and devices shall be subject to the sight distance triangle as established by the city or county.

(h) ~~Parking, Off-Street~~ Parking and Driveway Access. Except as otherwise provided in Chapters 18.235 and 18.240 TMC, open off-street parking and driveway access may be located in any yard.

(i) ~~Porches, Deck and Stoops~~ Uncovered Horizontal Structures. An ~~unenclosed~~ Uncovered horizontal structures such as porches, decks, or stoops, and stair landings may encroach ~~not more than 10 feet into the front or rear yard and shall maintain a minimum distance of 12 and one half feet from a street right of way line; provided further, the aforementioned improvements shall not be in conflict with an established setback line as reflected on a plat of subdivision.~~ into required yards as follows:

(1) Uncovered horizontal structures of a height of six inches or less may encroach entirely into required yards but shall maintain a minimum distance of 12 and one half feet from street rights-of-way.

(2) Uncovered horizontal structures of a height greater than six inches and no greater than 30 inches may encroach into required yards but shall maintain a minimum 3 foot setback from side and rear property lines and a minimum setback of 12 and one half feet from street rights-of-way.

(3) Uncovered horizontal structures of a height greater than 30 inches may encroach not more than 10 feet into the required front or rear yards but shall maintain a minimum distance of 12 and one-half feet from street rights-of-way.

(4) The height of a porch, deck, patio, stoop, stair landing or similar structure is measured from the deck or walking surface to surrounding grade.

(j) Signs. Signs may be located in any yard except as provided in Chapter 18.20 TMC.

~~(k) Telephones, Coin Operated. In O&I, C, I, U-1 and MS districts, coin-operated telephones may be located in any yard, subject to the sight distance triangle as established by the city or county.~~

Section 37. That section 18.235.030, Applicability, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Applicability.

All requirements set forth in this chapter are applicable as follows:

(a) Any construction within the O&I-1, O&I-2, O&I-3, C-1, C-2, C-3, C-4, M-S, I-1, I-2, X-1, X-2, X-3, U-1, and D-2, and all planned unit development districts for the above listed use groups; parking lots in the C-5 or D-1 zoning district. Multifamily

dwelling developments (buildings composed of four or more dwelling units), churches or other religious or institutional uses in any zoning district and all developments constructed under the provision of a conditional use permit, in any zoning district, are also subject to this chapter.

(b) An alteration to an existing structure which increases or decreases the amount of gross floor area of such structure by more than 50 percent ~~and~~or an alteration to a parking lot which increases or decreases the gross area of the parking lot by more than 50 percent shall be required to ~~come into compliance~~comply with all landscaping provisions contained in this chapter.

(c) The addition to a building or parking lot where the addition is adjacent to a residential use or a residential zone and a parking lot buffer is required in accordance with buffer requirements in TMC 18.235.060.

(ed) The provisions of this chapter shall apply to all legal nonconforming uses as established and defined in TMC 18.50.040.

Section 38. That section 18.235.060, Landscape requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Landscape requirements.

(a) Performance Objectives. All required landscape plans shall emphasize plantings along visible street frontages and required buffer yards, as specified by this chapter to the greatest extent possible.

(b) Planting Requirements/Point System. The developer may use any combination of plantings to obtain the necessary number of points required for the developed area. Different developed areas will lend themselves to different types of plantings. This chapter encourages creativity and diversity in landscaping. In no case

shall a mono-culture of plantings be allowed. A variation of plantings, at least three different species, is required.

Each landscape plan must equal or exceed a minimum number of base points in order to obtain approval. The number of points required depends on the size of the developed area (see Table 1). In order to obtain points, the plantings must be placed on the developed property and not on the public right-of-way, without the approval of the planning director in consultation with the public works department.

Table 1. Number of Points Required for the Site

| Square Footage of the Developed Area | Number of Points Required |
|--------------------------------------|---|
| 0-10,000 | 33 (+1.5 per parking space) |
| Greater than 10,000 | 33 points plus one point for each additional 300 square feet of developed area (+1.5 per parking space) |

All designated outdoor storage, loading, or display areas, including, but not limited to, car lots, lumber yards, warehouses, home improvement centers, and loading docks, will require an additional one point per 600 square feet.

When only a portion of a large lot is developed (e.g., only one acre of a 10-acre lot), only the developed area shall be considered when determining the number of points required.

