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2
3 **ORDINANCE NO. 20062**

4
5 AN ORDINANCE introduced by Interim City Manager Douglas Gerber, concerning
6 Topeka zoning regulations, specifically the conversion of existing
7 C-5 zoning to D-1 zoning, amending and repealing sections of
8 Topeka Municipal Code Title 18.
9

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

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

13 **Maintenance and removal.**

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

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

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

26 **District regulations.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

74 (b) Office, ~~and Commercial, and Downtown~~ Districts. The following types of
75 signs are permitted in the O&I, ~~and C, and D~~ districts:

76 (1) Monument signs (in the O&I-1, O&I-2, O&I-3 and C-1 districts)
77 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.

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

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

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

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

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

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

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

116 (1) Permanent Signs.

117 (i) A nonresidential property is permitted any combination of
118 wall sign and/or projecting sign totaling 100 square feet per building face
119 except in no case shall any individual wall sign exceed 70 square feet, nor
120 projecting sign exceed 15 square feet in size. An exception to these size
121 limitations may be made by the planning director in cases where it can be
122 demonstrated that any proposed wall or projecting sign supports or
123 restores the historical significance of a building. Wall signs shall not cover

124 or obstruct any architectural features deemed integral to the historic
125 appearance or character of the building. Such features shall include, but
126 are not limited to, transom windows, detailed brick, tile, or shingles.

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

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

134 (f) D-2 Districts.

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

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

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

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

143 Section 3. That section 18.50.020, District classification, of The Code of the
144 City of Topeka, Kansas, is hereby amended to read as follows:

145 **District classification.**

146 For the purpose of regulating and restricting the location and use of buildings and
147 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

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

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

155 **Conversion of existing districts.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

205 **Enforcement.**

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

217 Section 6. That section 18.55.010, “A” definitions, of The Code of the City of
218 Topeka, Kansas, is hereby amended to read as follows:

219 **“A” definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

269 Area. See “tract.”

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

279 “Assisted living facility” means a facility caring for six or more individuals unrelated to
280 the administrator, operator or owner who, by choice or due to functional impairment,
281 may need personal care and/or supervised nursing care to compensate for activities of
282 daily living limitations. The facility includes individual living units or apartments for
283 residents and provides or coordinates a range of services including personal care or
284 supervised nursing care on a 24-hour-a-day basis for the support of resident
285 independence. Skilled nursing services are typically provided on an intermittent or
286 limited term basis, or if limited in scope, on a regular basis.

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

288 “Automobile wrecking and/or salvage yard” means an area ~~outside of~~not enclosed
289 within a building which is maintained, operated, or used for the storing, keeping, buying,
290 or selling of junk as defined in Chapter 5.135 TMC where motor vehicles, heavy

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

294 Automotive Service Station.

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

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

304 (i) Lubrication.

305 (ii) Tire repair.

306 (iii) Brake repair and wheel balancing.

307 (iv) Muffler and exhaust system repair.

308 (v) Shock absorber replacement.

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

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

312 (viii) Radio repair.

313 (ix) Glass replacement.

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

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

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

322 Section 7. That section 18.55.020, “B” definitions, of The Code of the City of
323 Topeka, Kansas, is hereby amended to read as follows:

324 **“B” definitions.**

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

328 “Bed and breakfast home” means a private, owner-occupied single-family dwelling
329 where no more than four guestrooms are provided for overnight paying guests for not
330 more than seven consecutive nights. The dwelling shall be the primary residence of the
331 owner with no employees permitted, other than permanent residents of the dwelling.
332 Food service may be provided for guests.

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

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

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

342 “Brew pub” means an eating and drinking establishment that includes a microbrewery
343 as an accessory use. The micro-brewery is limited to 5,000 barrels per year, which is
344 equivalent to 155,000 gallons per year.

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

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

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

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

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

358 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:

383 **“C” definitions.**

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

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

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

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

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

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

403 “Classification” means: (1) division of uses or activities into groups or subgroups for
404 regulatory purposes; (2) the process of deciding what uses should be permitted in what
405 zoning districts; and (3) the zone requirements imposed on a particular piece of
406 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

431 vehicles, including pickup trucks, with any of the following exterior modifications shall be
432 considered commercial vehicles: liquid storage tanks exceeding 100 gallons, aerial
433 buckets or platforms, welding equipment, or mechanical lifts or arms for loading and
434 unloading materials/equipment. Vehicles for transferring passengers and their personal
435 luggage/cargo for churches, nonprofit agencies, nursing homes, retirement
436 communities, and other similar facilities shall not be considered commercial vehicles.
437 Recreational vehicles are not considered commercial vehicles unless used for business
438 purposes.

439 “Common open space” means ground area and the space above, which is unimpeded
440 by any enclosed building, and located within a development which is designed for and
441 designated for the use and enjoyment of occupants of the development. Common open
442 space areas may be used for: landscaping, water bodies, stormwater management
443 systems, sidewalks, walking trails, courtyards, and passive recreational purposes.
444 Parking lots and storage areas for vehicles, equipment, and material shall not be
445 considered as open space.

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

450 “Communication tower” means a ground-mounted guyed, monopole or self-supporting
451 tower, constructed as a freestanding structure or in association with a building, other
452 permanent structure or equipment, containing one or more antennas intended for
453 transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone,
454 or similar forms of electronic communication. Not included in this definition are towers

455 which are held, used or controlled exclusively for public purposes by any department or
456 branch of government. Such towers are defined as a “public use facility” and regulated
457 accordingly.

458 “Community center” means a building open to the public, together with lawful accessory
459 buildings and uses, used for recreational and cultural activities and usually not operated
460 for profit.

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

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

479 “Community living facility, type II” means a dwelling building or portion thereof, and
480 premises other than a hospital, operated and licensed in accordance with any and all
481 applicable state and local requirements, in which residential care for profit or not-for-
482 profit is provided; intermediate treatment programs in a therapeutic setting for diagnostic
483 and primary treatment environment relative to chemical dependency, behavioral
484 modification, and mental illness and similar such physical and social treatment
485 programs may be provided. Residents are not in need of acute medical or psychiatric
486 care and the facility is operated on a 24-hour basis and may be operated as a secure
487 facility. “Community living facility, type II” does not include a correctional placement
488 residence or facility.

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

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

495 “Comprehensive plan” means a plan intended to guide the growth and development of a
496 community or region and one that includes analysis, recommendations and proposals
497 for the community’s population, economy, housing, transportation, community facilities
498 and land use.

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

503 “Condominium” means the legal arrangement in which a dwelling unit in an apartment
504 building or residential development or a retail or office unit in a commercial building or
505 commercial development is individually owned but in which the common areas are
506 owned, controlled and maintained through an organization consisting of all the individual
507 owners.

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

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

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

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

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

522 “Correctional placement residence or facility” means a facility for individuals or offenders
523 that provides residential and/or rehabilitation services for those who reside or have been
524 placed in such facilities due to any one of the following situations: (1) prior to, or instead
525 of, being sent to prison; (2) received a conditional release prior to a hearing; (3) as a
526 part of a local sentence of not more than one year; (4) at or near the end of a prison

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

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

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

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

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

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

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

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

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

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

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

562 Section 9. That section 18.55.040, “D” definitions, of The Code of the City of
563 Topeka, Kansas, is hereby amended to read as follows:

564 **“D” definitions.**

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

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

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

581 Demolition Landfill. See “landfill, demolition.”

582 “Density” means the number of dwelling units per acre.

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

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

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

- 591 (1) A physical or mental impairment which substantially limits one or more of such
592 person’s major life activities;
- 593 (2) A record of having such an impairment; or
- 594 (3) Being regarded as having such an impairment.

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

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

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

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

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

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

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

613 “Dwelling” means a building or portion thereof, used exclusively for residential
614 occupancy, including one-family, two-family and multiple-family dwellings, but not
615 including hotels, motels, lodginghouses, boardinghouses, tourist homes, nor house
616 trailers and mobile homes as defined by this chapter.

617 “Dwelling, accessory” means an independent, detached dwelling unit having the
618 defining characteristics of a “dwelling unit” but, in addition, being secondary to a primary
619 dwelling located on the same lot of record and containing a maximum of 600 square
620 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.

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

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

650 **“F” definitions.**

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

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

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

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

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

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

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

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

681
$$\text{Gross floor area/Lot area} = \text{Floor area ratio}$$

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

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

686 Section 11. That section 18.55.120, “L” definitions, of The Code of the City of
687 Topeka, Kansas, is hereby amended to read as follows:

688 **“L” definitions.**

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

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

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

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

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

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

708 “Landscaping” means the improvement of land by planting or installing living materials
709 such as trees, shrubs, and ground cover; nonliving materials such as rocks, pebbles,
710 bark, mulches, brick pavers, and earthen mounds (excluding pavement); and items of a
711 decorative or embellishment nature such as fountains, pools, fencing, park benches,
712 and sculptures. Landscaping provides screening between adjoining land uses and
713 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

771 **"M" definitions.**

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

776 "Manufactured home" means a structure which is subject to the Federal Manufactured
777 Home Construction and Safety Standards established pursuant to 42 U.S.C. Section
778 5403.

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

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

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

802 “Manufacturing/processing, type III” means a business engaged in the basic processing
803 and manufacturing of products or materials predominately from raw or extracted
804 materials, or a use involved in storage or manufacturing processes that may have an
805 adverse impact on surrounding properties. Typical uses include: fat rendering plants;
806 poultry and animal dressing; tanneries; stockyards; slaughterhouses; distillation of
807 bones; garbage or dead animal incineration, reduction or dumping; glue manufacturing;
808 pulp processing; steel works; metal smelting; acid, ammonia, chlorine, insecticides,
809 poisons, or arsenal manufacturing or wholesale storage; central mixing plant for

810 concrete, cement or asphalt; cement, lime, or gypsum manufacturing; fertilizer
811 manufacturing; gas manufacturing; explosive manufacturing or wholesale storage; and
812 petroleum refineries or wholesale storage of gasoline.

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

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

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

834 marriage to the caregivers, administrator or owner. Said facility may be staffed with
835 licensed nursing personnel and other staff as required, and operated on a 24-hour-a-
836 day basis.

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

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

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

847 “Micro-distillery” means a facility for the production and packaging of spirits for
848 distribution, retail or wholesale, on or off premises, with a capacity of not more than
849 50,000 gallons per year.

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

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

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

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

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

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

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

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

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

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

875 **“P” definitions.**

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

878 “Park” means a tract of land ~~owned by or controlled by a governmental entity and~~
879 ~~used~~ open to use by the public for open space, cultural activities, or active and passive
880 recreational purposes. It may include the following accessory uses: swimming pools,

881 spray parks, court and field games, shelters, preserve and natural areas, historic sites,
882 museums, botanical gardens, arboretums, performing art or live theaters, aquariums,
883 planetariums, wildlife preserves, dog parks, boat ramps, fishing piers, zoos, and similar
884 facilities, including related maintenance and support facilities.

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

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

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

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

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

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

901 “Personal care” means protective care with or without watchful oversight of a resident
902 who does not have an illness or a condition which requires chronic or convalescent
903 medical or nursing care with a 24-hour responsibility for the safety of the resident when
904 in the building.

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

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

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

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

918 “Planning commission” means the Topeka planning commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

963 **“R” definitions.**

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

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

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

973 “Recreation, indoor (type II)” means higher intensity recreational uses including: pool
974 and billiard halls, bowling alleys, arcades, indoor amusement parks, and similar
975 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.

998 “Research laboratory” means an establishment for investigation in the natural, physical
999 or social sciences, or engineering and development as an extension of investigation
1000 with the objective of creating products.

1001 “Residence” means a home, dwelling or place where an individual is actually living at a
1002 specific point in time.

1003 “Residential board and care facility” means a building or part thereof that is used for the
1004 lodging and boarding of nine or more residents not related by blood or marriage to the
1005 owners or operators to provide personal care and/or counseling services, but not to
1006 provide nursing care.

1007 “Residential care” means providing various levels of some or all of the following care
1008 and assistance as well as these services generally so associated to permit individuals to
1009 live and function as independently as possible all on a 24-hour-a-day basis: food and
1010 dietetic services; transportation, social, educational, recreational, and activity
1011 arrangements; personal services, personal care and domiciliary assistance; watchful
1012 and protective oversight; simple nursing care; and supervision.

1013 “Residential care facility, type I” means a nonsecure dwelling building or portion thereof,
1014 and premises, operated and licensed in accordance with any and all applicable state
1015 and local requirements, functioning as one dwelling unit in which residential care for
1016 profit or not-for-profit is provided to children and/or adults unrelated by blood, adoption,
1017 or marriage to the caregivers, administrator or owner, on a 24-hour-a-day basis to a
1018 maximum of four persons.

1019 “Residential care facility, type II” means a nonsecure dwelling building or portion
1020 thereof, and premises, operated and licensed in accordance with any and all applicable
1021 state and local requirements, functioning as one dwelling unit in which residential care

1022 for profit or not-for-profit is provided to children and/or adults unrelated by blood,
1023 adoption, or marriage to the caregivers, administrator or owner, on a 24-hour-a-day
1024 basis to a maximum of 10 persons.

1025 “Residential care facility, type III” means a nonsecure dwelling building or portion
1026 thereof, and premises, operated and licensed in accordance with any and all applicable
1027 state and local requirements, in which residential care for profit or not-for-profit is
1028 provided to children and/or adults unrelated by blood, adoption or marriage to the
1029 caregivers, administrator or owner, on a 24-hour-a-day basis.

1030 “Residential-design manufactured home” means a manufactured home on a permanent
1031 foundation which has: (1) minimum dimensions of 22 body feet in width, (2) a pitched
1032 roof, and (3) siding and roofing materials which are customarily used on site-built
1033 homes.

1034 “Restaurant” means a public eating establishment in which the primary function is the
1035 preparation and serving of food and beverage; and which may be family dining, carry-
1036 out, drive-in or fast food type.

1037 “Restaurant, carry-out” means an establishment which by design of physical facilities or
1038 by service or packaging procedures permits or encourages the purchase of prepared
1039 ready-to-eat food and beverage intended primarily to be consumed off the premises,
1040 and where the consumption of food and beverage in motor vehicles on the premises is
1041 not permitted or not encouraged.

1042 “Restaurant, drive-in” means a building or portion thereof where food and/or beverages
1043 are sold in a form ready for consumption and where all or a significant portion of the
1044 consumption takes place or is designed to take place outside the confines of the
1045 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.

1070 “Room” means any enclosed division of a building containing over 70 square feet of
1071 floor space and commonly used for living purposes, not including lobbies, halls, closets,
1072 storage space, bathrooms, utility rooms, and unfinished attics, cellars or basements. An
1073 “enclosed division” is an area in a structure bounded along more than 75 percent of its
1074 perimeter by vertical walls or partitions, or by other types of dividers which serve to
1075 define the boundaries of the division.

1076 “Rural home, suburban home” means a residence located in the urban fringe or rural
1077 area that is occupied or intended to be occupied by a family or persons who are not
1078 engaged in agricultural pursuits on the premises or zoning lot.

1079 Section 15. That section 18.55.200, “T” definitions, of The Code of the City of
1080 Topeka, Kansas, is hereby amended to read as follows:

1081 **“T” definitions.**

1082 “Tap/Tasting Room” means an area included on-site that is accessory to micro-alcohol
1083 production to allow customers to taste samples of products manufactured on-site and
1084 purchase related items.

1085 “Temporary use” means a use of land, buildings or structures not intended to be of
1086 permanent duration.

1087 “Theater” means a structure used for dramatic, operatic, motion pictures, or other
1088 performance, for admission to which entrance money is received and no audience
1089 participation or meal service allowed.

1090 “Tract” means an area or parcel of land other than a lot described and recorded in the
1091 office of the register of deeds of Shawnee County as a single parcel of land under
1092 individual ownership.

1093 “Traffic impact analysis (TIA)” means a specialized study of the impact a development
1094 will have on the surrounding transportation system. It is specifically concerned with the
1095 generation, distribution, and assignment of traffic to and from a proposed development.
1096 The purpose of a TIA is to determine what impact that traffic will have on the existing
1097 and proposed roadway network, and what impact the existing and projected traffic on
1098 the roadway system will have on the proposed development. It will provide a credible
1099 basis for estimating roadway and on-site improvement requirements attributable to a
1100 particular project, and assess the compatibility of local transportation plans. The specific
1101 content of a TIA may vary depending upon the site, prevailing conditions, and safety
1102 considerations as expressed by reviewing staff during the preapplication conference,
1103 and shall conform to the recommended practice methods of the Institute of
1104 Transportation Engineers.