Table 2. Point Values for Various Plantings

| Type of Plant Material | Minimum Size | Point Value |
|------------------------|--------------------------------|-------------|
| Large tree | 2.0 inches--2.5 inches caliper | 11 per tree |
| Medium tree | 1.25 inches--1.5 inches | 8 per tree |

| | | |
|--------------------|--|-----------------------|
| | caliper | |
| Understory tree | Single trunk: 1.25 inches--1.5 inches caliper | 5 per tree |
| | Multiple truck: 6 feet--8 feet in height | 5 per tree |
| Coniferous tree | 4 feet - 5 feet initial height at planting | 8 per tree |
| Shrub | 2 gallon (established) minimum | 1 per shrub |
| Ornamental grasses | 2 gallon (established) minimum | 1 per plant |
| Groundcover | Per square foot of landscaped area. Sufficient quantity of plants to cover the entire landscape area within 3 growing seasons. | 0.25 per square foot |
| Landscape berm | 30 inches minimum height with a sufficient quantity of trees, shrubs or plants to equal 1 point per 10 square feet. | 5 per 3 lineal feet |
| Turf Berm | 30 inches minimum height. 3 foot minimum length, not to exceed 10% of total point requirements | .25 per 3 lineal feet |

(c) Parking Lot Requirements. All street-level parking lots shall be landscaped in accordance with the following requirements:

(1) In addition to the number of base points required, one and one-half additional points are required for each parking space proposed. These additional points may be achieved by planting parking lot trees and/or parking lot shrubs. For example, a 10,000-square-foot developed area with 10 parking spaces requires 33 base points plus one and one-half points per parking space. The total point requirement for this developed area is 48 (33 base points plus 15 parking lot points).

(2) On parking lots with less than 24 parking spaces, parking lot

trees/shrubs may be spaced around the perimeter of the lot as desired to provide a uniform and attractive design.

(3) On lots with more than 24 parking spaces, landscaping shall be provided on parking lot islands and/or parking lot peninsulas within the confines of the developed parking lot at a ratio of one landscaped island or peninsula per 24 parking spaces. These plantings shall be located to minimize and break the expanse of asphalt and concrete. Each parking lot island or peninsula shall be equivalent in size to one parking space.

(d) Buffers and Buffer Zones. A developed area may be required to buffer certain portions of the development as provided for herein. If a developed area is required to buffer, the more stringent buffer requirements contained herein shall apply. Accumulation of minimum required landscaping points shall not reduce the requirements for any landscaped buffer as specified herein.

(1) Residential Zone Buffer. On any commercial, industrial, institutional, PUD, conditional use permit, or multifamily development (three or more units), adjacent to a residential zoning district, a landscaped buffer along the property line(s) of the developing property is required. The buffer shall run the entire length of the abutting lot line(s). The type of buffer may consist of any combination of the following:

(i) A solid opaque fence not less than six feet in height, and a six-foot-wide buffer of landscaped plantings located on the outside of the fence, not to exceed six-foot spacing between plants.

(ii) A landscaped buffer no less than six feet in width, planted with a series of evergreen plantings which will grow to at least six feet in height

and spaced in a manner to provide an impervious visual barrier, not to exceed six-foot spacing between plants.

(iii) A landscaped berm at least 30 inches in height continuing the entire length of the abutting property line. A landscape credit for a landscaped berm may be claimed (per Table 1) in order to meet the screening requirements for the developing property. Such berm must be planted with trees, shrubs and/or plants in order to satisfy buffer requirements. A berm planted exclusively in turf grass is not considered by itself sufficient to satisfy buffer requirements as required by this chapter.

(iv) Natural, undisturbed forest at least 20 feet in width that provides a nearly impervious visual barrier due to the dense nature of the plants and/or trees. If this option is chosen, the planning director shall determine whether the barrier is satisfactory through a site inspection prior to plan approval. Protective measures shall be provided during construction to ensure the area is protected from damage due to construction.

(2) Parking Lot Buffer. All parking lots shall be buffered with landscaping as follows:

(i) An area not less than four feet in width shall be located between a parking lot and an adjacent property line of a nonresidential zoning district. Such buffering shall not be required where an equivalent buffer exists on the adjoining property.

(ii) A landscaped setback not less than 20 feet shall be located between all parking lots and any public street right-of-way. Landscaped

3243 setbacks shall only be required for lots platted after the adoption of this
3244 chapter.

3245 (e) Landscape for Industrial Uses. For industrial uses in I districts,
3246 unimproved areas and outdoor storage areas will not be applied toward the generation
3247 of required points provided the purpose and performance objectives of this chapter,
3248 including the creation of landscape buffers and proper screening of parking and storage
3249 areas, are met.