1105 “Transmission tower” means a structure principally intended to support a source of
1106 nonionizing electromagnetic radiation (NIER) and accessory equipment related to
1107 telecommunications, other than the following uses which are exempt from this division:

- 1108 (1) Portable, handheld and vehicular transmissions;
- 1109 (2) Industrial, scientific and medical equipment operating at frequencies
1110 designated for that purpose by the FCC;
- 1111 (3) A source of nonionizing electromagnetic radiation with an effective radiated
1112 power of seven watts or less;
- 1113 (4) A sole-source emitter with an average output of one kilowatt or less if used for
1114 amateur purposes;
- 1115 (5) Marketed consumer products, such as microwave ovens, citizens band radios,
1116 and remote control toys; and

1117 (6) Goods in storage or shipment or on display for sale, provided the goods are not
1118 operated, except for occasional testing or demonstration.

1119 “Truck Stop” means a facility that provides services to the trucking industry, including
1120 but not limited to the following: dispensing of fuel, repair shops for large trucks,
1121 automated washes, restaurants, motels, overnight sleeping quarters, parking areas for
1122 large trucks, resting areas for trucks and drivers, all as part of a primary use.

1123 Section 16. That section 18.60.010, Use tables, of The Code of the City of
1124 Topeka, Kansas, is hereby amended to read as follows:

1125 **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 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 Topeka Municipal Code		See Design Standards for 'X' & 'D' Districts																									
Use	Description	Districts																									
		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	OAI-1 - Office And Institutional	OAI-2 - Office And Institutional	OAI-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 Reserve	OS-1 Open Space
Residential		Districts																									
Assisted Living Facility #	has individual living units where at least 6 persons receive personal/nursing care. Refer to TMC 18.228. Dwelling units on main floor.	C	C	C	C	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Bed & Breakfast Home #	owner-occupied home with up to 4 guest rooms	C	●	C	C	S	S	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Bed & Breakfast Inn #	single-family dwelling for up to 10 guests	C	●	C	C	S/C	S/C	C	C	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Boarding House #	dwelling where lodging, with or without food, for 2-20 persons is provided	●	●	●	●	C	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Caretaker's Residence		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Community Living Facility, Type I #	dwelling operation for short-term residential care for improving living skills	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Community Living Facility, Type II #	dwelling operation for residential care providing an intermediate and primary treatment setting	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Correctional Placement Residence or Facility General #	residential/rehabilitation facility occupied by more than 15 individuals	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Correctional Placement Residence or Facility Limited #	residential/rehabilitation facility occupied by 3 to 15 individuals	●	●	●	●	C	C	C	C	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Crisis Center, Type I #	may include meals and merchandise to residents	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Crisis Center, Type II #	facility used for immediate human social service functions including meals, merchandise or shelter	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Dwelling, Detached Single-Family #		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Dwelling, Attached Single-Family #		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Dwelling, Two-Family # (Duplex)		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Dwelling, Three/Four-Family	includes 3-4 unit row or town houses #	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Dwelling, Multiple-Family #	structure with at least 5 units	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Dwelling, Accessory #	secondary to primary dwelling not exceeding 400 sq. ft.	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Dwelling Units Above Ground Floor or Basement	other than medical care & community living facility	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Dwelling Units on main floor	subordinate to principal non-residential uses. Refer to TMC 18.228	●	●	●	●	●	●	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	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Group Residence, General #	dwelling occupied by 9 to 15 persons and at least 6 with a disability	●	●	●	●	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	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Home Care, type I #	nonsecure dwelling with residential/nursing care for up to 8 care receivers	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Home Care, type II #	nonsecure dwelling with residential/nursing care for up to 12 care receivers	C	C	C	C	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Management/Leasing Facilities	for managing an onsite multi-family community Refer to TMC 18.228	●	●	S/C	S/C	S/C	S/C	●	●	●	●	●	●	●	●	●	●	●	●	S/C	●	●	S/C	S/C	S/C	●	●
Medical Care Facility, type I #	dwelling for the personal nursing care & treatment for up to 2 persons	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●

Residential

		Approval Levels																										
		* = Allowed Use S = 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 Topeka Municipal Code		See Design Standards for 'X' & 'D' Districts																										
Use	Description	Districts																										
		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	
Residential																												
Medical Care Facility, Type II #	dwelling for the personal nursing care & treatment for more than 3 persons	*	*	*	*	C	C	C	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Mobile Home #, Manufactured Home #	residential structure manufactured on-site excluding "residential-design manufactured home"	*	5	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Residential-Design Manufactured Home #	At least 22' wide on a permanent foundation, pitched roof, and siding/roofing materials similar to site built homes except in R-4.	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Residential Care Facility, Type I #	nonsecure dwelling in which residential care is provided for children and/or adults on 24-hr basis, up to 4 persons	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	C	C	*	*	*	*	*
Residential Care Facility, Type II #	nonsecure dwelling in which residential care is provided for children and/or adults on 24-hr basis, up to 10 persons	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	C	C	*	*	*	*	*
Residential Care Facility, Type III #	nonsecure dwelling in which residential care is provided to children and/or adults on a 24-hour basis	*	*	*	*	C	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Student or Faculty Housing	Refer to TNC 15.225 (dwelling units on main floor)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

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	RP-1 Residential Passive	OS-1 Open Space	
Civic, Cultural and Recreational																												
Art and Portrait Galleries	framing and sales of pictures and frames must be subordinate to the principal use	-	-	-	-	-	-	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Artist Studios		-	-	-	-	-	-	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Cemetery #	See standards in Chapter 18.225 TMC	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	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
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. Refer to TMC 18.225.	C	C	C	C	S	S	S	S	S	S	S	S	S	S	S	S	S	S	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	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Gardens, Community Type I #	No permanent sales	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Gardens, Community Type II #	Sales/Non-Type I standards	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Golf Course #, Country Club #		S/C	S/C	S/C	S/C	S/C	S/C	S/C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Government Services, Type I	government administrative offices and services	C	C	C	C	C	C	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
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	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Public Utility Facilities, Type I # (See Section 18.50.100(c)(1) of Topeka Municipal Code)	owned or controlled by public	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Public Utility Facilities, Type II # (See Section 18.50.100(c)(1)(i,ii,iii) 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	For Conditional Use Refer to TMC 18.225 for standards	C	-	C	C	C	C	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Recreation, Indoor Type I # (lower intensity recreational uses)	indoor pools, fitness clubs, skating rinks, gyms, dancing, martial arts, etc.	-	-	-	-	-	-	C	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
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																									
		<ul style="list-style-type: none"> • = 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	R-4 Manufactured Homes	M-1 Two Family Dwelling	M-1a Limited Multiple Family Dwelling	M-2 Multiple Family Dwelling	M-3 Multiple Family Dwelling	O&I-1 - Office And Institutional	O&I-2 - Office And Institutional	O&I-3 - Office And Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	C-5 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use	RR-1 Residential Reserve	OS-1 Open Space
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	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 kids parks and sport stadiums, complexes and arenas, <u>outdoor concert, music, performance, and theater venues</u> , etc.	C	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	C	C	C
Religious Assembly #	<u>Refer to TRC 18.225</u>	S/C	S/C	S/C	S/C	S/C	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
RV Short-Term Campgrounds #	has at least 24 campsites	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Schools #, Public or Private Educational Facility #	elementary school # and secondary school #	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
School, Business and Vocational School #	includes technical colleges and training academies	-	-	-	-	-	-	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Youth Camps	retreats for scouting, etc.	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C

Commercial/Office

		Approval Levels																										
		* = Allowed Use S = 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 Topeka Municipal Code		See Design Standards for 'X' & 'D' Districts																										
Use	Description	Districts																										
		R-1/R-2/R-3 Single Family Dwelling	M-1 Manufactured Homes	M-2 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 Reserve	OS-1 Open Space	
Commercial/Office																												
Animal Care and Services type I#	for common household pets in an enclosed building	-	-	-	-	-	-	S	S	S	-	S	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	
Animal Care and Services type II#	services within an enclosed building	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Artisan Manufacturing #	Refer to TMC 18.226	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	
Auction House		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Automobile or Vehicle Carwash #		-	-	-	-	-	-	-	-	-	S	S	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	
Automotive Rental Establishments		-	-	-	-	-	-	-	-	-	S	S	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	
Auto Service Station, Type I #	convenience store with gas sales	-	-	-	-	-	-	-	-	-	C	S	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	
Auto Service Station, Type II #	excludes drive-train work	-	-	-	-	-	-	-	-	-	S	S	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	
Auto Service Station, Type III #	includes drive-train work	-	-	-	-	-	-	-	-	-	C	S	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	
Automobile Sales & Service	excludes heavy duty vehicles and type III auto services	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	
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 wreaching yards or long-term storage of disabled vehicles	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	-	-	
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	-	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	
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 billboards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
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.	-	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	
Drive through establishments/facilities	Refer to TMC 18.226	-	-	-	-	-	-	S	S	S	S	S	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	
Funeral Home, Mortuary # without Crematorium	includes the display and sale of related products	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Funeral Home, Mortuary # with Crematorium	includes the display and sale of related products	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
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																									
# = See Definition in Chapter 18.55 Topeka Municipal Code		• = Allowed Use S = 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																									
Use	Description	See Design Standards for 'X' & 'D' Districts																									
		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
Commercial/Office		Districts																									
Lawn/Garden Centers	landscaping materials, lawn & garden equipment and supplies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Liquor Sales, Packaged Goods		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Manufactured Housing & Accessory Structure Sales		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Medical Equipment	Hearing aids, eyeglasses, prostheses, gloves, etc.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mobile Retail Vendors #	Refer to TMC 18.229	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 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 18.229	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Personal Services #	including beauty & barber shops, laundromats, dry-cleaning, tailor, tanning salons, etc.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pet Shops		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pharmacy # & Drugstores	retail sales of drugs, prostheses, rehabilitation equipment & medicine. Does not include drive thru units	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Printing/ Copy Center		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Radio & TV Broadcasting/ Recording Studio		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Rental Establishment	general equipment and domestic items	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restaurant, Family Dining, carry-out # (Deli/caterers)	limited to 50 seats and no drive throughs in C-1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restaurant, drive-in/drive through #	Refer to TMC 18.225 for drive throughs	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restaurant, fast-food #		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retail Merchandise, Outdoor Display	See TMC 18.229, Retail Merchandise, outdoor display, see rules for drive-through units used for storage in any district except in I-1 and I-2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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 Houses/E-cigarette shop/vape shops	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Truck Stop #		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

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:

1126

Density/dimensional standards.

1127

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

1128

Density Dimensional Standards - RR, R, M Districts

Density and Dimensional Standards - All Other Districts										
		RR1 Residential Reserve District	R1 Single Family Dwelling District	RR2 Single Family Dwelling District	RR3 Single Family Dwelling District	R1 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

1129

NOTES:

1130 [1] If the recorded plat of subdivision provides greater setbacks, the provisions of the
1131 plat shall prevail.

1132 [2] The side yard of a corner lot and rear yard of a double frontage lot shall conform to
1133 the minimum front yard requirements of its district.

1134 [3] In RR-1 district, the minimum lot size is 20 acres unless the lot meets minimum
1135 compliance with subdivision regulations.

1136 [4] In R-3 district: First number represents front setback when an attached garage is
1137 designed for side entry. Second number represents front setback when attached garage
1138 is designed for front entry.

1139 [5] In R-3 district: District allows zero-foot side yard setback on one side; 10-foot on
1140 other side with a minimum of 10 feet between principal buildings. Accessory buildings
1141 for a zero lot line dwelling shall not be located in the required 10-foot side yard.

1142 [6] For single-family attached dwellings in M districts, a zero-foot side yard setback is
1143 allowed along the lot line separating the two units; a five-foot setback is required on the
1144 other lot line.

1145 [7] In M-1 and M-1a districts, the minimum lot area of 4,500 square feet is “per unit.”

1146 [8] Accessory structures shall not be located within a required front yard or beyond the
1147 front face of the principal structure, whichever is more restrictive. However, a minimum
1148 setback of 20 feet from all street rights-of-way shall be provided for roadside stands,
1149 garages and carports. If, in the judgment of the planning director, construction of a
1150 roadside stand, garage or carport is compatible with the neighborhood, in respect to
1151 availability of land for public sidewalks, right-of-way needs, and the location of
1152 structures within the block, then such construction may occur with revised minimum
1153 setback(s) as determined by the planning director.

1154 [9] An unenclosed carport located less than six feet from the principal building may
1155 extend to within three feet of a side ~~yard~~property line.

1156 [10] Setback from Principal Building. No portion of an accessory building, except for a
1157 carport, shall be located closer than six feet to the principal building or another
1158 accessory building on the same lot. However, an unenclosed breezeway may be
1159 extended between the principal structure and the accessory structure for the purpose of
1160 providing a covered walkway. In no event shall the construction of a covered walkway or
1161 a detached carport located next to another building be deemed to join the principal and
1162 accessory structures into one principal structure.

1163 [11] Maximum Height. Accessory buildings and structures shall not exceed 15 feet when
1164 the principal building is one story or 20 feet when the principal building is two stories or
1165 more.

1166 [12] Reverse Corner Lot. On a reversed corner lot in a residential district, and within 15
1167 feet of any adjacent property to the rear in a residential district, no detached accessory
1168 building or portion thereof located in a required rear yard shall be closer to the side lot
1169 line abutting the street than a distance equal to the least depth which would be required
1170 under this division for the front yard on such adjacent property to the rear. Further, in
1171 the above instance, all such accessory buildings shall meet the minimum side yard
1172 requirements of such adjacent property which coincides with the side lot line or portion
1173 thereof of property in any residential district.

1174 [13] Attached Accessory Buildings. Attached accessory buildings, except for side yards
1175 for carports as outlined above, shall be located pursuant to the requirements for
1176 principal buildings. Attached garages and carports shall be located on a lot so that a
1177 minimum 20-foot-length "aisle" between the building and the street right-of-way line is

1178 provided.

1179 [14] The minimum lot area in the R-4 district is the combined area needed for 10

1180 contiguous lots.

Density Dimensional Standards - O, C Districts

Density and Dimensional Standards - All Other Districts										
Standards	Notes	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	
Lot Standards										
Minimum Lot Area (sq. ft.)		7,500	7,500	7,500	7,500	10,000	10,000	10,000	10,000	None
Maximum Building Coverage	% of lot area	40	50	60	40	50	60	60	60	100
Minimum Lot Width (ft.)		50	50	50	50	50	50	50	50	25
Principal Buildings										
Setbacks (ft.) [1,2,3]	Front	25	25	25	25	25	25	25	25	0
	Side	7	7	10	10	10	10	10	10	0
	Rear	25	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	70	None
Accessory Buildings (Detached)										
Setbacks (ft.) [1,2]	Front [4]	25	25	25	25	25	25	25	25	0
	From other buildings	6	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	10
Minimum Garage Entry Setback (ft.)	side entry (from alley)	5	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	600

1181 NOTES:

1182 [1] If the recorded plat of subdivision provides greater setbacks, the provisions of the
 1183 plat shall prevail.

1184 [2] The side yard of a corner lot and rear yard of a double frontage lot shall conform to
 1185 the minimum front yard requirements of the district.

1186 [3] During site plan review, side yard setbacks may be reduced to zero feet where the

1187 buildings are attached along a common lot line.

1188 [4] Accessory structures shall not be located within a required front yard or beyond the
1189 front face of the principal structure, whichever is more restrictive. However, a minimum
1190 setback of 20 feet from all street rights-of-way shall be provided for garages and
1191 carports. If, in the judgment of the planning director, construction of a garage or carport
1192 is compatible with the neighborhood, in respect to availability of land for public
1193 sidewalks, right-of-way needs, and the location of structures within the block, then such
1194 construction may occur with revised minimum setback(s) as determined by the planning
1195 director.

1196 ~~[5](i) In C-5 district, no building hereafter erected or structurally altered shall exceed a~~
1197 ~~height at the street line which is greater than the width of the street times a factor of~~
1198 ~~three. An additional height of six feet may be added for each one foot the building or~~
1199 ~~structure is set back from the front property line or street line. The street line shall mean~~
1200 ~~the right-of-way line or property line at the front of the lot, lots or building site. On corner~~
1201 ~~lots, and where the widths of the two intersecting streets are varied, the larger street~~
1202 ~~width shall be used to determine the height of any building or structure.~~

1203 ~~(ii) Exception. Within the state zoning area, as defined by K.S.A. 75-3630, the height of~~
1204 ~~structures and buildings shall be regulated in accordance with the following provisions:~~
1205 ~~no building shall exceed a height at the street line of six stories or 75 feet, but above the~~
1206 ~~height permitted at the street line three feet may be added to the height of the building~~
1207 ~~for each one foot that the building or portion thereof is set back from all sides of the lot,~~
1208 ~~except that the cubical contents of such building shall not exceed the cubical contents of~~
1209 ~~a prism having a base equal to the area of the lot and a height equal to two times the~~
1210 ~~width of the street; provided, however, that a tower with a base not to exceed 20~~

1211 ~~percent of lot area nor to have any side greater than 60 feet nor to have any wall closer~~
 1212 ~~than 20 feet to any lot line may be constructed without reference to the above~~
 1213 ~~limitations. Any applicable provisions of Chapter 18.225 TMC shall apply to buildings~~
 1214 ~~erected in this district.~~

1215 [65] Height restrictions of airport overlay district may be more restrictive.

1216 [76] Height shall not exceed the height of its principal structure.

Density Dimensional Standards - Other Districts

Density and Dimensional Standards - All Other Districts											
Standards	Notes	-1 Light Industrial District	-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
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	-	-	-

1217 NOTES:

1218 [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

1243 availability of land for public sidewalks, right-of-way needs, and the location of
1244 structures within the block, then such construction may occur with revised minimum
1245 setback(s) as determined by the planning director. If more restrictive than provided
1246 above, setbacks as set forth by plats of subdivision shall apply to any and all accessory
1247 structures.

1248 [12] Setback from Principal Building. No portion of an accessory building, except for a
1249 carport, shall be located closer than six feet to the principal building or another
1250 accessory building on the same lot. However, an unenclosed breezeway may be
1251 extended between the principal structure and the accessory structure for the purpose of
1252 providing a covered walkway. In no event shall the construction of a covered walkway or
1253 a detached carport located next to another building be deemed to join the principal and
1254 accessory structures into one principal structure.

1255 [13] Maximum Height. In the MS-1, X, and D-2 districts, accessory buildings and
1256 structures shall not exceed 15 feet when the principal building is one story or 20 feet
1257 when the principal building is two stories or more.

1258 [14] The accessory building (detached) side and rear setbacks only applies to
1259 residential uses in the X and MS-1 districts.

1260 [15] An unenclosed carport located less than six feet from the principal building may
1261 extend to within three feet of a side ~~yard~~ property line.

1262 [16] (i) In "D-1" District, no building hereafter erected or structurally altered shall exceed
1263 a height at the street line which is greater than the width of the street right-of-way times
1264 a factor of three. On corner lots, and where the widths of the two intersecting streets are
1265 varied, the larger street width shall be used to determine the height of any building or
1266 structure.

1267 (ii) Exception. Within the state zoning area, as defined by K.S.A. 75-3620, the height of
1268 structures and buildings shall be regulated in accordance with the following provisions:
1269 no building shall exceed a height at the street line of six stories or 75 feet, but above the
1270 height permitted at the street line three feet may be added to the height of the building
1271 for each one foot that the building or portion thereof is set back from all sides of the lot,
1272 except that the cubical contents of such building shall not exceed the cubical contents of
1273 a prism having a base equal to the area of the lot and a height equal to two times the
1274 width of the street; provided, however, that a tower with a base not to exceed 20
1275 percent of lot area not to have any side greater than 60 feet nor to have any wall closer
1276 than 20 feet to any lot line, may be constructed without reference to the above
1277 limitations. Any applicable provisions of Chapter 18.225 TMC shall apply to buildings
1278 erected in this district.

1279 [17] “D-1” District: Refer to *Downtown Topeka Urban Design Guidelines*.

1280 Section 18. That section 18.160.010, Purpose, of The Code of the City of
1281 Topeka, Kansas, is hereby repealed.

1282 **Purpose – Intent.**

1283 ~~This district is established to provide for a wide range of commercial activities~~
1284 ~~which are contained in the central business or core area of the community. The extent~~
1285 ~~and range of uses permitted are to provide for high efficiency of land use and to~~
1286 ~~encourage a broad mix of commercial, office and residential uses. (Code 1995 § 48-~~
1287 ~~49.00.)~~

1288 Section 19. That section 18.160.030, principal, special, and conditional uses, of
1289 The Code of the City of Topeka, Kansas, is hereby repealed.

1290 **Principal, special, and conditional uses.**

1291 ~~(a) Principal uses identified in the use matrix table in TMC 18.60.010 shall be allowed.~~

1292 ~~(b) Special uses identified in the use matrix table in TMC 18.60.010 shall be allowed~~
1293 ~~subject to the restrictions identified in Chapter 18.225 TMC.~~

1294 ~~(c) Conditional uses identified in the use matrix table in TMC 18.60.010 may be allowed~~
1295 ~~in accordance with Chapter 18.215 TMC if approved by the governing body.~~

1296 Section 20. That section 18.160.040, Density and dimensional requirements, of
1297 The Code of the City of Topeka, Kansas, is hereby repealed.

1298 **~~Density and dimensional requirements.~~**

1299 ~~All development shall comply with the density and dimensional standards in TMC~~
1300 ~~18.60.020.~~

1301 Section 21. That section 18.160.050, Other regulations, of The Code of the City
1302 of Topeka, Kansas, is hereby repealed.

1303 **~~Other regulations.~~**

1304 ~~All principal and accessory uses permitted within this zone are subject to the~~
1305 ~~following requirements:~~

1306 ~~(a) Permitted Accessory Uses and Requirements. See Chapter 18.210 TMC.~~

1307 ~~(b) Off-Street Parking Requirements. See Chapter 18.240 TMC.~~

1308 ~~(c) Sign Regulations. See Chapter 18.20 TMC.~~

1309 ~~(d) Dimensional Requirements. See Chapter 18.230 TMC.~~

1310 ~~(e) Nonconforming Uses. See Chapter 18.220 TMC.~~

1311 ~~(f) Site Plan Regulations. See Chapter 18.260 TMC.~~

1312 ~~(g) Landscaping Requirements. See Chapter 18.235 TMC.~~

1313 ~~(h) Subdivision Regulations. See Chapters 18.30 through 18.45 TMC. (~~

1314 Section 22. That section 18.185.010, Purpose and regulations, of The Code of

1315 the City of Topeka, Kansas, is hereby amended to read as follows:

1316 **Purpose and regulations.**

1317 (a) Purpose. The mixed use districts ~~are unique to~~ may be located in
1318 traditional neighborhood settings and, to a limited extent, in areas envisioned for mixed
1319 use development by the comprehensive plan, and are provided to encourage a
1320 compatible mixed use environment, ~~utilizing the historic character of the area.~~ The X
1321 mixed use districts serve to implement neighborhood land use plans ~~of the Topeka-~~
1322 ~~Shawnee County comprehensive metropolitan plan that are within the city of Topeka and~~
1323 the comprehensive plan.

1324 (b) Regulations. The regulations set forth in this chapter or set forth
1325 elsewhere in this division are the district regulations for the X mixed use districts.

1326 Section 23. That section 18.185.020, mixed use district classifications, of The
1327 Code of the City of Topeka, Kansas, is hereby amended to read as follows:

1328 **Mixed use district classifications.**

1329 There are three classifications of mixed use districts as follows:

1330 (a) X-1 Mixed Use District. This district facilitates a compatible mixed use
1331 activity center within a traditional residential neighborhood and, to a limited extent, in
1332 areas envisioned for mixed use development by the comprehensive plan. The district
1333 includes a balance of compatible residential, office, civic, and neighborhood commercial
1334 retail/service uses of low to moderate intensity that complement and support dense
1335 neighborhood residential areas and pedestrian usage with quality urban design.

1336 (b) X-2 Mixed Use District. This district facilitates a mixed use area that
1337 transitions from a higher intensity industrial use area to lower intensity neighborhood-

1338 scale residential areas and includes a balance of compatible residential, office,
1339 commercial service, and light industrial uses.

1340 (c) X-3 Mixed Use District. This district facilitates a destination-oriented mixed
1341 use district in the area known as the North Crossings area of North Topeka that serves
1342 as the northern entertainment/cultural anchor of downtown. The objectives of the district
1343 include:

1344 (1) Improving the area as a 24-hour destination for urban, cultural,
1345 entertainment, community, and residential experiences; and

1346 (2) Retention and attraction of businesses, workplaces and residences
1347 through adaptive reuse and rehabilitation of existing buildings as a preference;
1348 and

1349 (3) Redeveloping vacant and under-utilized properties through
1350 appropriately scaled in-fill development; and

1351 (4) High quality development and urban design standards that maintain
1352 a sense of history, human scale, and pedestrian-orientation.

1353 Section 24. That section 18.185.030, Applicability of mixed use districts, of The
1354 Code of the City of Topeka, Kansas, is hereby amended to read as follows:

1355 **Applicability of mixed use districts.**

1356 (a) The X districts shall only be permitted on an area-wide basis as
1357 designated by a specific land use policy set forth in the comprehensive-metropolitan
1358 plan for that area. The X district shall be identified as an area that merits special design
1359 considerations, involving a variety of property owners and uses within a developed
1360 urban environment. The X district shall be sufficiently cohesive and substantial to
1361 achieve a common objective as identified in the comprehensive-metropolitan plan.

1362 (b) The procedure for amending the district map to include X mixed use
1363 districts shall be in accordance with the procedures of TMC 18.245.020.

1364 (c) Properties in the X districts may be allowed more than one principal
1365 structure per zoning lot and more than one use per building.

1366 Section 25. That section 18.200.010, Purpose and regulations, of The Code of
1367 the City of Topeka, Kansas, is hereby amended to read as follows:

1368 **Purpose and regulations.**

1369 (a) Purpose. The downtown districts are unique to the downtown Topeka area
1370 and are provided to encourage a compatible mixed use activity. The D downtown
1371 districts serve to implement the downtown Topeka redevelopment plan, which is part of
1372 the city of Topeka's comprehensive metropolitan plan.

1373 (b) Regulations. The regulations set forth in this chapter or set forth
1374 elsewhere in this division are the district regulations for the D downtown districts.

1375 Section 26. That section 18.200.030, Use regulations for D-1 district, of The
1376 Code of the City of Topeka, Kansas, is hereby amended to read as follows:

1377 **Use regulations for D-1 districtPrincipal, special, and conditional uses.**

1378 ~~(a) Permitted Principal Uses.~~

1379 ~~(1) Permitted uses in the C-3 commercial district.~~

1380 ~~(2) Single and two-family dwellings.~~

1381 ~~(3) Three and four family dwellings.~~

1382 ~~(4) Multifamily dwellings.~~

1383 ~~(5) Group homes.~~

1384 ~~(6) Dwelling units as primary or accessory use.~~

1385 ~~(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.~~

1408 ~~(27) Offices for conducting affairs of business, profession, service,~~
1409 ~~industry or government, including financial institutions and human health care~~
1410 ~~clinics which may contain a pharmacy.~~

1411 ~~(28) Orthopedic, medical appliance, and prosthesis stores, optician and~~
1412 ~~the sale of eyeglasses; hearing aid evaluations, fitting and sales.~~

1413 ~~(29) Pet shops/small animal clinics.~~

1414 ~~(30) Commercial recreational facilities which are used primarily for~~
1415 ~~physical exercise, recreation, and/or health maintenance including fitness~~
1416 ~~centers, spas, suntanning salons, skating rinks, swimming pools, gymnasiums,~~
1417 ~~game courts, golf courses, golf driving ranges, pitch and putt, miniature golf~~
1418 ~~courses and similar activities, including locker and training areas.~~

1419 ~~(31) Personal service shops.~~

1420 ~~(32) Parking lot and/or multistory parking garage.~~

1421 ~~(33) Communication towers or telecommunication equipment attached to~~
1422 ~~a building and which must meet the criteria of Chapter 18.250 TMC.~~

1423 ~~(34) Boarding and lodging houses.~~

1424 ~~(35) Crisis centers.~~

1425 ~~(36) Residential care facility, type I.~~

1426 ~~(37) Residential care facility, type II.~~

1427 ~~(38) Child care centers.~~

1428 ~~(39) Parking lots/garages (principal use).~~

1429 ~~(b) Uses Permitted by Conditional Use Permit.~~

1430 ~~(1) Private or public utility structures facilitating the transmission,~~
1431 ~~distribution and/or collection systems, including substations, distributions~~

1432 ~~stations, pump stations, reservoirs, towers, transmission equipment buildings and~~
1433 ~~similar such uses.~~

1434 ~~(2) Freestanding communication towers or telecommunication equipment~~
1435 ~~which must meet the criteria of Chapter 18.250 TMC.~~

1436 ~~(3) Billboards and panel posters not exceeding 300 square feet per single~~
1437 ~~face area and which do not exceed a height of 55 feet above grade.~~

1438 ~~(4) Automobile service station, type III.~~

1439 ~~(5) Nonresidential small wind energy system, subject to Chapter 18.265~~
1440 ~~TMC.~~

1441 (a) Principal uses identified in the use matrix table in TMC 18.60.010 shall be
1442 allowed.

1443 (b) Special uses identified in the use matrix table in TMC 18.60.010 shall be
1444 allowed subject to the restrictions identified in Chapter 18.225 TMC.

1445 (c) Conditional uses identified in the use matrix table in TMC 18.60.010 may
1446 be allowed in accordance with Chapter 18.215 TMC if approved by the governing body.

1447 Section 27. That section 18.200.040, Use regulations for D-2 district, of The
1448 Code of the City of Topeka, Kansas, is hereby repealed.

1449 **Use regulations for D-2 district.**

1450 ~~(a) Permitted Principal Uses.~~

1451 ~~(1) Single and two family dwellings.~~

1452 ~~(2) Multifamily dwellings.~~

1453 ~~(3) Group homes.~~

1454 ~~(4) Residential design manufactured home.~~

1455 ~~(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.~~

1479 ~~(9) Amusement indoor establishments, including dance, pool, and billiard halls;~~
1480 ~~archery ranges, shooting galleries, pinball, electronic and video games arcade; taverns~~
1481 ~~and similar establishments licensed by the city to sell and dispense cereal malt~~
1482 ~~beverages for drink on premises.~~

1483 ~~(10) Child care centers.~~

1484 ~~(11) Farmer's markets.~~

1485 ~~(12) Funeral homes.~~

1486 ~~(13) Health clubs.~~

1487 ~~(14) Hotel, motel.~~

1488 ~~(15) Offices for conducting affairs of business, profession, service, industry or~~
1489 ~~government, including financial institutions and human health care clinics which may~~
1490 ~~contain a pharmacy.~~

1491 ~~(16) Parking lots/garages as a principal use.~~

1492 ~~(17) Recreation, indoor.~~

1493 ~~(18) Restaurants.~~

1494 ~~(19) Retail establishments greater than 10,000 gross square feet.~~

1495 ~~(20) Personal service shop greater than 10,000 gross square feet.~~

1496 ~~(21) Automobile service station, type I.~~

1497 ~~(22) Clubs and lodges.~~

1498 ~~(23) Entertainment facilities/theaters (nonadult).~~

1499 ~~(24) Small animal clinics.~~

1500 ~~(25) Nonresidential small wind energy system, subject to Chapter 18.265 TMC.~~

1501 Section 28. That section 18.200.050, Use regulations for D-3 district, of The
1502 Code of the City of Topeka, Kansas, is hereby repealed.

Use regulations for D-3 district.

- 1503
- 1504 ~~(a) Permitted Principal Uses.~~
- 1505 ~~(1) Single and two-family dwellings.~~
- 1506 ~~(2) Three and four family dwellings.~~
- 1507 ~~(3) Multifamily dwellings.~~
- 1508 ~~(4) Group homes.~~
- 1509 ~~(5) Dwelling units as an accessory use.~~
- 1510 ~~(6) Parks, recreation, and open space.~~
- 1511 ~~(7) Amusement indoor establishments, including dance, pool, and billiard halls; archery~~
- 1512 ~~ranges, shooting galleries, pinball, electronic and video game arcades; taverns and~~
- 1513 ~~similar establishments licensed by the city to sell and dispense cereal malt beverages~~
- 1514 ~~for drink on premises.~~
- 1515 ~~(8) Amusement parks.~~
- 1516 ~~(9) Camera and film shop, photography and artist studio, frame shop.~~
- 1517 ~~(10) Automobile service station, type II.~~
- 1518 ~~(11) Cultural facility.~~
- 1519 ~~(12) Entertainment facilities/theaters.~~
- 1520 ~~(13) Offices for conducting affairs of business, profession, service, industry or~~
- 1521 ~~government, including financial institutions and human health care clinics which may~~
- 1522 ~~contain a pharmacy.~~
- 1523 ~~(14) Manufacture, processing, storage and/or warehousing of any product, equipment,~~
- 1524 ~~or material; except any activities involving the following:~~
- 1525 ~~(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

1622 working days of submission.

1623 (d) An appeal from the planning director's decision as to compliance with the
1624 downtown Topeka general design ~~and appearance~~ guidelines may be made to the
1625 Topeka-Shawnee County metropolitan planning commission's ~~planning and policy~~
1626 ~~committee~~board of zoning appeals pursuant to Chapter 2.45 TMC. Such appeal shall be
1627 ~~heard at the next scheduled meeting of the committee.~~

1628 (e) On-premise signs in the D-2 district shall comply with the standards for
1629 signs in the X (Mixed Use) districts pursuant to TMC 18.20.020 (e). Off-premise signs
1630 shall be regulated by TMC 18.25, Article IV.

1631 (f) D-1 and D-3 District sign standards.

1632 (1) Wall Signs.

1633 (i) Each establishment is permitted one or more wall signs at
1634 the first floor on each building face occupied by said establishment. The
1635 accumulated area of wall signs on each building face shall be limited to 20
1636 percent of the area of the exterior building elevation at the pedestrian level
1637 or 150 square feet, whichever is less.

1638 (ii) Wall signage above the first floor shall be limited to no more
1639 than one sign not exceeding 150 square feet, for every 50 lineal feet of
1640 street frontage, on the exterior wall of the floor on which the signage is
1641 located. For buildings in excess of three floors or exceeding 40 feet in
1642 height, one wall sign per building face is permitted no larger than 300
1643 square feet and located above the third floor or above 40 feet, whichever
1644 is the least. For signage above the third floor, the planning director, or the
1645 historic landmarks commission if the sign is located on a historic landmark

1646 or in a historic district, may approve signage of greater than 300 square
1647 feet to the extent the applicant demonstrates signage exceeding 300
1648 square feet is necessary for visibility and legibility of the sign.

1649 (2) Painted Exterior Wall Signs.

1650 (i) A painted exterior wall sign identifies a use or on-premise
1651 establishment and consists entirely of copy that is painted directly on the
1652 exterior material of a building not including the exterior surface of a
1653 window, awnings, or other appurtenances.

1654 (ii) Any painted exterior wall sign applied to the front or side of a
1655 building directly facing a street shall be regulated in the same manner as a
1656 wall sign. Any painted exterior wall sign applied to the side or rear of a
1657 building that does not directly abut a street is permitted provided the area
1658 of all such signs does not exceed 300 square feet on the wall on which the
1659 signage is applied. In determining the number of square feet, only text or
1660 logos pertaining to the business, industry, or activity conducted on or
1661 within the premises shall be included. Art and graphic representations
1662 associated with the painted exterior wall sign that are not text or logos
1663 shall not be subject to the area restriction

1664 (3) Awning and Marquee Signs. Awning and marquee signs are
1665 signs incorporated in the awning material or attached flat to the face of an
1666 awning or marquee. A marquee is a roof-like projection or shelter, typically
1667 over the entrance to an entertainment venue, and typically containing an
1668 illuminated flat area for static or changeable sign copy. Signage attached
1669 such that the sign face is parallel with, or at an angle between 0 and less

1670 than 45 degrees of the building façade, shall be regulated in the same
1671 manner as wall signs. Signs attached in such a way as to be at a 45
1672 degree or greater angle to the building façade shall be regulated in the
1673 same manner as projecting signs. For marquees electronic message
1674 centers (EMCs) may comprise 100 percent of the face of the marquee and
1675 100 percent of the size allowed for marquee signs.

1676 (4) Window Signs. Window signs are signs on the inside or
1677 outside of the window that are visible from the outside of the window.
1678 Window signs are permitted provided all window signs in aggregate
1679 constitute no more than 50 percent of the area of all windows for each
1680 tenant and for each side of the building on which the window signs are
1681 located.

1682 (5) Projecting Signs. Each establishment is permitted a
1683 maximum of one projecting sign, visible from any single angle, mounted to
1684 the exterior of the first or second floors. The area of the projecting signs
1685 shall be limited to 10 percent of the building face at the level on which the
1686 establishment is located or 75 square feet, whichever is less.

1687 (6) Ground Signs.

1688 (i) A ground sign is any sign placed upon, or supported by, the
1689 ground independently of any building or structure on the property. Ground
1690 signs permitted in the D-1 district include monument signs and pylon
1691 signs. A monument sign is a ground sign for which the width of the widest
1692 part of the base or pylon cover of the sign is at least 75 percent of the
1693 width of the widest part of the sign face, and for which the total height of

1694 the sign does not exceed 5 feet. A pylon sign is a ground sign whose sign
1695 face or cabinet is above ground level and is supported by poles, pylons, or
1696 posts.

1697 (ii) Any parcel of land located in a historic district is allowed one
1698 monument sign per street frontage not to exceed two signs, to a height not
1699 to exceed 10 feet. For each sign, the sign area shall not exceed .5 square
1700 feet per lineal foot of frontage on the street to which it is oriented or 50
1701 square feet, whichever is less. A pylon sign located on a base that is
1702 within 2 feet of the exterior building wall may be mounted on a pylon or
1703 similar support structure and the dimensional standards for projecting
1704 signs shall apply.

1705 (iii) Any parcel of land located outside of a historic district shall
1706 be permitted one monument or pylon sign per street frontage not to
1707 exceed two signs, to a height not to exceed 20 feet. For each sign the
1708 cumulative sign area shall not exceed .75 square foot per foot of frontage
1709 on the street to which it is oriented or 120 square feet, whichever is less.

1710 (iv) Parcels of land with frontage on two or more streets may
1711 utilize a single ground sign in lieu of two ground signs provided the total
1712 area of said sign does not exceed 150 percent of the sign area allowed for
1713 any of the ground signs and in no instance is greater than 75 square feet
1714 in the downtown Topeka historic district and no more than 150 square feet
1715 in area outside of the historic district.

1716 (v) The poles or pylons used to support the cabinet of a pylon
1717 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

1741 EMCs not specifically addressed herein are subject to the sign standards in TMC
1742 Title 18, Division 2.

1743 (9) Directional Signs. A directional sign provides direction to pedestrian
1744 or vehicular traffic into and out of a site, or within a site. In addition to the ground
1745 signs provided in TMC 18.20.020(g), up to two directional signs, constructed as
1746 ground signs, whether as a monument or pylon type, each not to exceed 6
1747 square feet and 5 feet in height, are permitted for each 50 feet of street frontage
1748 not to exceed four per parcel. All other directional signs shall be regulated in
1749 accordance with paragraphs 1 through 5 and paragraphs 7, 8 and 10.

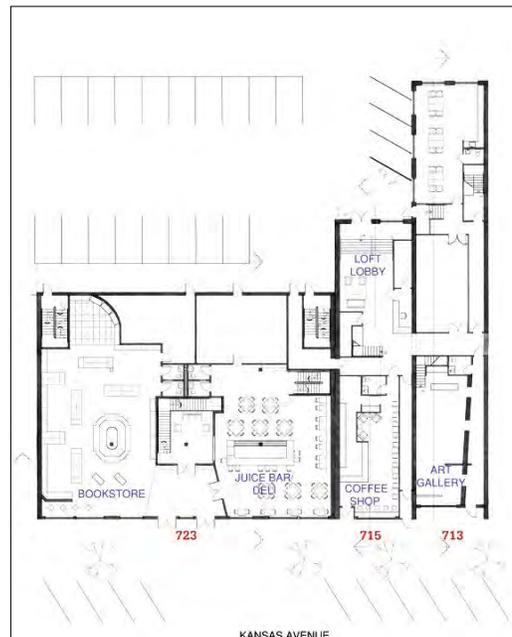
1750 (10) Illumination. Internal, flood illumination, or direct (i.e. neon) are
1751 permitted. Flashing, strobing, blinking, fluttering, chasing, and similar lighting
1752 features are prohibited unless they are determined by the planning director to
1753 contribute to or consistent with the historic character of the sign and building.

1755 **Exhibit A**

1756 **DOWNTOWN TOPEKA URBAN DESIGN GUIDELINES**

1757 **Purpose**

1760 Urban design is concerned with the appearance of
1761 Downtown Topeka, and the physical implications
1762 of design and planning decisions for the public
1763 realm of the City. Urban design is an effective
1764 means to coordinate how various public and
1765 private development proposals, including
1766 transportation and public infrastructure will affect
1767 the City physically. The focus of concern is on the
1768 public realm of Downtown: the public faces of
1769 buildings, public spaces, streets, sidewalks, parks
1770 and plazas that provide the outdoor public venues
1771 for many activities. The purpose of these guidelines
1772 is to provide the regulatory authority to ensure that
1773 new construction and renovation of existing
1774 structures is consistent with the established urban



1775 form of downtown. These guidelines are to be used as criteria for the design of new
1776 public and private projects and to be utilized in the evaluation of new projects ~~by the~~
1777 approving authorities. These guidelines seek to balance private property rights against
1778 the public interest of protecting the appearance and existing investments downtown.
1779

1780 The design guidelines offer a vision for an approach to downtown design that can be
1781 beneficial both to developers and to the community. The concepts for downtown
1782 development encourage the highest level of design quality and creativity while
1783 emphasizing key downtown design concepts such as, but not limited to:
1784

- 1785 • Maintaining the street wall at the front property line;
- 1786 • enhancing the design of street façades;
- 1787 • ensuring pedestrian compatibility;
- 1788 • designing public spaces at a pedestrian-scale;
- 1789 • creating visual interest; and
- 1790 • maintaining design integrity and compatibility with surrounding structures.

1791
1792 A mix of uses (including office, retail, housing, or other uses) within a given project is
1793 encouraged, whether it is a single building or a redevelopment district.
1794

1795 **Applicability**

1796 These guidelines apply to the D zoning districts with the exception of projects located
1797 within designated historic districts or individually listed historic properties. For these
1798 exceptions, projects must follow the applicable design guidelines or other standards that
1799 specifically govern alterations to those properties in place of these guidelines. Within
1800 the boundaries of the D zoning district's designated National Register Historic Districts,
1801 these guidelines are amended by separate design guidelines as adopted. Any project
1802 requiring a building permit must comply with approved design guidelines.
1803

1804
1805 The guidelines established herein are not intended to restrict creative solutions. These
1806 guidelines describe ways to achieve the stated purpose of the guidelines and offer
1807 flexibility in meeting the key concepts for good downtown design. Not all guidelines will
1808 or are intended to be met. The “should”, “recommended”, or “encouraged” statements
1809 offer flexibility and indicate that the city is open to design features that are equal to or
1810 better than those stated, so long as the intent is satisfied.
1811

1812 Compliance with the guidelines will be determined in conjunction with the review and
1813 approval of a development site plan, all in accordance with site plan regulations.
1814 Submission of plans for all elevations of a proposed building is required.
1815

1816 **Waiver/Exception**

1817 Relief from the application of certain design guidelines may be granted by the planning
1818 director if warranted by public safety, site constraints, and functionality considerations.
1819

1820 **Definitions**

1821 If in the course of administration of these guidelines, a question arises as to the
1822 meaning of any word, phrase, or section, the planning director shall determine the
1823 interpretation.

1824 **MIXED USE DEVELOPMENT**

- 1825
1826
1827 1. ~~A mix of uses (including office, retail, housing, or other uses) within a given project is~~
1828 ~~encouraged, whether it is a single building or a redevelopment district.~~

1829 **INFILL DEVELOPMENT**

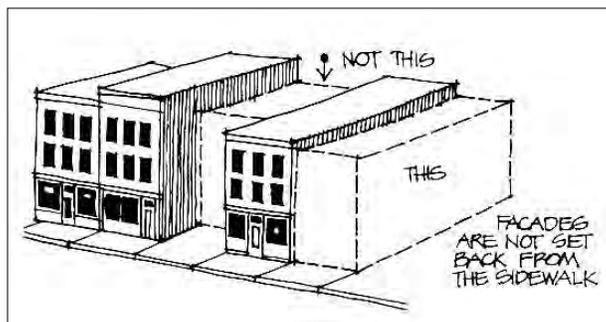
- 1830
1831
1832 1. Exterior additions to existing buildings or adjacent infill construction should be
1833 compatible with the character of the site, and take into account the size, proportions,
1834 façade composition, rhythm and proportion of openings, materials, and colors of
1835 neighboring buildings. Techniques to help ensure compatibility with neighboring
1836 buildings include:

- 1837
- 1838 • Maintaining the street wall by locating the new building at the sidewalk;
- 1839 • Ensuring the street level façade fits in contextually with neighboring
1840 properties;
- 1841 • Differentiating the upper stories of the building from the street level facade by
1842 setting back the upper stories at the plane above the street level façade, and;
- 1843 • Using different wall materials than the lower facade.

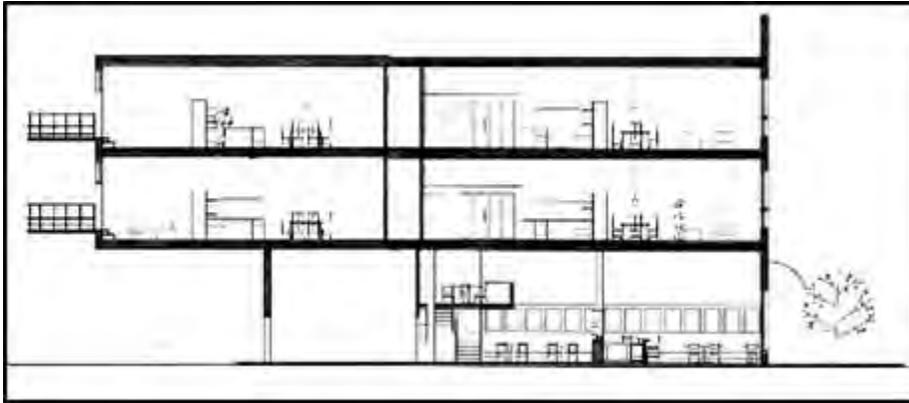
- 1844
- 1845 2. ~~Design a~~New on-site parking, loading docks or ramps should be designed to be
1846 unobtrusive and compatible with the primary use of the site. On-site parking should
1847 not be located along or adjacent to the street frontage. In those instances where
1848 parking is located along a street frontage, efforts to maintain the street wall will be
1849 imperative. Options include landscaping, low walls, etc.

1850 **STREET ORIENTATION**

- 1851
1852
1853 1. Buildings should generally be
1854 built up to the edge of the
1855 sidewalk in a consistent plane
1856 with the other buildings on the
1857 street.
- 1858
- 1859 2. Other street-level setbacks,
1860 plazas and widened sidewalks
1861 from the building line should be
1862 strategically placed in accordance with an overall open space plan. The new open
1863 spaces should be located to relate to other land uses such as retail, entertainment
1864 and transit routes.



1865 **STREET LEVEL USES**



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1. The ground floors street frontage of buildings should contain public or semi-public uses such as commercial, office, retail or entertainment uses with direct entry from the street. 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 principled 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.

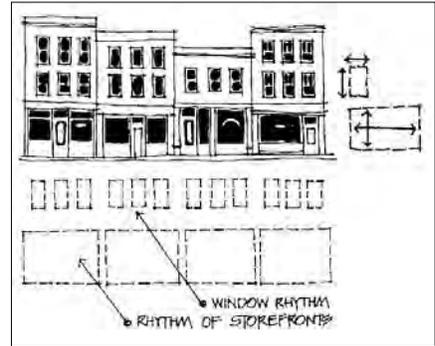
BUILDINGS FACADES

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.



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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

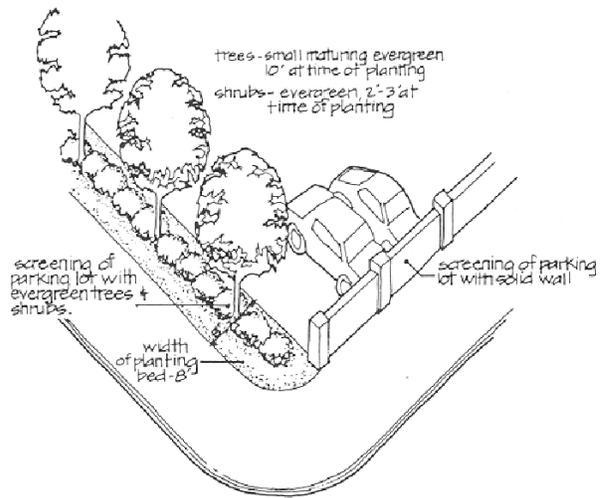
1. Facades of parking facilities should be treated with high quality materials and architectural finish and given vertical articulation and emphasis. The façade should distinguish a base, middle and top by using different materials, or other methods and also respond to the context of surrounding buildings 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.



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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.



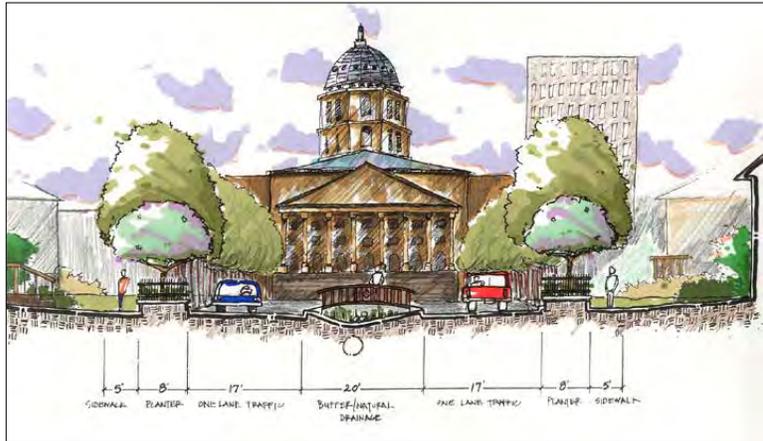
2 ~~New construction in the Downtown Districts are~~ is not required to implement any particular architectural style, but should be designed to be compatible with the scale, form and materials of surrounding structures, by applying these guidelines.

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PUBLIC INFRASTRUCTURE IMPROVEMENTS

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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.



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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

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~~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.~~

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PUBLIC SPACES

2016
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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.~~

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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.



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~~3. The development of new districts and projects should emphasize the continuation or conservation of traditional block and street patterns.~~

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43. New public spaces should be developed with pedestrian amenities, such as follows:

- ~~1 tree per 1000 square feet of open space. (3½" caliper at planting)~~ Landscaping.
- ~~A minimum of 25 linear feet of seating for every 1000 square feet of o~~ Open space.
- Seating.
- Public art.
- However, walls, fences and dense planting that visually secludes the interior space from the sidewalk should be avoided.



HISTORY AND IDENTITY

1. All projects are encouraged to express local history and identity through functional and ornamental design elements and works of public art.
2. New development projects or renovation of existing structures should be designed to preserve the historic resources that exist on the site and reinforce the historical context within which they are developed.



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

STREET AND BLOCK ORGANIZATION

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

2081 **ENTRANCES AND VISTAS**

- 2082
- 2083 1. Buildings and new development projects should be sensitively designed and sited so
- 2084 as to preserve the key vistas and gateways to downtown and views of the State
- 2085 Capitol.
- 2086
- 2087 2. New buildings should not block the view corridors defined by the city streets, either
- 2088 by bridging across streets or the use of pedestrian bridges.
- 2089

2090 *Illustrations:*

- 2091
- 2092 ~~P.1 Dawn Wessels & Kim Korphage (top), Draft Lawrence, Kansas Downtown Design Guidelines~~
- 2093 ~~(bottom)~~
- 2094 ~~P. 2 Keeping Up Appearances Storefront Guidelines, National Trust for Historic Preservation (top), Kim~~
- 2095 ~~Wassels (bottom)~~
- 2096 ~~P. 3 Dave Devore (top), Planning staff (middle), Keeping Up Appearances Storefront Guidelines,~~
- 2097 ~~National Trust for Historic Preservation (bottom)~~
- 2098 ~~P. 4 Planning staff (top), Design Review, American Planning Assoc., PAS Report #454 (bottom)~~
- 2099 ~~P. 5 Dawn Wessels & Kim Korphage (top), Charlotte Cox & Ryan Wilt (bottom).~~
- 2100 ~~P. 6 Planning Staff (top, middle), Chris Handzel (bottom)~~
- 2101 ~~P. 7 Bryce Wittenborn (top), Joe Loretta & Aaron Harnden (bottom)~~
- 2102 ~~P. 8 Model and photograph by KSU Studio Students~~

2103

2104 Section 31. That section 18.210.010, Accessory uses, of The Code of the City

2105 of Topeka, Kansas, is hereby amended to read as follows:

2106 **Accessory uses.**

2107 Accessory uses, buildings and land customarily associated with, and clearly

2108 incidental to, a permitted use, special use requirement or conditional use permit shall be

2109 permitted provided they are:

2110 (a) Located on the same lot or parcel as a principal use and commonly

2111 associated with a principal building or use.

2112 (b) Subordinate in area, extent and purpose to the principal building. The

2113 cumulative footprint of all accessory buildings shall not exceed 90 percent of the

2114 principal building's footprint and as restricted by TMC 18.60 density/dimensional

2115 standards.

2116 (c) Operated and maintained under the same ownership and are contributory
2117 to the comfort, convenience or necessity of the occupants, business or industry in the
2118 principal building or use served.

2119 (d) Time of Construction. No accessory building shall be constructed or
2120 established more than 120 days prior to the time of completion of the construction or
2121 establishment of the principal building or use to which it is an accessory.

2122 Section 32. That section 18.210.020, Permitted uses, of The Code of the City of
2123 Topeka, Kansas, is hereby amended to read as follows:

2124 **Permitted uses.**

2125 The accessory uses, buildings and other structures permitted in each zone may
2126 include the following:

2127 (a) In the RR-1 district:

2128 (1) Open or enclosed storage of farm materials and equipment.

2129 (2) Farm buildings, including barns, stables, sheds, toolrooms, shops,
2130 tanks, bins and silos.

2131 (3) Fuel storage tanks and dispensing equipment for fuels used solely
2132 for farming operations. No wholesale/retail sales of such fuels shall be allowed as
2133 an accessory use.

2134 (4) Wholesale and retail sales of agricultural products grown or raised
2135 upon the premises.

2136 (5) Roadside stands for the sale of produce grown on the premises;
2137 provided, that such a stand shall not contain more than 600 square feet of floor
2138 area, the stand is located no closer than 20 feet from the right-of-way, and
2139 access to the stand is from an entrance to the farm or residence.

2140 (6) Private, noncommercial antenna and supporting structure when
2141 used for amateur radio service; citizens band radio; a telecommunication device
2142 that receives only a radio frequency signal; a sole-source emitter with more than
2143 one kilowatt average output; and satellite receiving devices, provided they shall
2144 not be located in the area between the street and principal building nor within the
2145 required side yard.

2146 (7) Fences as regulated by TMC 18.210.040.

2147 (8) Gazebos, enclosed patios and similar buildings for passive
2148 recreational use.

2149 (9) Home occupations as regulated by TMC 18.210.035.

2150 (10) Private garages and carports.

2151 (11) Private greenhouses or conservatories.

2152 (12) Private recreational uses and facilities including but not limited to
2153 swimming pools and tennis courts, if the use of such facilities is restricted to
2154 occupants of the principal use and guests for whom no admission or membership
2155 fees are charged.

2156 (13) Private or public utility transmission, distribution and/or collection
2157 systems; and not, however, including substations and distribution substations,
2158 pump stations, reservoirs, towers, transmission equipment buildings and similar
2159 facilitating structures.

2160 (14) Residential accessory storage buildings for the storage of wood,
2161 lumber, lawn or gardening equipment and other materials and equipment,
2162 exclusively for the personal use of the residents of the premises, but not
2163 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-5D~~ 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

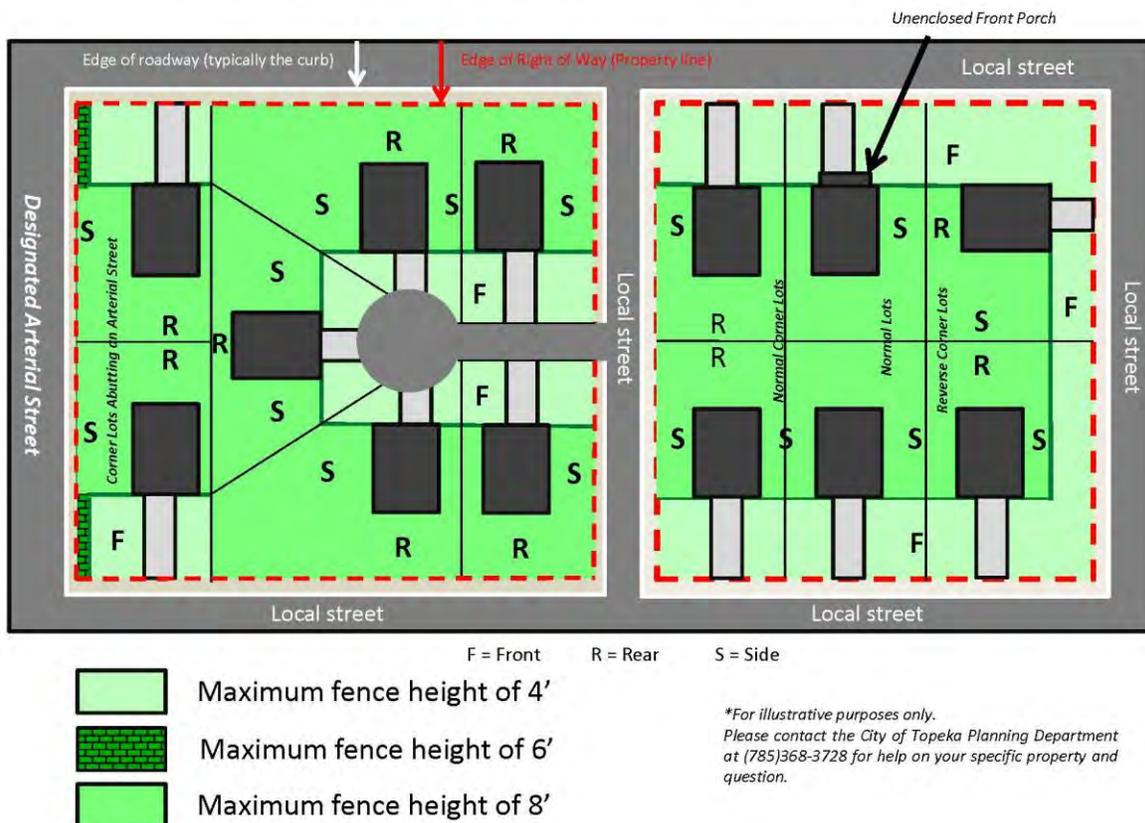
2257 location and height requirements:

2258 (1) Except as provided in subsection (e~~d~~) of this section, no portion of a

2259 fence shall exceed eight feet in height.

2260 (2) Fences and hedges shall be located so no part thereof extends into
 2261 public right-of-way nor is located closer than one foot from a public sidewalk.
 2262 (3) In R and M districts, fences beyond the front face of the principal
 2263 structure shall not exceed four feet in height. On corner lots, but not including
 2264 reversed corner lots, fences beyond the front face of the principal structure where
 2265 the fence is located along an arterial street that runs perpendicular to the corner
 2266 lots' established rear yard shall not exceed six feet in height. On reversed corner
 2267 lots, fence heights shall be limited to four feet within all required front yards. On
 2268 double frontage lots, fence heights shall be limited to four feet where such lots
 2269 abut the established minimum front yard of any adjoining lot. The following
 2270 diagram illustrates the setback requirements established in this section:

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



2271

2272 (b) Hazards. Notwithstanding subsection (a) of this section, no fence shall be
2273 constructed:

2274 (1) Upon determination by the city engineer that the proposed fence
2275 constitutes a traffic hazard;

2276 (2) The location of the fence creates a site obstruction, such as within
2277 a site distance triangle, as prohibited by Chapter 12.20 TMC, Public Traffic
2278 Hazards; or

2279 (3) In such a manner or design as to be hazardous or dangerous to
2280 persons or animals.

2281 (c) Construction methods and materials. Fences in all districts shall be
2282 constructed of normally used fencing materials such as chain link, wood slats, masonry,
2283 iron, vinyl, or other materials typically supplied by vendors of fencing materials. The
2284 finished side of the fence shall face the street.

2285 (ed) The following shall constitute exceptions to the requirements of subsection
2286 (a)(1) of this section:

2287 (1) Fences located in or upon parks and/or recreational facilities;
2288 provided, however, this exception shall not apply to recreational facilities which
2289 are accessory to a single-family dwelling.

2290 (2) Fences located in or upon public use facilities or public utility
2291 facilities, such as electrical substations or pumping stations, shall be limited to
2292 eight feet in height unless the planning director determines that additional height,
2293 not to exceed ~~nineteen~~ nineteen feet, is necessary for public health and safety.

2294 (e) Fences in X districts shall comply with TMC 18.185.070.

2295 Section 34. That The Code of the City of Topeka, Kansas, is hereby amended

2296 by adding a section, to be numbered 18.210.050, which said section reads as follows:

2297 **Cargo Containers.**

2298 Cargo containers as an accessory use are permitted in the I-1 and I-2 districts.

2299 In all other districts cargo containers are permitted only in accordance with the following
2300 provisions and standards.

2301 (a) In a residential zoning district, one cargo container used as a moving pod
2302 no larger than 160 square feet and no more than 9 feet tall may be used on a temporary
2303 basis for up to 30 days within a calendar year.

2304 (b) In a non-residential or mixed use zoning district, cargo containers no
2305 larger than 320 square feet and no more than 9 feet tall may be used on a temporary
2306 basis for up to 30 days within a calendar year.

2307 (c) In commercial zoning districts C-3, C-4, X-2 and where accessory to
2308 institutional uses in other zoning districts, cargo containers shall not be visible from a
2309 public street either by placement or opaque fence/landscape screening. Any cargo
2310 container only visible from the front of buildings on adjacent property shall be set
2311 against the primary building and color matched with the building, and shall be limited to
2312 one cargo container. In addition, cargo containers shall:

2313 (1) not displace or interfere with required parking, circulation, or
2314 emergency access;

2315 (2) not be used as a base, platform, or location for business
2316 identification signs;

2317 (3) not be located in any required front or side yard setback adjoining a
2318 street right-of-way; and

2319 (4) be located at grade level and not stacked.

2320 (d) Exceptions to the requirements in subsections a – c above include:

2321 (1) Cargo containers used for allowed on-site construction purposes for
2322 a period not to exceed the duration of a construction project with a valid building
2323 permit and for no more than 180 days for construction projects not requiring a
2324 building permit.

2325 (2) Cargo containers used where accessory to public or institutional
2326 athletic fields as the primary use.

2327 (e) Any legally existing cargo containers made nonconforming on the effective
2328 date of this ordinance shall conform on or before September 1, 2017.

2329 Section 35. That section 18.225.010, Special use requirements, of The Code of
2330 the City of Topeka, Kansas, is hereby amended to read as follows:

2331 **Special use requirements.**

2332 The special uses identified in the use matrix table at TMC 18.60.010 are subject
2333 to the additional requirements of this chapter. In case of any conflict between the
2334 regulations of the district in which the use is allowed and the additional regulations of
2335 this chapter, the most restrictive regulations shall govern:

2336 (a) Automobile or Vehicle Dealership. This use includes the sales, leasing,
2337 and service of vehicles and trailers having a gross vehicle weight rating over 12,000
2338 pounds, watercraft, recreational vehicles, heavy construction equipment, and
2339 agricultural equipment.

2340 (1) Ancillary towing services and body shops are permitted. Storage of
2341 damaged vehicles needing body shop repairs shall only be stored in rear yards
2342 or screened from view from public roadways and screened from abutting
2343 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.

2368 (6) A solid, opaque screen, fence or sight prohibitive landscaping shall
2369 be provided along lot lines adjoining residential property at a height of not less
2370 than six feet except in front yards where it may be reduced to three feet or
2371 replaced with shrubs designed to grow two to three feet in height.

2372 (c) Automobile Sales. Except in the C-4 commercial district, ancillary uses for
2373 a body shop and automotive service station type 3 are prohibited unless a conditional
2374 use permit is secured.

2375 (1) Automobile sales, leasing, and service of vehicles are restricted to
2376 automobiles, pickup trucks, motorcycles and other vehicles that do not exceed a
2377 gross vehicle weight rating of 12,000 pounds in the C-3 district.

2378 (2) The inventory of vehicles for sale, lease, or service shall be parked
2379 only on paved areas and shall not displace the minimum required number of off-
2380 street parking spaces.

2381 (3) A solid, opaque screen, fence or sight prohibitive landscaping shall
2382 be provided along lot lines adjoining residential property at a height of not less
2383 than six feet except in front yards where it may be reduced to three feet or
2384 replaced with shrubs designed to grow two to three feet in height.

2385 (d) Automotive Service Station.

2386 (1) Type 1. A facility which dispenses automotive fuels and oil with or
2387 without retail sales of incidental merchandise such as packaged beer,
2388 nonalcoholic beverages, ice, candy, cigarettes, snacks and convenience
2389 packaged foods.\

2390 (2) Type 2. A facility which may include those uses defined in type 1
2391 and specifically includes replacement of automotive parts including but not

2392 limited to fan belts, hoses, sparkplugs, tires and tubes, ignition parts, batteries,
2393 shock absorbers, and fuses. A type 2 facility is limited to servicing automobiles,
2394 pickups, motorcycles and other vehicles having a gross vehicle weight rating of
2395 12,000 pounds or less. The following automotive services shall be permitted in a
2396 type 2 facility:

2397 (i) Lubrication.

2398 (ii) Tire repair and replacement.

2399 (iii) Brake repair and wheel balancing and alignment.

2400 (iv) Muffler and exhaust system repair and replacement.

2401 (v) Shock absorber and strut replacement.

2402 (vi) Engine adjustment (tune-up).

2403 (vii) Replacement of pumps, cooling systems, generators,
2404 alternators, wires, starters, air conditioners, bearings and other similar
2405 devices.

2406 (viii) Radio, GPS, rear cameras, and similar electronics installation
2407 and repair.

2408 (ix) Glass replacement.

2409 (x) Trailer hitch and wiring installation and repair.

2410 (xi) And other similar repair and replacement services normally
2411 deemed to be emergency and convenience services; however, the same
2412 shall not include drive train units such as the engine, transmission or drive
2413 components.

2414 (3) Type 3. A facility which may include those uses defined in types 1
2415 and 2, and specifically includes repair, rebuilding and replacement of drive train
2416 units of automobiles, pickup trucks, motorcycles, trailers, and other vehicles.

2417 (4) For types 1, 2, and 3 a solid, opaque screen, fence or sight
2418 prohibitive landscaping shall be provided along lot lines adjoining residential
2419 property at a height of not less than six feet except in front yards where it may be
2420 reduced to three feet or replaced with shrubs designed to grow two to three feet
2421 in height.

2422 (e) Automobile or Vehicle Tow Lot and Body Shop. This use includes body
2423 repair of vehicles and trailers having a gross vehicle weight rating over 12,000 pounds,
2424 watercraft, recreational vehicles, heavy construction equipment, and agricultural
2425 equipment. Facilities shall meet the following standards:

2426 (1) Storage of damaged vehicles needing body shop repairs shall only
2427 be parked on paved areas in rear yards or screened from view from public
2428 roadways.

2429 (2) Vehicle wrecking and dismantling for salvage purposes are
2430 prohibited.

2431 (3) Each disabled vehicle is limited to 30 days of on-site storage.

2432 (4) A solid, opaque screen, fence or sight prohibitive landscaping shall
2433 be provided along lot lines adjoining residential property at a height of not less
2434 than six feet except in front yards where it may be reduced to three feet or
2435 replaced with shrubs designed to grow two to three feet in height.

2436 (f) Cemetery.

2437 (1) Areas. Any cemetery established after the effective date of the
2438 ordinance codified in this division shall be located on a site containing not less
2439 than 20 acres.

2440 (2) Setback. All structures including but not limited to a mausoleum,
2441 permanent monuments or maintenance building shall be set back not less than
2442 30 feet from any property line or street right-of-way line and all graves or burial
2443 lots shall be set back not less than 30 feet from any property line or street right-
2444 of-way line.

2445 (3) A cemetery shall have the principal entrance or entrances on a
2446 major traffic thoroughfare designated as a collector or arterial roadway on the
2447 Shawnee County functional classification of roadways map, with ingress and
2448 egress so designed as to minimize traffic congestion.

2449 (4) All on-site private drive locations and their widths shall be reviewed
2450 by the traffic engineer or designee of the applicable department of public works in
2451 respect to providing efficient vehicular access and traffic flow; and to minimize
2452 vehicle conflict with pedestrians. Development of the cemetery shall not
2453 commence until approval of the aforementioned drive locations and their widths
2454 have been secured.

2455 (g) Community Gardens.

2456 (1) All community gardens shall be allowed only after the owner or
2457 applicant has registered the community garden with the planning department and
2458 has paid a fee of \$50.00. The planning director shall adopt administrative
2459 procedures necessary to govern the registration requirements and ensure
2460 compliance with the requirements.

2461 (2) Community gardens shall be the primary use of the lot. The
2462 gardens may be divided into plots for cultivation by one or more individuals
2463 and/or groups or may be cultivated by individuals and/or groups collectively.

2464 (3) Fences are allowed subject to a fence permit and compliance with
2465 TMC 18.210.040. In R and M districts, the minimum front yard setback for the
2466 district shall act as the front face of the principal structure.

2467 (4) Sales and operation of mechanical equipment shall occur only
2468 between 8:00 a.m. and 8:00 p.m. For type 1 gardens, sales of produce grown on-
2469 site are permissible provided that all stands and displays are removed on or
2470 before 8:00 p.m.

2471 (5) Cultivation equipment shall not exceed the size of a compact utility
2472 tractor and its accessories.

2473 (6) The cultivated area shall have a minimum setback of three feet
2474 from all property lines. Crops planted in any minimum front yard setback are
2475 limited to those that will grow to a height of four feet or less (e.g., four feet
2476 maximum in the front 30 feet).

2477 (7) Dead garden plants shall be removed regularly and no later than
2478 November 30th of each year.

2479 (8) Weeds, grass, undergrowth and uncultivated plants shall not
2480 exceed a height of 12 inches.

2481 (9) Compost bins shall be set back at least 10 feet from all side and
2482 rear property lines and 25 feet from the front property line. Compost bins shall be
2483 screened and maintained in such a manner as to not attract insects, vermin,

2484 reptiles and other animals. Appropriate best management practices shall be used
2485 to minimize odor.

2486 (10) The site shall be designed and maintained so that no water,
2487 fertilizers, or pesticides drain onto adjacent property.

2488 (11) The entire site shall be maintained in a manner, including noise and
2489 odors, so that it complies with Chapter 8.60 TMC.

2490 (12) Signage is limited to one permanent identification sign per property
2491 frontage consisting of up to 10 square feet per sign face and temporary signs are
2492 allowed in accordance with TMC 18.25.230(a).

2493 (13) Orchards and tree farms shall meet the front yard setback for their
2494 zoning district and shall be set back at least 15 feet from all other property lines,
2495 with the measurements based on the nearest part of the trees' canopies.

2496 (14) Accessory structures for type I community gardens are limited to
2497 the following standards.

2498 (i) Accessory structures may include storage buildings, green
2499 houses, high tunnels and hoop houses maintained in good condition.

2500 (ii) Maximum height of 12 and one-half feet.

2501 (iii) Maximum lot coverage for structures shall be calculated based
2502 on the cultivated area for the community garden, including pathways.
2503 Maximum lot coverage for structures shall be 10 percent or less than 150
2504 square feet, whichever is greater.

2505 (iv) Storage buildings are limited to less than 150 square feet and
2506 may only be used for storing garden equipment and materials used on
2507 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.

2532 (1) An on-site automobile drop off/pickup area for a minimum of two
2533 vehicles shall be provided for a facility which only has street frontage on a
2534 roadway that is classified as a collector or arterial roadway on the Shawnee
2535 County functional classification of roadways map; and said drop off/pickup shall
2536 be provided in accordance with any applicable provisions of said plan.

2537 (j) Demolition Landfill.

2538 (1) The applicant shall submit documentation showing compliance with
2539 all licenses or permits required by the State Department of Health and
2540 Environment prior to construction and within 30 days of renewal of any state
2541 licenses and permits. The site shall maintain a neat appearance along all public
2542 road frontages and along all property boundaries abutting residential zoning
2543 districts.

2544 (k) Dwelling Units on Main Floor. Dwelling units located on main floors shall
2545 meet the following requirements:

2546 (1) The units must be subordinate in area or location to nonresidential
2547 uses on the main floor; or

2548 (2) The units shall be allowed in structures that were originally built for
2549 use as dwelling units, the structure has been used historically for dwelling units,
2550 or the dwelling units were converted from hospital, school, or hotel rooms.

2551 (l) Extraction, Processing, Storage and Sale of Raw Materials, Including Ore,
2552 Minerals, Sand, Rock, Stone, Gravel, Topsoil, Fill Dirt, and Other Materials Delivered by
2553 Quarry, Mining, Dredging, or Stripping Operations. In addition to the standard
2554 application components required of an applicant to petition for a conditional use permit,
2555 a request for the subject use shall identify the specific raw material and type of

2556 operation under consideration and furthermore, shall include the below-listed additional
2557 information, plans and data.

2558 (1) Site Plan. A site plan prepared by a registered civil engineer, drawn
2559 to scale on a sheet measuring 24 inches by 36 inches in size and including the
2560 following:

2561 (i) Contour intervals: two feet for slopes 30 percent or less; 10 feet
2562 for greater slopes when map scale is one inch equals 100 feet.

2563 (ii) Contour intervals: two feet for slopes 20 percent or less; 10 feet
2564 for greater slopes when map scale is one inch equals 200 feet.

2565 (iii) Identify name, grade, right-of-way and street width of existing
2566 and proposed streets extending through or adjacent to the site.

2567 (iv) Identify width and purpose of easements extending through or
2568 adjacent to the site.

2569 (v) Identify natural land features including but not limited to
2570 watercourses and drainageways, floodplains, rock outcropping, springs,
2571 wooded areas, etc.

2572 (vi) Identify manmade features such as buildings and other
2573 structures, dams, dikes and impoundments of water.

2574 (vii) Identify all of the above-noted adjacent land features within 300
2575 feet of the site. In addition, show all platted subdivision lots and metes and
2576 bounds parcels.

2577 (viii) Show location of at least five borings, which show depths to
2578 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.

2603 (xii) Location of screening berms shall be shown to scale, and
2604 notes shall be provided indicating when they will be used as reclamation
2605 material. In the same manner overburden storage areas shall be identified
2606 and noted.

2607 (xiii) Proposed location of settling basins and process water ponds.

2608 (xiv) Site drainage features shall also be shown and flow direction
2609 indicated.

2610 (3) A restriction of use statement, which shall include:

2611 (i) The approximate date of commencement of the excavation and
2612 the duration of the operation.

2613 (ii) Proposed hours of operation and days of operation.

2614 (iii) Estimated type and volume of the excavation.

2615 (iv) Method of extracting and processing, including the disposition
2616 of overburden or top soils.

2617 (v) Equipment proposed to be used in the operation of the
2618 excavation.

2619 (vi) Operating practices proposed to be used to minimize noise,
2620 dust, air contaminants, and vibration.

2621 (vii) Methods to prevent erosion and pollution of surface or
2622 underground water.

2623 (4) Reclamation Plan. A reclamation plan prepared in the same
2624 manner as the site plan and including the following:

2625 (i) A statement of planned reclamation, including methods of
2626 accomplishment, phasing, and timing.

2627 (ii) A plan indicating: the final grade of the excavation; any water
2628 features included in the reclamation and methods planned to prevent
2629 stagnation and pollution; landscaping or vegetative planting; and areas of
2630 cut or fill. This plan, if clearly delineated, may be included with the site
2631 plan. For quarry applications, the final grade shall mean the approximate
2632 planned final grade.

2633 (iii) A phasing plan, if the excavation of the site is to be
2634 accomplished in phases. This plan shall indicate the area and extent of
2635 each phase and the approximate timing of each phase.

2636 (iv) The method of disposing of any equipment or structures used in
2637 the operation of the excavation upon completion of the excavation.

2638 (v) Show location of any proposed streets within the reclaimed area
2639 and their connection to present public streets beyond.

2640 (vi) Show location of any lakes, ponds, or streams proposed within
2641 the reclaimed area and their connections to streams or drainageways
2642 beyond.

2643 (vii) Show areas where vegetation is to be established, and indicate
2644 types of vegetative cover.

2645 (m) Golf Course – Country Club.

2646 (1) A golf course or country club shall be established on a minimum
2647 contiguous area of 20 acres and shall consist of a minimum of nine holes.

2648 (2) Vehicular access to a golf course or country club may
2649 ingress/egress directly to a local street provided the local street intersects with a
2650 roadway that is classified as a collector or arterial roadway on the Shawnee

2651 County functional classification of roadways map; and further provided, that said
2652 points of ingress/egress are located within 300 feet of the centerline of the
2653 aforementioned thoroughfare.

2654 (3) All patron parking lots, clubhouses and recreational facilities other
2655 than those for golf, shall be located a minimum distance of 500 feet from all
2656 property boundaries of the golf course or country club.

2657 (4) All maintenance facilities and employee parking lots shall be
2658 located a minimum distance of 200 feet from all property boundaries of the golf
2659 course or country club.

2660 (5) If one or more of the requirements cannot be met, a person may
2661 apply for a conditional use permit pursuant to Chapter 18.215 TMC.

2662 (n) Indoor Gun Range.

2663 (1) A building for the safe discharge of firearms shall meet the following
2664 requirements:

2665 (i) The building shall be designed so that discharged ammunition
2666 does not escape the confines of the building.

2667 (ii) Discharge noise does not adversely impact neighboring
2668 properties.

2669 (iii) The building shall be located at least 200 feet from any
2670 residentially zoned property.

2671 (2) If one or more of the requirements cannot be met, a person may
2672 apply for a conditional use permit pursuant to Chapter 18.215 TMC.

2673 (o) Outdoor Storage of Nonmerchandise. When storage is located in a yard
2674 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.

2699 (3) All activities of the facility as a conditional use permit shall be by
2700 prearranged lease, contract, or agreement and therefore the facility shall not be
2701 open to the general public.

2702 (q) Recycling Depot. Recycling depots shall meet the following requirements:

2703 (1) Limited to the collection, storage and processing of metal, glass or
2704 plastic food or beverage containers and paper resources as an initial phase of a
2705 recycling process.

2706 (2) The recycling process shall be limited to the volume reduction of
2707 such materials by mechanical and hand sorting methods only.

2708 (3) All storage and processing operations in conjunction therewith shall
2709 be contained within the principal structure.

2710 (r) Religious Assembly.

2711 (1) Vehicular access to a facility of religious assembly may
2712 ingress/egress directly to a local street, provided said local street intersects with
2713 a major traffic thoroughfare as designated on the transportation plan; and further
2714 provided, that said points of ingress/egress are located within 300 feet of the
2715 centerline of the aforementioned thoroughfare.

2716 (2) If one or more of the requirements cannot be met, a person may
2717 apply for a conditional use permit pursuant to Chapter 18.215 TMC.

2718 (s) Relocation, Remodeling or Rebuilding of Legal Nonconforming Billboards.

2719 No application for a conditional use permit to relocate, remodel, or rebuild an existing
2720 legal nonconforming billboard shall be approved unless the governing body, upon
2721 recommendation by the planning commission, shall determine that the proposed

2722 billboard is appropriate in the location proposed based upon its consideration of the
2723 standards set forth below.

2724 (1) This subsection shall apply only to existing legal nonconforming
2725 billboards presently located within the C-4 commercial district. In seeking a
2726 conditional use permit, the applicant shall specify the location, size, height and
2727 area of the existing billboard proposed to be removed.

2728 (2) The structural members of all billboard materials shall be
2729 constructed entirely of noncombustible materials excepting only the sign face,
2730 ornamental molding and platform and shall be installed only on single-pole
2731 structures.

2732 (3) The proposed relocated sign shall not be larger than the existing
2733 billboard proposed to be removed, but not to exceed 750 square feet including
2734 extensions; nor shall such relocated sign have more than two sign faces.

2735 (4) No billboard to be relocated shall be erected upon the roof of any
2736 building or attached to any building.

2737 (5) No billboard to be relocated shall be set back less than 20 feet from
2738 any public right-of-way line.

2739 (6) No billboard to be relocated shall be less than either 1,320 feet
2740 from any other such sign on the same street or closer than a 400-foot radius on
2741 different streets.

2742 (7) No billboard to be relocated shall be less than 200 feet from any
2743 underpass, overpass or bridge structure.

2744 (8) No billboard to be relocated shall be placed within 300 feet of a
2745 residential dwelling, which fronts on the same street right-of-way, nor within 500

2746 feet of any religious assembly or public or private elementary or secondary
2747 school on the same street.

2748 (9) No billboard shall result in the loss or damage of natural, scenic, or
2749 historic features of significant importance; and shall be constructed and operated
2750 with minimal interference of the use and development of neighborhood property.

2751 (10) No billboard shall be so designed to include the vertical stacking of
2752 billboards on the sign pole. Each billboard shall be comprised of a single sign
2753 face oriented in a given direction. This provision does not preclude double sided
2754 billboards where arranged back to back on the sign pole.

2755 (t) Manufactured Home. A manufactured home for the purpose, use and
2756 occupancy of a family shall meet the following requirements:

2757 (1) The manufactured home shall have a minimum dimension of 14
2758 body feet in width for the principal structure.

2759 (2) The manufactured home shall be secured to the ground on a
2760 permanent foundation.

2761 (3) The undercarriage of the manufactured home shall be completely
2762 screened from view by the foundation or skirting, such skirting to be of material
2763 harmonious to the unit structure and installed within 10 days of unit placement.

2764 (4) The manufactured home shall have the towing apparatus, wheels,
2765 axles, and transporting lights removed.

2766 (5) The manufactured home shall have an exterior facade of vinyl or
2767 wood siding, stone, brick, or other nonmetallic material.

2768 (6) The roof of the manufactured home shall be double pitched and
2769 have a nominal vertical rise of three inches for each 12 inches of horizontal run,

2770 and shall be covered with material that is residential in appearance, including but
2771 not limited to wood, asphalt, composition or fiberglass shingles, but excluding
2772 corrugated aluminum, corrugated fiberglass, or corrugated metal roofing material.
2773 The roof shall have a minimum eave projection or overhang of 10 inches on at
2774 least two sides, which may include a four-inch gutter.

2775 (u) Retail Merchandise Outdoor Display. Items for sale that are displayed
2776 outside buildings, exclusive of very large items such as vehicles and construction
2777 materials, shall meet the following standards:

2778 (1) The display area shall not exceed 50 percent of the first floor area
2779 of the business.

2780 (2) Screening shall be provided between the merchandise being stored
2781 and residentially zoned properties when the merchandise is located in a side or
2782 rear yard next to residentially zoned properties. Merchandise shall not be stacked
2783 higher than the screening in this area.

2784 (3) The inventory of vehicles and equipment for sale, lease, or service
2785 shall not displace the minimum required number of off-street parking spaces.

2786 (4) In D and X Districts, retail merchandise outdoor display areas shall
2787 occur only during normal business hours. The outdoor display area shall provide
2788 adequate pedestrian clearance and shall not obstruct vehicular or pedestrian
2789 circulation.

2790 (v) Self-Storage, Type I. An indoor storage facility for individuals and small
2791 businesses shall meet the following specific requirements:

2792 (1) Any new building shall have exterior design characteristics similar
2793 to retail buildings in the area.

2794 (2) Only one large common dock/garage door opening shall be allowed
2795 per building and shall not face any street frontage unless appropriately screened.

2796 (3) All items being stored must be inside of an enclosed building.

2797 (4) No business activity shall be conducted in the individual storage
2798 units.

2799 (5) No living quarters are allowed within the individual units but the
2800 overall premises may have one dwelling unit for the caretaker.

2801 (6) The storage of hazardous, toxic, or explosive substances is
2802 prohibited.

2803 (w) Animal Care and Services, Type I.

2804 (1) Medical treatment or care of large animals such as horses, cattle,
2805 sheep, goats, swine, etc., shall not be permitted on the premises.

2806 (2) Medical treatment or care shall be provided only within the confines
2807 of an enclosed building or structure.

2808 (3) The building or structure shall be constructed in such a manner as
2809 to prevent audible noise and/or odor from adversely impacting adjoining
2810 properties.

2811 (x) Television, Radio, and Microwave Transmission Towers –
2812 Telecommunication Equipment – Accessory Facilities. In addition to the standard
2813 application components required of an applicant to petition for a conditional use permit,
2814 a petition for a conditional use permit for the subject use shall include:

2815 (1) A site plan or plans drawn to scale of one inch equals 30 feet or
2816 larger and identifying the site boundary; tower(s); guy wire anchors; existing and
2817 proposed structures; vehicular parking and access; existing vegetation to be

2818 retained, removed, or replaced; and uses, structures, and land use designations
2819 on the site and abutting parcels.

2820 (2) A plan drawn to scale showing any proposed landscaping, including
2821 species type, size, spacing, and other features.

2822 (3) The applicant shall provide written communications obtained from
2823 the Federal Communications Commission and the Federal Aviation
2824 Administration indicating whether the proposed tower complies with applicable
2825 regulations administered by that agency or that the tower is exempt from those
2826 regulations. If each applicable agency does not provide a requested statement
2827 after the applicant makes a timely, good-faith effort to obtain it, the application is
2828 complete. The applicant shall send a subsequently received agency statement to
2829 the planning director.

2830 (4) The applicant shall demonstrate that the tower complies with any
2831 applicable provisions of the airport hazard zone regulations if the tower site is
2832 located within the hazard zone as established by said regulations.

2833 (y) Vehicle Surface Parking Lot.

2834 (1) The parking lot site shall be of like district zoning classification as
2835 that of an associated principal use or that of a less restrictive district. The parking
2836 lot site shall not be separated from the associated principal use by an intervening
2837 zoning district of a more restrictive classification.

2838 (2) The parking lot site shall not be separated from an associated
2839 principal use by an intervening public street right-of-way is classified as a
2840 collector or arterial roadway on the Shawnee County functional classification of
2841 roadways map.

2842 (3) The nearest point of a parking lot site to the nearest point of the
2843 building served by the parking lot shall not be greater than 500 feet.

2844 (4) If one or more of the requirements cannot be met, a person may
2845 apply for a conditional use permit pursuant to Chapter 18.215 TMC.

2846 (z) Bed and Breakfast Home.

2847 (1) Specific Requirements. Requests to establish a bed and breakfast
2848 home shall conform to all of the following requirements:

2849 (i) The bed and breakfast shall operate as an ancillary use to the
2850 principal use of the residence as a single-family dwelling.

2851 (ii) The bed and breakfast shall be located in an existing single-
2852 family dwelling and no new structure shall be built expressly for a bed and
2853 breakfast establishment.

2854 (iii) The bed and breakfast shall be operated within the single-family
2855 dwelling and not in any accessory structure.

2856 (iv) The primary entrance to all guestrooms shall be from within the
2857 dwelling. A guestroom can retain an original secondary exterior entrance
2858 opening onto a porch or balcony.

2859 (v) The exterior of the dwelling and premises shall outwardly remain
2860 and appear to be a single-family dwelling giving no appearance of a
2861 business use.

2862 (vi) Individual guestrooms shall not contain cooking facilities.

2863 (vii) The bed and breakfast shall not be used for weddings,
2864 receptions, parties, business meetings, or similar such activities.

2865 (viii) One nonilluminated nameplate sign, attached flat on the face
2866 of the principal dwelling, shall be permitted not to exceed nine square feet.
2867 The nameplate shall be styled and detailed architecturally with the
2868 principal building and shall be limited to the name of the bed and breakfast
2869 or owner or both.

2870 (ix) Retail sales of a nature clearly incidental and subordinate to the
2871 primary use of the premises as a bed and breakfast establishment shall be
2872 permitted subject to the following requirements:

2873 (A) The merchandise offered for sale shall be confined to the
2874 dwelling and not located within a garage or accessory structure,
2875 whether attached or detached.

2876 (B) Merchandise offered for sale shall be restricted to that produced
2877 on site; souvenir items bearing the name and/or logo of the
2878 establishment; and those items customarily provided for the
2879 convenience of resident guests.

2880 (C) There shall be no advertising, display or other indication of
2881 merchandise offered for sale on the premises.

2882 (D) No commercial telephone listing, newspaper, radio or television
2883 service shall be used to advertise the sale of merchandise.

2884 (E) The total area devoted to the display or merchandise shall not
2885 exceed five percent of the gross floor area of the dwelling,
2886 excluding an attached garage.

2887 (aa) Bed and Breakfast Inn.

2888 (1) Specific Requirements. Requests to establish a bed and breakfast
2889 inn shall conform to all of the following requirements:

2890 (i) The bed and breakfast shall be located in an existing single-
2891 family dwelling and no new structure shall be built expressly for a bed and
2892 breakfast establishment.

2893 (ii) The bed and breakfast shall be operated within the single-family
2894 dwelling and not in any accessory structure.

2895 (iii) The primary entrance to all guestrooms shall be from within the
2896 dwelling. A guestroom can retain an original secondary exterior entrance
2897 opening onto a porch or balcony.

2898 (iv) The exterior of the dwelling and premises shall outwardly
2899 remain and appear to be a single-family dwelling giving no appearance of
2900 a business use.

2901 (v) Individual guestrooms shall not contain cooking facilities.

2902 (vi) One nonilluminated nameplate sign, attached flat on the face of
2903 the principal dwelling, shall be permitted not to exceed nine square feet.
2904 The nameplate shall be styled and detailed architecturally with the
2905 principal building and shall be limited to the name of the bed and breakfast
2906 or owner or both.

2907 (vii) Retail sales of a nature clearly incidental and subordinate to
2908 the primary use of the premises as a bed and breakfast establishment
2909 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.

2981 (2) If one or more of the requirements cannot be met, a person may
2982 apply for a conditional use permit pursuant to Chapter 18.215 TMC.

2983 (cc) Automobile Rental Establishments.

2984 (1) Automobiles, pickup trucks, motorcycles and other vehicles shall
2985 not exceed a gross vehicle weight rating of 12,000 pounds in the C-2 district.

2986 (2) No automobile sales and/or long-term leasing of vehicles exceeding
2987 six months shall be permitted.

2988 (3) No on-site vehicle maintenance or mechanical service shall be
2989 permitted except to clean and prepare a vehicle for rental.

2990 (4) No gasoline service shall be provided on site.

2991 (5) No exterior storage or display of products, materials, supplies or
2992 equipment shall be permitted except for the rental vehicles.

2993 (6) The inventory of rental vehicles shall be parked only on paved
2994 areas and shall not displace the required number of off-street parking spaces to
2995 be provided.

2996 (7) A solid, opaque screen, fence or sight prohibitive landscaping shall
2997 be provided along lot lines adjoining residential property at a height of not less
2998 than six feet except in front yards where it may be reduced to three feet or
2999 replaced with shrubs designed to grow two to three feet in height.

3000 (dd) Group Residence, General – Group Residence, Limited – Correctional
3001 Placement Residence or Facility, General – Correctional Placement Residence or
3002 Facility, Limited – Home Care, Type II. In considering an application for a conditional
3003 use permit for a correctional placement residence or facility, general; a correctional
3004 placement residence or facility, limited – home care, type II; a group residence, general;

3005 or a group residence, limited, the planning commission and governing body will give
3006 consideration to the following criteria:

3007 (1) The conformance of the proposed use to the comprehensive plan
3008 and other adopted planning policies.

3009 (2) The character of the neighborhood including but not limited to: land
3010 use, zoning, density (residential), architectural style, building materials, height,
3011 structural mass, siting, open space and floor-to-area ratio (commercial and
3012 industrial).

3013 (3) The zoning and uses of nearby properties, and the extent to which
3014 the proposed use would be in harmony with such zoning and uses.

3015 (4) The suitability of the property for the uses to which it has been
3016 restricted under the applicable zoning district regulations.

3017 (5) The length of time the property has remained vacant as zoned.

3018 (6) The extent to which approval of the application would detrimentally
3019 affect nearby properties.

3020 (7) The extent to which the proposed use would substantially harm the
3021 value of nearby properties.

3022 (8) The extent to which the proposed use would adversely affect the
3023 capacity or safety of that portion of the road network influenced by the use, or
3024 present parking problems in the vicinity of the property.

3025 (9) The extent to which the proposed use would create excessive air
3026 pollution, water pollution, noise pollution or other environmental harm.

3027 (10) The economic impact of the proposed use on the community.

3028 (11) The gain, if any, to the public health, safety and welfare due to
3029 denial of the application as compared to the hardship imposed upon the
3030 landowner, if any, as a result of denial of the application.

3031 (ee) Mobile Retail Vendors. Mobile retail vendors are allowed in zoning
3032 districts where retail sales are permitted per TMC 18.60.010 or where allowed by
3033 ordinance.

3034 (ff) Micro-Alcohol Production in X-2 and X-3 and D Districts:

3035 (1) Micro-breweries are limited to 5,000 barrels per year.

3036 (2) Tap rooms and tasting rooms are permitted as an accessory use
3037 and shall be located near the street front side of the building.

3038 (3) Any portion of the building that fronts a public street shall have a
3039 store front facade and include windows and door openings along the street
3040 frontage.

3041 (4) The area of the building used for manufacturing, processing,
3042 brewing, fermenting, distilling, or storage shall be above or below the ground
3043 floor or located to the rear of the building or otherwise subordinate in area and
3044 extent.

3045 (gg) Artisan Manufacturing

3046 (1) The area used for production and assembly shall be limited to no
3047 more than 80% of the gross floor area of the principal structure and shall not
3048 exceed a total of 6,000 sq. ft.

3049 (2) All activities and equipment associated with all aspects of artisan
3050 manufacturing shall be confined to the interior of structures located on the
3051 property.

3052 (3) In C-1, X-3, D-1 and D-2 districts artisan manufacturing occurring
3053 on the ground level within a designated district classification must retain the front
3054 portion of the ground level to serve as a storefront entrance to a showroom, retail
3055 space, office use, or permitted residential use, consistent with the general
3056 character of the adjacent properties.

3057 (4) The production process shall not produce offensive chemical odors,
3058 dust, vibration, noise, or other offensive external impacts that are detectable
3059 beyond the boundaries of the subject property.

3060 (5) Retail sales of the product produced on site are allowed. On-site
3061 retail sales of other non-related products are permitted.

3062 (hh) Drive-up/Drive Through Facilities.

3063 (1) In D and X Districts, the drive-up window, menu boards and all
3064 lanes needed for vehicle stacking shall be located to the rear or side of the
3065 principal building.

3066 (2) In D and X Districts, the drive-up window facility shall be secondary
3067 and subordinate in size to the principal uses of the structure in which the drive-up
3068 facility is located.

3069 (3) All lanes used for ingress, stacking, service, and egress shall be
3070 integrated safely and effectively with circulation and parking facilities.

3071 (4) Ingress and egress shall be designed to minimize potential conflicts
3072 with vehicular, pedestrian, and bicycle traffic.

3073 (5) The location and design of the drive-up facility shall minimize blank
3074 walls on street-facing exteriors of the building and disruption of existing or
3075 potential retail and other active ground floor uses.

3076 (6) Approval of a traffic impact analysis by the city traffic engineer may
3077 be required.

3078 (7) The principal use of the building is allowed in the zoning district.

3079 Section 36. That section 18.230.040, Permitted encroachments in required
3080 yards, of The Code of the City of Topeka, Kansas, is hereby amended to read as
3081 follows:

3082 **Permitted encroachments in required yards.**

3083 Under the terms of this division, a required yard shall be open, unoccupied, and
3084 unobstructed from grade to the sky. The following are permitted encroachments in
3085 required yards ~~except in the case of platted setbacks and recorded easements, in which~~
3086 ~~case no encroachments are permitted.~~

3087 (a) Accessory Building. Accessory buildings may be located in any yard
3088 except the front yard, provided they shall comply with the requirements of Chapter
3089 18.210 TMC.

3090 (b) Architectural Features. Eaves, cornices, marquees, awnings, canopies,
3091 belt courses, sills, buttresses or other similar features which extend beyond the wall of a
3092 building may encroach into any required yard by not more than 30 inches.

3093 (c) Canopy, Gas Pump Island. Unenclosed canopies over gas pump islands
3094 may encroach into any required yard, provided the supports shall be no closer than 10
3095 feet to the right-of-way line and do not conflict with the sight distance triangle as
3096 established by the city or county.

3097 (d) Chimneys, Bay Windows and Balconies. Chimneys, bay windows and
3098 balconies may encroach into any yard not more than 30 inches, provided such features

3099 do not occupy, in the aggregate, more than one-third of the length of the building wall on
3100 which they are located.

3101 (e) Fences, Hedges and Walls. Fences, hedges and walls may be located in
3102 any yard, subject to the requirements of TMC 18.210.040.

3103 (f) Fire Escapes and Unenclosed Stairways. Fire escapes and unenclosed
3104 stairways exceeding a height of six (6) feet may encroach into any yard, provided they
3105 shall not extend into a side yard more than three feet or into a rear yard more than five
3106 feet. Fire escapes and unenclosed stairways that are six (6) feet or less in height are
3107 subject to subsection (i).

3108 (g) Dispensing Equipment and Devices. Fuel pump and air dispensing
3109 devices located in districts where allowed shall be exempt from the front yard
3110 requirement, but, on a corner lot all such dispensing equipment and devices shall be
3111 subject to the sight distance triangle as established by the city or county.

3112 (h) ~~Parking, Off-Street~~ Parking and Driveway Access. Except as otherwise
3113 provided in Chapters 18.235 and 18.240 TMC, open off-street parking and driveway
3114 access may be located in any yard.

3115 (i) ~~Porches, Deck and Stoops~~ Uncovered Horizontal Structures. An
3116 ~~unenclosed~~ Uncovered horizontal structures such as porches, decks, or stoops, and
3117 stair landings may encroach ~~not more than 10 feet into the front or rear yard and shall~~
3118 ~~maintain a minimum distance of 12 and one half feet from a street right of way line;~~
3119 ~~provided further, the aforementioned improvements shall not be in conflict with an~~
3120 ~~established setback line as reflected on a plat of subdivision.~~ into required yards as
3121 follows:

3122 (1) Uncovered horizontal structures of a height of six inches or less
3123 may encroach entirely into required yards but shall maintain a minimum distance
3124 of 12 and one half feet from street rights-of-way.

3125 (2) Uncovered horizontal structures of a height greater than six inches
3126 and no greater than 30 inches may encroach into required yards but shall
3127 maintain a minimum 3 foot setback from side and rear property lines and a
3128 minimum setback of 12 and one half feet from street rights-of-way.

3129 (3) Uncovered horizontal structures of a height greater than 30 inches
3130 may encroach not more than 10 feet into the required front or rear yards but shall
3131 maintain a minimum distance of 12 and one-half feet from street rights-of-way.

3132 (4) The height of a porch, deck, patio, stoop, stair landing or similar
3133 structure is measured from the deck or walking surface to surrounding grade.

3134 (j) Signs. Signs may be located in any yard except as provided in Chapter
3135 18.20 TMC.

3136 ~~(k) Telephones, Coin Operated. In O&I, C, I, U-1 and MS districts, coin-~~
3137 ~~operated telephones may be located in any yard, subject to the sight distance triangle~~
3138 ~~as established by the city or county.~~

3139 Section 37. That section 18.235.030, Applicability, of The Code of the City of
3140 Topeka, Kansas, is hereby amended to read as follows:

3141 **Applicability.**

3142 All requirements set forth in this chapter are applicable as follows:

3143 (a) Any construction within the O&I-1, O&I-2, O&I-3, C-1, C-2, C-3, C-4, M-S,
3144 I-1, I-2, X-1, X-2, X-3, U-1, and D-2, and all planned unit development districts for the
3145 above listed use groups; parking lots in the C-5 or D-1 zoning district. Multifamily

3146 dwelling developments (buildings composed of four or more dwelling units), churches or
3147 other religious or institutional uses in any zoning district and all developments
3148 constructed under the provision of a conditional use permit, in any zoning district, are
3149 also subject to this chapter.

3150 (b) An alteration to an existing structure which increases or decreases the
3151 amount of gross floor area of such structure by more than 50 percent ~~and/or~~ an alteration
3152 to a parking lot which increases or decreases the gross area of the parking lot by more
3153 than 50 percent shall be required to ~~come into compliance~~ comply with all landscaping
3154 provisions contained in this chapter.

3155 (c) The addition to a building or parking lot where the addition is adjacent to a
3156 residential use or a residential zone and a parking lot buffer is required in accordance
3157 with buffer requirements in TMC 18.235.060.

3158 (ed) The provisions of this chapter shall apply to all legal nonconforming uses
3159 as established and defined in TMC 18.50.040.

3160 Section 38. That section 18.235.060, Landscape requirements, of The Code of
3161 the City of Topeka, Kansas, is hereby amended to read as follows:

3162 **Landscape requirements.**

3163 (a) Performance Objectives. All required landscape plans shall emphasize
3164 plantings along visible street frontages and required buffer yards, as specified by this
3165 chapter to the greatest extent possible.

3166 (b) Planting Requirements/Point System. The developer may use any
3167 combination of plantings to obtain the necessary number of points required for the
3168 developed area. Different developed areas will lend themselves to different types of
3169 plantings. This chapter encourages creativity and diversity in landscaping. In no case

3170 shall a mono-culture of plantings be allowed. A variation of plantings, at least three
3171 different species, is required.

3172 Each landscape plan must equal or exceed a minimum number of base points in order
3173 to obtain approval. The number of points required depends on the size of the developed
3174 area (see Table 1). In order to obtain points, the plantings must be placed on the
3175 developed property and not on the public right-of-way, without the approval of the
3176 planning director in consultation with the public works department.

3177 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)

3178 All designated outdoor storage, loading, or display areas, including, but not limited to,
3179 car lots, lumber yards, warehouses, home improvement centers, and loading docks, will
3180 require an additional one point per 600 square feet.

3181 When only a portion of a large lot is developed (e.g., only one acre of a 10-acre lot),
3182 only the developed area shall be considered when determining the number of points
3183 required.

3184 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

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3186

(c) Parking Lot Requirements. All street-level parking lots shall be landscaped

3187

in accordance with the following requirements:

3188

(1) In addition to the number of base points required, one and one-half

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additional points are required for each parking space proposed. These additional

3190

points may be achieved by planting parking lot trees and/or parking lot shrubs.

3191

For example, a 10,000-square-foot developed area with 10 parking spaces

3192

requires 33 base points plus one and one-half points per parking space. The total

3193

point requirement for this developed area is 48 (33 base points plus 15 parking

3194

lot points).

3195

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

3196 trees/shrubs may be spaced around the perimeter of the lot as desired to provide
3197 a uniform and attractive design.

3198 (3) On lots with more than 24 parking spaces, landscaping shall be
3199 provided on parking lot islands and/or parking lot peninsulas within the confines
3200 of the developed parking lot at a ratio of one landscaped island or peninsula per
3201 24 parking spaces. These plantings shall be located to minimize and break the
3202 expanse of asphalt and concrete. Each parking lot island or peninsula shall be
3203 equivalent in size to one parking space.

3204 (d) Buffers and Buffer Zones. A developed area may be required to buffer
3205 certain portions of the development as provided for herein. If a developed area is
3206 required to buffer, the more stringent buffer requirements contained herein shall apply.
3207 Accumulation of minimum required landscaping points shall not reduce the
3208 requirements for any landscaped buffer as specified herein.

3209 (1) Residential Zone Buffer. On any commercial, industrial,
3210 institutional, PUD, conditional use permit, or multifamily development (three or
3211 more units), adjacent to a residential zoning district, a landscaped buffer along
3212 the property line(s) of the developing property is required. The buffer shall run the
3213 entire length of the abutting lot line(s). The type of buffer may consist of any
3214 combination of the following:

3215 (i) A solid opaque fence not less than six feet in height, and a six-
3216 foot-wide buffer of landscaped plantings located on the outside of the
3217 fence, not to exceed six-foot spacing between plants.

3218 (ii) A landscaped buffer no less than six feet in width, planted with a
3219 series of evergreen plantings which will grow to at least six feet in height

3220 and spaced in a manner to provide an impervious visual barrier, not to
3221 exceed six-foot spacing between plants.

3222 (iii) A landscaped berm at least 30 inches in height continuing the
3223 entire length of the abutting property line. A landscape credit for a
3224 landscaped berm may be claimed (per Table 1) in order to meet the
3225 screening requirements for the developing property. Such berm must be
3226 planted with trees, shrubs and/or plants in order to satisfy buffer
3227 requirements. A berm planted exclusively in turf grass is not considered by
3228 itself sufficient to satisfy buffer requirements as required by this chapter.

3229 (iv) Natural, undisturbed forest at least 20 feet in width that provides a
3230 nearly impervious visual barrier due to the dense nature of the plants
3231 and/or trees. If this option is chosen, the planning director shall determine
3232 whether the barrier is satisfactory through a site inspection prior to plan
3233 approval. Protective measures shall be provided during construction to
3234 ensure the area is protected from damage due to construction.

3235 (2) Parking Lot Buffer. All parking lots shall be buffered with
3236 landscaping as follows:

3237 (i) An area not less than four feet in width shall be located between
3238 a parking lot and an adjacent property line of a nonresidential zoning
3239 district. Such buffering shall not be required where an equivalent buffer
3240 exists on the adjoining property.

3241 (ii) A landscaped setback not less than 20 feet shall be located
3242 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,

3266 the addition or enlargement shall comply with the parking requirements set
3267 forth herein.

3268 (ii) Whenever a building, structure or use existing prior to February
3269 25, 1992, is enlarged by one or more additions, the sum total of which
3270 increases the floor area to the extent of 50 percent or more, the uses
3271 contained within the original building or structure and all enlargements
3272 shall thereafter comply with the parking requirements set forth herein.

3273 (iii) Whenever an existing single-family dwelling with more than 950
3274 square feet in floor area has less than two parking spaces, it shall be
3275 permitted to expand by not more than 25 percent in floor area without
3276 having to comply with the off-street parking requirements set forth herein.

3277 (3) Change of Use. Whenever a use existing prior to February 25,
3278 1992, shall be changed to a new use, parking facilities shall be provided as
3279 required for such new use.

3280 (4) Exempt District. Notwithstanding any other provision of this chapter,
3281 no parking facilities shall be required for any building or use as permitted in the
3282 ~~C-5 commercial district~~D-1 or D-3 districts.

3283 (b) Existing Parking Facilities. Accessory off-street parking facilities in
3284 existence on February 25, 1992, and located on the same zoning lot as the building or
3285 use served shall not hereafter be reduced below or, if already less than, shall not be
3286 further reduced below the requirements for a similar new building or use.

3287 (c) Permissive Parking Facilities. Nothing in this chapter shall be deemed to
3288 prevent the establishment of additional off-street parking facilities to serve any existing

3289 building or use; provided, that all regulations herein governing the location, design, and
3290 operation of such facilities are satisfied.

3291 (d) Damage or Destruction. Whenever a building or use existing prior to
3292 February 25, 1992, and for which the required number of parking spaces is not
3293 provided, is damaged or destroyed by fire, tornado or other natural causes to the extent
3294 of 50 percent or more of its fair market value, the building, structure or use shall only be
3295 rebuilt or restored in compliance with this chapter.

3296 Section 40. That section 18.260.030, Applicability, of The Code of the City of
3297 Topeka, Kansas, is hereby amended to read as follows:

3298 **Applicability.**

3299 ~~An approved site plan~~ approved in accordance with the provisions of this chapter
3300 shall be required prior to the issuance of a building permit; in the following instances:

3301 (a) New Construction. For any new construction of a principal structure which
3302 requires a building permit in any zoning district except single-family, two-family, and
3303 triplex units which are expressly exempted; or for any new construction of a principal
3304 structure for institutional use in any district.

3305 (b) Building Alteration. For any building alteration over 15,000 square feet ~~to~~
3306 ~~an existing structure on improved real estate as set forth in subsection (a) of this~~
3307 ~~section; or,~~ any alteration increasing the gross floor area of a building or buildings by 50
3308 percent or more, any alteration increasing the height of a building by one story or more,
3309 or any alteration that results in a significant change to vehicular circulation or in the net
3310 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.

3334 (b) Circulation – Driveways, Sidewalks, Off-Street Parking, Loading, Curbs
3335 and Gutters. The planning director shall review all site plans for access and circulation
3336 features to provide mobility for people and goods to reach the site and circulate through
3337 it in a safe and efficient manner. All modes of transportation (pedestrian and
3338 automobile) must be considered in the site plan review.

3339 (c) Landscaping and Buffers. All site plans shall provide for the landscaping
3340 and buffering of all building sites and parking areas. Review of landscaping and
3341 buffering is intended to protect and promote the public health, safety, and general
3342 welfare by preventing soil erosion; providing shade; protecting from excessive noise,
3343 glare, and heat; conserving natural resources of air and water; enhancing the overall
3344 appearance of development sites; and facilitating a convenient, attractive, and
3345 harmonious streetscape and community. All site plans shall comply with adopted
3346 landscape ordinances.

3347 (d) Lighting. All site plans shall provide adequate lighting so as to assure
3348 safety and security. Lighting installations shall not have an adverse impact on traffic
3349 safety or on the surrounding area. Light sources shall be shielded, and there shall be no
3350 spillover onto adjacent properties.

3351 (e) Public Health and Safety. Applicable emergency service agencies shall
3352 review all site plans to determine adequacy of access and other aspects of public
3353 safety, including crime prevention through environmental design (CPTED) concepts
3354 such as natural surveillance, natural access control, and territorial reinforcement.

3355 (f) Signs. The site plan shall conform to adopted sign ordinances and
3356 address the following considerations:

3357 (1) Traffic Signals. No sign shall be maintained at any location which
3358 obstructs, impairs, obscures, interferes with the view of, or is confused with, any
3359 traffic control sign or device regardless of whether or not it meets other size,
3360 location, and setback requirements of adopted sign codes. Nor shall any sign
3361 interfere with, mislead or confuse traffic flow. A sign's position, size, shape,
3362 content, color and illumination shall be considered when making such a
3363 determination.

3364 (2) Sight Distance Triangles. No sign, or any part of a sign other than a
3365 supporting pole or brace no greater than 18 inches in width or diameter shall be
3366 located lower than nine feet from grade within the area of any sight distance
3367 triangle.

3368 (3) Landscaping. Signs proposed to be located within a landscaped
3369 area shall be located so as not to be obstructed from full-growth of landscaping.
3370 All sign base landscaping shall be of the nature and quality so as not to obstruct
3371 a motorist's view of other vehicles moving within a parking lot or entering and
3372 exiting a driveway.

3373 (4) Site Comprehension. Signs shall be designed and located to
3374 strengthen overall site comprehension through the use of comprehensive sign
3375 packages, where applicable, and the location of signs to clearly define points of
3376 access.

3377 (g) Utilities. Ground mounted transformers and air conditioning units shall be
3378 screened if visible from the street or when adjacent to a structure on adjoining lot(s). All
3379 such units shall be located behind the front yard and side street yard setback lines.

3380 (h) Floodway. Any development within floodways as identified on flood
3381 insurance rate maps (FIRM) shall comply with applicable city and county standards.
3382 General development guidelines include: anchorage to prevent flotation, construction
3383 with materials resistant to flood damage, floodproofing all utility and sanitary facilities,
3384 and designed so as to not increase surface elevation of the 100-year flood.

3385 (i) Aviation. Any development located within prescribed aviation zones shall
3386 comply with applicable city ordinances and county standards. General development
3387 guidelines include the evaluation of height, dust, and lighting.

3388 (j) Stormwater Drainage and Stream Buffers. Measures taken for erosion,
3389 pollutant, and sedimentation control shall conform to applicable city standards for
3390 stormwater management and stream buffers as required in TMC Titles 13 and 17. A
3391 stormwater management plan, if required by Chapter 13.35 TMC, shall be submitted,
3392 reviewed, and approved concurrently with the site plan.

3393 (k) Trash and Recycling Containers. Trash containers, trash compactors, and
3394 recycling containers shall be screened from public view on a minimum of three sides.
3395 Screening may include landscaping, walls or fences of design and construction
3396 compatible with the principal building, or a combination of walls, fences, and
3397 landscaping. If possible, given the constraints of the site and buildings, areas for trash
3398 and recycling containers shall be oriented toward the interior of the site and not be
3399 located in building setbacks. Trash and recycling walls and fences exceeding 7 feet in
3400 height shall not be located in required front yard building setbacks and in side yard
3401 setbacks adjacent to a street. The screening requirements of this section shall not apply
3402 to containers for clothing donations or publicly accessible recycling containers.

3403 Section 42. That original §§ 18.10.100, 18.20.020, 18.50.020, 18.50.030,

3404 18.50.120, 18.55.010 through 18.55.040, 18.55.060, 18.55.130, 18.55.160, 18.55.180,
3405 18.55.200, 18.60.010, 18.60.020, 18.185.010 through 18.185.030, 18.200.010,
3406 18.200.030, 18.200.060, 18.200.090, 18.210.010, 18.200.010, 18.210.020, 18.210.040,
3407 18.225.010, 18.230.040, 18.235.030, 18.235.060, 18.240.010, 18.260.030, and
3408 18.260.060 of The Code of the City of Topeka, Kansas, are hereby specifically
3409 repealed.

3410 Section 43. This ordinance shall take effect and be in force from and after its
3411 passage, approval and publication in the official City newspaper.

3412 Section 44. This ordinance shall supersede all ordinances, resolutions or rules,
3413 or portions thereof, which are in conflict with the provisions of this ordinance.

3414 Section 45. Should any section, clause or phrase of this ordinance be declared
3415 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
3416 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

3417 PASSED AND APPROVED by the Governing Body on April 18, 2017.

3418
3419 CITY OF TOPEKA, KANSAS

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3424 _____
Larry E. Wolgast, Mayor

3425 ATTEST:
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3429 _____
3430 Brenda Younger, City Clerk