3250 Section 39. That section 18.240.010, Scope and application, of The Code of the
3251 City of Topeka, Kansas, is hereby amended to read as follows:

3252 **Scope and application.**

3253 In any zoning district, for all structures built and all uses established after
3254 February 25, 1992, off-street parking shall be provided in accordance with the following
3255 regulations:

3256 (a) Scope of Regulations.

3257 (1) New Construction and New Uses. For all buildings and structures
3258 erected and all uses of land established after February 25, 1992, accessory off-
3259 street parking facilities shall be provided in accordance with the provisions
3260 contained herein.

3261 (2) Expansion of a Building or Use. When the intensity of use of any
3262 building, structure, or premises shall be increased, additional parking facilities
3263 shall be provided as follows:

3264 (i) Whenever a building, structure or use existing prior to February
3265 25, 1992, is enlarged to the extent of less than 50 percent in floor area,

the addition or enlargement shall comply with the parking requirements set forth herein.

(ii) Whenever a building, structure or use existing prior to February 25, 1992, is enlarged by one or more additions, the sum total of which increases the floor area to the extent of 50 percent or more, the uses contained within the original building or structure and all enlargements shall thereafter comply with the parking requirements set forth herein.

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

(3) Change of Use. Whenever a use existing prior to February 25, 1992, shall be changed to a new use, parking facilities shall be provided as required for such new use.

(4) Exempt District. Notwithstanding any other provision of this chapter, no parking facilities shall be required for any building or use as permitted in the ~~C-5 commercial district~~ D-1 or D-3 districts.

(b) Existing Parking Facilities. Accessory off-street parking facilities in existence on February 25, 1992, and located on the same zoning lot as the building or use served shall not hereafter be reduced below or, if already less than, shall not be further reduced below the requirements for a similar new building or use.

(c) Permissive Parking Facilities. Nothing in this chapter shall be deemed to prevent the establishment of additional off-street parking facilities to serve any existing

building or use; provided, that all regulations herein governing the location, design, and operation of such facilities are satisfied.

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

Section 40. That section 18.260.030, Applicability, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Applicability.

~~An approved site plan~~ approved in accordance with the provisions of this chapter shall be required prior to the issuance of a building permit; in the following instances:

(a) New Construction. For any new construction of a principal structure which requires a building permit in any zoning district except single-family, two-family, and triplex units which are expressly exempted; or for any new construction of a principal structure for institutional use in any district.

(b) Building Alteration. For any building alteration over 15,000 square feet ~~to an existing structure on improved real estate as set forth in subsection (a) of this section; or,~~ any alteration increasing the gross floor area of a building or buildings by 50 percent or more, any alteration increasing the height of a building by one story or more, or any alteration that results in a significant change to vehicular circulation or in the net reduction of off-street parking by 20 percent or more.

3311 (c) Site Alteration. For any new parking or outdoor storage area, or any
3312 alteration increasing the area of a parking or outdoor storage area by 50 percent or
3313 more.

3314 (ed) ~~Accessory Uses and Structures. Site plan review shall not be required for~~
3315 ~~accessory uses and accessory structures greater than 400 square feet, or when one or~~
3316 ~~more structures result in the net reduction of off-street parking or a significant change to~~
3317 ~~vehicular circulation. However, such a~~Accessory uses and/or structures uses may be
3318 reviewed in conjunction with the review of principal structures when such accessory
3319 structures are shown on the site plan; ~~or.~~

3320 (de) ~~General Provisions. A site plan is required whenever a specific reference~~
3321 ~~is made to these regulations in any other part of the code of the city of Topeka or in the~~
3322 ~~regulations of Shawnee County.~~

3323 Section 41. That section 18.260.060, General performance guidelines, of The
3324 Code of the City of Topeka, Kansas, is hereby amended to read as follows:

3325 **General performance guidelines.**

3326 In considering and acting upon site plans, the planning director shall take into
3327 consideration the public health, safety, and welfare, the comfort and convenience of the
3328 public in general and the immediate neighborhood in particular. The following guidelines
3329 shall be considered in the evaluation of site plans:

3330 (a) General Plan Conformity. The planning director shall review all site plans
3331 in accordance with the adopted comprehensive metropolitan plan and/or neighborhood
3332 plans for conformity with the adopted plans' objectives, policies, and/or design
3333 guidelines.

(b) Circulation – Driveways, Sidewalks, Off-Street Parking, Loading, Curbs and Gutters. The planning director shall review all site plans for access and circulation features to provide mobility for people and goods to reach the site and circulate through it in a safe and efficient manner. All modes of transportation (pedestrian and automobile) must be considered in the site plan review.

(c) Landscaping and Buffers. All site plans shall provide for the landscaping and buffering of all building sites and parking areas. Review of landscaping and buffering is intended to protect and promote the public health, safety, and general welfare by preventing soil erosion; providing shade; protecting from excessive noise, glare, and heat; conserving natural resources of air and water; enhancing the overall appearance of development sites; and facilitating a convenient, attractive, and harmonious streetscape and community. All site plans shall comply with adopted landscape ordinances.

(d) Lighting. All site plans shall provide adequate lighting so as to assure safety and security. Lighting installations shall not have an adverse impact on traffic safety or on the surrounding area. Light sources shall be shielded, and there shall be no spillover onto adjacent properties.

(e) Public Health and Safety. Applicable emergency service agencies shall review all site plans to determine adequacy of access and other aspects of public safety, including crime prevention through environmental design (CPTED) concepts such as natural surveillance, natural access control, and territorial reinforcement.

(f) Signs. The site plan shall conform to adopted sign ordinances and address the following considerations:

(1) Traffic Signals. No sign shall be maintained at any location which obstructs, impairs, obscures, interferes with the view of, or is confused with, any traffic control sign or device regardless of whether or not it meets other size, location, and setback requirements of adopted sign codes. Nor shall any sign interfere with, mislead or confuse traffic flow. A sign's position, size, shape, content, color and illumination shall be considered when making such a determination.

(2) Sight Distance Triangles. No sign, or any part of a sign other than a supporting pole or brace no greater than 18 inches in width or diameter shall be located lower than nine feet from grade within the area of any sight distance triangle.

(3) Landscaping. Signs proposed to be located within a landscaped area shall be located so as not to be obstructed from full-growth of landscaping. All sign base landscaping shall be of the nature and quality so as not to obstruct a motorist's view of other vehicles moving within a parking lot or entering and exiting a driveway.

(4) Site Comprehension. Signs shall be designed and located to strengthen overall site comprehension through the use of comprehensive sign packages, where applicable, and the location of signs to clearly define points of access.

(g) Utilities. Ground mounted transformers and air conditioning units shall be screened if visible from the street or when adjacent to a structure on adjoining lot(s). All such units shall be located behind the front yard and side street yard setback lines.

(h) Floodway. Any development within floodways as identified on flood insurance rate maps (FIRM) shall comply with applicable city and county standards. General development guidelines include: anchorage to prevent flotation, construction with materials resistant to flood damage, floodproofing all utility and sanitary facilities, and designed so as to not increase surface elevation of the 100-year flood.

(i) Aviation. Any development located within prescribed aviation zones shall comply with applicable city ordinances and county standards. General development guidelines include the evaluation of height, dust, and lighting.

(j) Stormwater Drainage and Stream Buffers. Measures taken for erosion, pollutant, and sedimentation control shall conform to applicable city standards for stormwater management and stream buffers as required in TMC Titles 13 and 17. A stormwater management plan, if required by Chapter 13.35 TMC, shall be submitted, reviewed, and approved concurrently with the site plan.

(k) Trash and Recycling Containers. Trash containers, trash compactors, and recycling containers shall be screened from public view on a minimum of three sides. Screening may include landscaping, walls or fences of design and construction compatible with the principal building, or a combination of walls, fences, and landscaping. If possible, given the constraints of the site and buildings, areas for trash and recycling containers shall be oriented toward the interior of the site and not be located in building setbacks. Trash and recycling walls and fences exceeding 7 feet in height shall not be located in required front yard building setbacks and in side yard setbacks adjacent to a street. The screening requirements of this section shall not apply to containers for clothing donations or publicly accessible recycling containers.

Section 42. That original §§ 18.10.100, 18.20.020, 18.50.020, 18.50.030,

18.50.120, 18.55.010 through 18.55.040, 18.55.060, 18.55.130, 18.55.160, 18.55.180, 18.55.200, 18.60.010, 18.60.020, 18.185.010 through 18.185.030, 18.200.010, 18.200.030, 18.200.060, 18.200.090, 18.210.010, 18.200.010, 18.210.020, 18.210.040, 18.225.010, 18.230.040, 18.235.030, 18.235.060, 18.240.010, 18.260.030, and 18.260.060 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 43. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 44. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 45. 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 April 18, 2017.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk