

TOPEKA PLANNING COMMISSION

A G E N D A

Monday, January 23, 2017
6:00 P.M.

**214 East 8th Street
City Council Chambers, 2nd Floor
Municipal Building
Topeka, Kansas 66603**

Persons addressing the Planning Commission will be limited to four minutes of public address on a particular agenda item. Debate, questions/answer dialogue or discussion between Planning Commission members will not be counted towards the four minute time limitation. The Commission by affirmative vote of at least five members may extend the limitation an additional two minutes. The time limitation does not apply to the applicant's initial presentation.

Items on this agenda will be forwarded to the City Council for final consideration.

All information forwarded to the City Council can be accessed via the internet on Thursday prior to the City Council meeting at: <https://www.topeka.org/calendar>



ADA Notice: For special accommodations for this event, please contact the Planning Department at 785-368-3728 at least three working days in advance.

HEARING PROCEDURES

Welcome! Your attendance and participation in tonight's hearing is important and ensures a comprehensive scope of review. Each item appearing on the agenda will be considered by the City of Topeka Planning Commission in the following manner:

1. The Topeka Planning Staff will introduce each agenda item and present the staff report and recommendation. Commission members will then have an opportunity to ask questions of staff.
2. Chairperson will call for a presentation by the applicant followed by questions from the Commission.
3. Chairperson will then call for public comments. Each speaker must come to the podium and state his/her name. At the conclusion of each speaker's comments, the Commission will have the opportunity to ask questions.
4. The applicant will be given an opportunity to respond to the public comments.
5. Chairperson will close the public hearing at which time no further public comments will be received, unless Planning Commission members have specific questions about evidence already presented. Commission members will then discuss the proposal.
6. Chairperson will then call for a motion on the item, which may be cast in the affirmative or negative. Upon a second to the motion, the Chairperson will call for a role call vote. Commission members will vote yes, no or abstain.

Each item appearing on the agenda represents a potential change in the manner in which land may be used or developed. Significant to this process is public comment. Your cooperation and attention to the above noted hearing procedure will ensure an orderly meeting and afford an opportunity for all to participate. Please Be Respectful! Each person's testimony is important regardless of his or her position. ***All questions and comments shall be directed to the Chairperson from the podium and not to the applicant, staff or audience.***

Members of the Topeka Planning Commission

Brian Armstrong
Ariane Burson
Rosa Cavazos
Scott Gales, 2016 Chair
Dennis Haugh
Carole Jordan
Wiley Kannarr
Katrina Ringler
Patrick Woods, 2016 Vice Chair

Topeka Planning Staff

Bill Fiander, AICP, Planning Director
Carlton O. Scroggins, AICP, Planner III
Dan Warner, AICP, Planner III
Mike Hall, AICP, Planner III
Tim Paris, Planner II
Annie Driver, AICP, Planner II
Taylor Ricketts, Planner I
Kris Wagers, Office Specialist

AGENDA

Topeka Planning Commission

Monday, January 23, 2017 at 6:00 P.M.

- A. Roll call**
- B. Approval of minutes – December 19, 2016**
- C. Election of 2017 Chair & Vice Chair**
- D. Communications to the Commission**
- E. Declaration of conflict of interest/exparte communications by members of the commission or staff**
- F. Consent Agenda**
 - 1. P16/20 Lewis Industrial Park Subdivision** (Final Plat Phase) by Lewis Family Limited Partnership on property located at 840 NE U.S. 24 Highway, all being within the City of Topeka, Shawnee County, Kansas. **(Hall)**
- G. Public Hearings**
 - 1. ACZR17/01 Amending the Zoning Code / Matrix**

The following amendments provide for the conversion of the existing C-5 zoning to D-1 and for an update to other parts of the zoning regulations.

Conversion of Existing Districts, whereby M-4 multiple – family dwelling district converts to M-3 multiple-family dwelling district, and C-5 commercial district converts to D-1 downtown district;

Amendments to the Land Use Matrix in Chapter 18.60 including amendments to the use standards for the D-1, D-2, and D-3 downtown districts;

Amendments to the Design and Appearance Guidelines by amending existing guidelines and adding standards for signs in the downtown districts;

Amendments to the Definitions in Chapter 18.55, the Land Use Matrix in Chapter 18.60, and Special Use Requirements in Chapter 18.225 to regulate Automobile Wrecking and Salvage Yards; Artisan Manufacturing; Detached Accessory Dwellings; Free Little Libraries; Microbreweries, Tap Rooms, Brew Pubs, and related uses; Mobile Retail Vendors; Outdoor Recreation; and Wood and Yard Waste Recycling;

Amendments to the standards in Chapter 18.210, Accessory Uses, amending the regulations for fences, cargo containers, decks, patios, and stair landings;

Amendments to Chapter 18.10 regulating standards for the maintenance of signs; and

Amendments to other sections of TMC Title 18 related to the above.
- H. Adjournment**



CITY OF TOPEKA TOPEKA PLANNING COMMISSION

MINUTES

Monday, December 19, 2016

6:00PM – Municipal Building, 214 SE 8th Street, 2nd floor Council Chambers

Members present: Carole Jordan, Katrina Ringler, Wiley Kannarr, Dennis Haugh, Rosa Cavazos, Scott Gales, Patrick Woods, Brian Armstrong, Ariane Burson (9)

Members Absent: (0)

Staff Present: Bill Fiander, Planning Director; Dan Warner, Planner III; Mike Hall, Planner III; Annie Driver, Planner II; Kris Wagers, Office Specialist; Mary Feighny, Legal

Roll Call – Nine members present for a quorum.

Approval of Minutes from November 21, 2016

Motion to approve as typed; moved by Mr. Haugh, second by Mr. Armstrong. **APPROVED** (9-0-0)

Communications to the Commission –

Mr. Fiander pointed out that Commissioners should have these three handouts in front of them: a “packet” for Reser’s case(s), an item passed out by Reser’s, and an item for the Topeka Water Pump station CUP.

Mr. Fiander reminded Commissioners that Chair/Vice Chair elections will be held in January 2017 and that the meeting will be January 23, 2017.

Mr. Fiander suggested re-arranging the agenda items, moving E3.2 and E3.3 before E3.1. Mr. Gales asked the Commissioners if there was a motion to make this change. **Motion** by Mr. Woods, **second** by Ms. Jordan, **motion approved** by unanimous consent.

Declaration of conflict of interest/exparte communications by members of the commission or staff

Mr. Gales reported that he would be abstaining from item E.3.3, PUD16/06 Brewster Place Campus Master Planned Unit Development.

Mr. Armstrong reported that he would be abstaining from item E.3.2, CU16/06 by City of Topeka.

Action Items

CU16/5 by: 901 Real Estate LLC requesting a Conditional Use Permit for a Correctional Placement Facility, General” on property located at 2035 SW Western and presently zoned “I-1” Light Industrial District and requesting a Conditional Use Permit for a “Surface Parking Lot in Association with a Principal Use” on property located along the east side of SW Fillmore between SW 20th and SW Hampton streets and presently zoned “M-1” Two Family Dwelling District. **(Driver) Remanded by Governing Body November 15, 2016**

Mr. Fiander reported that this had been remanded by the Governing Body and it is the Commission’s option to hear additional public comment even though it will not be a “public hearing”.

DRAFT

Ms. Driver reviewed the parking lot proposal and staff's recommendation as given in the staff report. Ms. Driver confirmed that conditions 1,4, & 7 in the staff report apply specifically to the parking lot under consideration and stated that the applicant will need to provide an updated site plan before the case goes back to Council.

Austin Wengerson of 901 Real Estate came forward and confirmed that the applicant is agreeable to the conditions set forth by staff.

Mr. Fiander pointed out that at the October Planning Commission, nobody had spoken about the parking lot and suggested that they may wish to do so now.

Mr. Gales opened the floor for **public comment**.

Mr. Anthony Garvin came forward to speak, stating he was representing his son, Thomas Garvin, a home owner in Chesney Park who resides at 1820 SW Fillmore. Mr. Garvin read a letter from Thomas Garvin, who was unable to attend the meeting due to his work schedule. The letter spoke against approving the Conditional Use Permit for the parking lot. Mr. T. Garvin expressed grave concerns about the Department of Corrections having an office at 2035 SW Western due mainly to safety concerns. He stated that his understanding of the principal use of the building is to house the State Department of Corrections Parole Office. He stated that the building already has a parking that has thus far been sufficient. He stated that the spirit of the request for the surface parking lot is due to the DOC not being able to move into the space without additional parking. Mr. Garvin stated that the idea of the probation office moving into the building causes him alarm and concern, and though he understands this isn't the proper venue to address that, he does believe that spirit equals intent. He hopes the request for surface parking lot will be denied to maintain the family residential potential for development, citing recent habitat for humanity homes built. Mr. Garvin hopes that in the near future, the Topeka Planning Commission will define a different zoning code for business entities such as the Department of Corrections probation office. The letter stated that Mr. Garvin would be happy to partner with Mr. Clinkenbeard and others in finding a business entity to occupy the building at 2035 SW Western that is conducive to the Chesney Park neighborhood and would add value. Mr. Garvin requested the letter be attached as a permanent record with the CU16/05 application.

Mr. Steve Clinkenbeard of 901 Real Estate came forward and explained that the property on Western would require additional surface parking lot regardless of who the tenant would be, adding that the lease with Kansas Dept. of Corrections (KDoC) is tentative. He explained that of the 42,000sq ft, building, 15,000-17,000 sq. feet of it is set up as office space.

Mr. Clinkenbeard stated that we cannot just ignore people on parole or living in halfway houses as they are our responsibility. He gave some statistics from KBI's map about the number of listed offenders (approx. 395) residing within a 2 mile radius of 2035 SW Western and 105 within a 1 mile radius, with 57% of those being sexual crimes in nature. He stated that his point was that 2035 SW Western is not in an area that is free of the criminal element and that a goal should be to help people become productive citizens. He added that 901 Real Estate has already been damaged by the actions of Shawnee County, who, he stated, was primarily responsible for not allowing City of Faith to use the property, and asked that the Planning

Commission at least approve their request for a surface parking lot so the building can be used. He pointed out that the building has been vacant for 10 years and stated that there are more [safety] problems with vacant buildings than with those that are occupied.

Mike Morse of Kansas Commercial Real Estate came forward to speak in support of CUP approval. He pointed out that KS Commercial Real Estate had unsuccessfully marketed the property at 2035 SW Western for 10 years and spoke about the improvements 901 Real Estate has made to the property by cleaning up the trash, painting, mowing, trimming trees, landscaping, etc.

Mr. Gales inquired as to current parking stalls, confirming there are currently 28 on the property. He asked how much parking is normally needed for the amount of office space the building has to offer. Mr. Morse explained that the building is set up for approximately ½ office space and ½ warehouse so even though zoning is light industrial, the building is set up for mixed use. He stated ideal parking ratio is 4-1 or 5-1, meaning approximately 80 stalls. He agreed that industrial requires 1-1 ratio, but added that even if it were only warehouse, the parking lot/surface would be required for trucks to maneuver. He also spoke to the city needing a strong inner-core and needing people to re-invest in that inner-core so jobs and people will return to the core of the city rather than go to the outskirts.

Mr. Gales stated that the Planning Commission is not being asked to sign off on who 901 Real Estate leases their building to but rather allow them to enhance their property so it can be used. Mr. Morse confirmed that the owners have the land, they simply need permission to utilize the land to enhance the property.

Ms. Victoria Garvin, mother of Mr. Thomas Garvin, came forward to speak. Ms. Garvin spoke about concerns of the safety of the Department of Corrections having an office at 2035 SW Western and pointed out that there is a pre-school located just over 1,000 feet from the property. She stated that regarding offenders, we need to treat them with the utmost respect and dignity and provide services for assistance, but at the same time, we must be strategic and intentional about where the services are located. She stated that a residential area where children reside and daycare is provided is not a proper location and added that, as stated in his letter, her son is willing to work with 901, GO Topeka, etc. to find businesses/tenants for the property that will improve the neighborhood. Regarding the statistics Mr. Clinkenbeard shared from the KBI map, she stated that just because there are criminals living in the neighborhood, that doesn't mean you should bring more criminals in.

Mr. Gales asked and received confirmation from Mr. Fiander that all the Planning Commission is considering is allowing a surface parking lot and that there is no tenant tied to this part of the CUP application. Mr. Gales asked Mr. Wenger to confirm that currently there is no tenant in the office space and no contract/lease signed with anyone. Mr. Wenger did confirm and Mr. Gales stated that he wants to be sure his decision is based on the property and not the tenants/potential tenants.

Mr. Garvin asked to speak again, and Mr. Woods made a motion to allow him additional time since he had already spoken for 4 minutes. Second by Ms. Cavazos; approved by unanimous consent.

Mr. Garvin stated that he's worked with the Department of Corrections for 29 years, 9 of which were for the Topeka Correctional Facility (TCF). He spoke again to concerns about the safety of allowing the probation

office to lease the space at 2035 SW Western. He stated that he was speaking on the spirit of intent, saying that someone from 901 Real Estate has said they have a tentative contract with KDoC and they're asking for a surface parking lot to allow the probation office be office there. He stated that while he wants people to improve and does care about that sector of our society, it is the responsibility of the government to protect people who are of a weaker nature. He asked that the Planning Commissioners make their decision based on the intent of the applicant.

Mr. Gales asked Mr. Fiander to explain how the Dept. of Corrections using the facility is different from City of Faith's requested use and how that can be disassociated from the requested CUP for the surface parking lot. Mr. Fiander explained that City of Faith use was a residential facility that requires different zoning than 2035 Western has. The Department of Corrections/probation office falls within the allowed use of the current zoning. KDoC would use the space as an office space and that is allowed. The parking lot CUP is attached to the property, not to a potential owner or tenant.

With nobody else coming forward to speak, Mr. Gales stated that public comment time was over.

Mr. Woods asked for additional clarification as to the difference between City of Faith and KDoC probation office and Mr. Fiander stated that City of Faith included a residential component not allowed for in current zoning, whereas KDoC probation office is simply office use allowed for in the current zoning. Mr. Woods re-stated that the property owner's request for a CUP for a surface parking lot is based on the fact that any tenant using the space as office space would require the additional parking being requested and it is not specifically tied to KDoC probation office. Mr. Fiander verified that is correct.

Mr. Gales asked Mr. Fiander if a probation office could occupy the space as it currently is. Mr. Fiander explained that adequate parking is tied to square footage of space used and is required regardless of the tenant but yes, if a probation office occupied a small enough amount of space where current parking would be enough, it would be allowed without the surface parking lot CUP.

Ms. Jordan asked for additional clarification and Mr. Gales explained that the limitation is based on occupancy; only a limited amount of the entire square footage can be used based on the parking currently available.

Motion by Ms. Jordan, **Second** by Ms. Ringler, to submit an amended recommendation to council that would withdraw City of Faith's correctional placement facility participation but grant the Conditional Use Permit for the surface parking lot with relevant staff conditions (#s 1, 4, 7 in the staff report). **APPROVAL (9-0-0)**

P16/20 Lewis Industrial Park Subdivision (Preliminary Plat Phase) by Lewis Family Limited Partnership on property located at 840 NE U.S. 24 Highway, all being within the City of Topeka, Shawnee County, Kansas.
(Hall)

Mr. Hall presented the staff report, explaining that it's a major plat because it will require extension of sanitary sewer. He stated that staff recommends approval of the preliminary plat and added that a final plat would also come before the Commission.

Mr. Gales asked about the stormwater management plan and Mr. Hall explained that City staff would review and approve because it's a technical document.

Rick Schmidt of Schmidt, Beck and Boyd came forward on behalf of the applicant and stated that they are agreeable to the staff recommendations and conditions placed on the plat.

Mr. Gales took a motion and unanimous consent to hear public comment. With nobody coming forward to speak, Mr. Gales called for a motion.

Motion by Mr. Haugh, **Second** by Mr. Kannarr, to approve the preliminary plat subject to conditions set forth in staff's report. **APPROVAL (9-0-0)**

CU16/06 by the City of Topeka requesting a Conditional Use Permit to allow for a public utility facility (water pump station) on property zoned "R-1" (Single Family Dwelling District) located on the SE corner of SE 5th Street and SE Norwood Avenue **(Hall)**

Mr. Armstrong excused himself as the case was called.

Mr. Hall presented the staff report, stating that it satisfies all the Golden Factors and that staff recommends approval with conditions. He reminded Commissioners that they received a handout with a revised condition.

Mr. Gales inquired as to elevations on sheet 4 of the drawings provided in the agenda packet. Mr. Hall explained that the applicant will be required to submit a revised sheet showing elevations that meet staff conditions, with said revision required prior to the case going before the Governing Body.

Ms. Angela Sharp of Bartlett & West came forward representing the applicant and stated that the applicant is agreeable to staff conditions. Ms. Sharp added that a number of City departments had worked diligently together to make sure necessary infrastructure is provided and that it fits in well with and compliments neighboring properties.

Mr. Gales declared the **public hearing open**.

Mr. Clay Warren came forward asking for clarification as to whether this is a city sewer pump station or city water. Mr. Hall explained it's a water pump station, not sanitary sewer. Mr. Warren asked for and received confirmation from Mr. Hall that this is not in conjunction with the proposed Reser's plant.

With nobody else coming forward to speak, Mr. Gales declared the **public hearing closed**.

Motion by Ms. Ringler, **Second** by Ms. Burson, to approve the CUP subject to conditions in the staff report, acknowledging the revision in condition #5 as described in memo provided as handout.

APPROVAL (8-0-1 with Mr. Armstrong abstaining)

Mr. Gales passed the gavel to Mr. Woods and excused himself as the next case was called. Mr. Armstrong returned to the room.

PUD16/06 Brewster Place Campus Master Planned Unit Development by Congregational Home, Inc. and City of Topeka requesting a rezone from “R-1” (Single Family Dwelling District), “M-2” (Multiple Family Dwelling District), “O&I-2” (Office and Institutional), “PUD” Planned Unit Development, and “O&I-3” (Office and Institutional uses) on a 25.82 acre property lying near the southwest intersection of SW Topeka Blvd and SW 29th Street and bounded by SW Lincoln Street on the west side and SW 31st Street on the south side , **ALL TO** PUD with “M-3” (Multiple Family Dwelling District) use. **(Driver)**

Ms. Driver reviewed the staff report, explaining that the result of the proposed PUD would be that the entire Brewster Place campus would be in a single PUD. Ms. Driver stated that staff recommends approval with recommendations put forth in the staff report.

Jeff Laubach of Schmidt, Beck & Boyd came forward representing the applicant and stated that the applicant is agreeable to staff recommendations.

Mr. Woods declared the **public hearing open**.

Mr. John Keller came forward and stated he lives at 29th & Lincoln. He asked where the parking garage is going to be located, stating he's concerned that it would be an eyesore for his home.

With nobody else coming forward to speak, Mr. Woods declared the **public hearing closed**.

Mr. Fiander explained that the parking garage will be located off 31st street. Mr. Haugh noted that it appears the parking garage will be located toward the center of the site and concealed by an 80 unit project so shouldn't be highly visible from Mr. Keller's property. Ms. Driver confirmed and stated that there are design guidelines for the parking garage.

Ms. Ringler asked if the proposed conference building will be solely for residents or for the public in general. Ms. Driver stated it will be for residents and their guests. Mr. Laubach stated it will be a multipurpose building/cafeteria/auditorium and will not be for use by the general public.

Motion by Mr. Kannarr, **Second** by Mr. Armstrong, to approve PUD16/06, subject to the seven conditions listed in the staff report. **APPROVAL** (8-0-1 with Mr. Gales abstaining)

Mr. Woods called a short recess while Mr. Gales returned and resumed chairing the meeting.

Reser's Development

Mr. Fiander explained that there are three cases related to the Reser's development project. Parts 1 & 2 (A17/01 & CPA16/01) are policy decisions and staff proposes working through them before covering the zoning case (PUD16/05). There were no objections from Commissioners.

A17/01 by Reser's Fine Foods, Inc. requesting to annex into the City the property located at the northwest intersection of SE 6th Street and SE Croco Road. **(Warner)**

Mr. Warner presented the staff report, stating that this is a policy issue and the decision at hand is whether the proposed annexation is consistent with our Land Use and Growth Management Plan (LUGMP 2040). Staff recommends approval of the proposed annexation.

With no questions from commissioners, Mr. Kevin Holland came forward to speak representing the applicant for the Reser's project. Mr. Holland stated he was available for questions but would defer comment until item number 3.

Mr. Gales opened the floor for public comments regarding the annexation case at hand.

Marvin Schlaif of 3714 NE Seward came forward and asked for clarification on what the "other two" proposals were. Mr. Gales and Mr. Fiander reviewed the proposed process of speaking about A17/01 then CPA16/01 and finally PUD16/05. Mr. Fiander stated that current comments should deal with the proposed annexation.

Mr. Schlaif asked questions about the city limits and stated he opposes any annexation.

Clay Warren of 3819 SE 2nd came forward and stated he opposes the annexation. He explained that he had moved to his current home 17 years ago to get to a country setting and believes having Reser's built there would "cause a lot of troubles". Mr. Gales asked for clarification and Mr. Warren spoke of concerns about stormwater runoff, crime that he believes goes with big business, and smell. He suggested a different area for Reser's to build on, adding that they should look for an industrial spot rather than a neighborhood.

Rebecca Cannon of 416 SE Croco Road came forward to speak against the annexation. She expressed concern about whether services such as fire, police, etc. are actually available in the area, stating that calls would go to the county rather than the city. She also expressed concern about increased traffic and taking alternate routes on side streets that may be county. She stated that she's voted multiple times not to be annexed into the city because she enjoys the rural atmosphere and they've isolated themselves from the crime of East Topeka.

Mr. Woods asked Ms. Cannon to speak about her concerns regarding crime that she thinks would come with the development. She stated that now the property is a field, and it would be foolish to think that no crime is going to occur on property with big parking lots, etc. She stated there's a lot of crime to the east of them and she's concerned that the development would connect them with a sidewalk to that area, which would invite opportunistic crime like stealing mail, breaking into cars, etc. She added that any development is going to attract some element of crime to an area.

Kimberly Tibbs of 520 Laurel came forward to state that she opposes annexation.

Deborah McLay of 246 SE Croco Road came forward and provided photos for Commissioners to review. The photos were of standing water. Ms. McLay stated she has concerns about the project going forward and stated concerns about decreased water pressure in the neighborhood due to added use by Reser's. She

expressed concerns about home values declining, stated it affects her and her neighbors with traffic and traffic noise, and trash. She stated that 16 years ago she and her husband actively searched for a home and they love their home because it's outside city limits, quiet, has a rural atmosphere. She expressed concerns about water run-off and referenced the photos, which she explained were pictures of her yard and her neighbor's yards and how they flood when it rains. She believes that her house will be underwater if they build on the proposed site. She also expressed concern about additional run-off from the street being widened and wanted to know if residents would be offered city solid waste. She expressed concern about spillover of lighting.

Sandra Campise of 416 SE Croco Road came forward to speak against the annexation. She stated they've lived at that address 24 years and like the area because it's peaceful and has no crime. She stated that they've fought annexation the whole time they've been at that property and she is concerned that their property will be taken by eminent domain. She said a neighbor told her the previous owners of the land in question had been told that they must sell now at the price the buyers wanted to pay or it would be eminent domain. She expressed concern about going from a residential rural neighborhood to an industrial zone, about the roads and deep ditches that are currently there, stating that increased traffic would mean more cars in the ditch.

Mr. Armstrong asked Mr. Fiander what the intention is with the roads and Mr. Fiander explained Croco would widen to widen to 3 lanes with curb and gutter on both side. Ms. McLay expressed concern about construction damaging her property / septic system. Mr. Gales explained they would be working in right of ways, not private property, and that the work being discussed would not be an issue with the annexation case.

Mr. Fiander gave additional information about possible road changes.

Lula Armstrong of 344 SE Croco Road came forward to speak about concerns with traffic flow issues but asked if that should be addressed under a different case. Mr. Gales explained that it may fit better during one of the next two case hearings.

Mr. Fiander explained that during the zoning case, additional specifics would be shared about the proposed project, including traffic and stormwater, noise, etc. and there would be people available to specifically address such concerns.

Beverly Clark of 337 SE Croco Road came forward to speak against the annexation. She stated she owns the land adjacent to Reser's, sharing the fence line. She stated that the people in the neighborhood consider themselves Tecumseh and expressed concerns about their property being flooded. Mr. Gales asked Ms. Clark if anyone had ever asked Shawnee County to address the flooding issues, she stated they had not; the property owners had taken measures themselves to protect their property. Mr. Gales asked Ms. Clark if she was concerned the water run-off would get worse if Reser's built on the land and she stated that yes, there was no doubt it would get worse.

Ms. Clark expressed concern about additional people in the area and the vantage point from the land Reser's would like to build on, stating that people on the Reser's property would be able to see into the windows of homes around.

Ms. Ringler asked if Ms. Clark would have concerns about the annexation if Reser's were not wanting to build on the property; if there were no plans to do anything with the property would she be opposed to the annexation? She stated she would be against it because she shares a fence line and doesn't want to risk her property being eminent domain.

Steve Allison of 3738 SE 2nd Street came forward to speak against annexation, stating concern that it would open the door to his property being annexed. Mr. Ellison stated he already has major flooding issues on his property and is concerned that Reser's building would worsen that. He added that he moved out to the county because he didn't want to be in the city.

Mary Jean Florea of 714 SE Croco Road came forward to state that she is against the annexation.

Mr. Tom Plemons of 713 SE Baldwin Road come forward and stated he was concerned the annexation would be approved before the Commission heard all the objections. He asked the vote be held until everything was heard.

Ms. Feighny, Deputy City Attorney, stated that the Planning Commission has no power to recommend annexation; that is purely a Council decision. She explained that all the Planning Commission is tasked with doing is deciding whether the proposed annexation is based on the Land Use and Growth Management principles of the Comprehensive Plan. She stated that when the annexation proposal comes up on Council agenda, the public will have the right to address the City Council regarding whether they oppose annexation.

When asked, Mr. Fiander stated that he doesn't know when it will be on Council agenda but January 10 would be the earliest possible date.

Ms. Ringler asked about the usual process of annexation and Mr. Fiander spoke to her question, explaining the process and that annexation is initiated by land owners.

Mr. Woods pointed out that people had referred to voting against annexation in the past and asked Mr. Fiander what they were referring to. Mr. Fiander stated that he didn't know of any prior annexation proposals.

Mr. Gales asked Mr. Warner to give a brief summary of what staff looks for when considering annexation.

Mr. Warner referred to the annexation policy stated in the staff report. "If a property within Tier 3 is contiguous, consideration should be given to annexing the property prior to development if all urban services are available and it is cost effective for the City". He added that all 5 services are available to this property, it's cost effective because the city has already made all the investments.

Motion by Ms. Jordan, **second** by Ms. Burson: Upon consideration of the proposed annexation, it is the Commission's determination that the annexation is based on the Land Use and Growth Management principles of the Comprehensive Plan. **APPROVAL** (9-0-0)

Mr. Gales called for a 10 minute break. Upon resuming, the next case was introduced by Mr. Fiander. He explained that it is a comprehensive plan amendment and, like the case before, is simply a policy issue. He added that if the comprehensive plan amendment passes, it does not change the zoning of any properties.

CPA16/01 by Topeka Planning Commission requesting to amend the text and map of the City's Land Use and Growth Management Plan 2040 related to the proposed rezoning at the northwest intersection of SE 6th Street and SE Croco Road. **(Warner)**

Mr. Warner presented the staff report, stating that this is a policy issue and the decision to be made is whether the proposed land use is consistent with our Land Use and Growth Management Plan (LUGMP 2040). He stated that staff recommends the initiation and approval.

Mr. Gales asked how often the Land Use and Growth Management Plan (LUGMP) is reviewed and updated. Mr. Warner reported that the current plan was adopted in 2015; staff generally notes changes/updates that might be needed and the plan is formally updated every couple years. Mr. Fiander added that this is a large change and that's why it's coming before the Commission now. He stated that this is a much more intense review of this area than was initially done with the overall plan.

Mr. Haugh asked about the area included in the proposed change and whether it would be different if the Reser's project weren't in consideration. Mr. Fiander stated that he didn't think the bump out would have been included were it not for the Reser's proposal.

Mr. Gales asked if traffic counts had anything to do with the proposed amendment. Mr. Warner stated that no, this wasn't part of the consideration but the area is part of a regional network with good access to highways. He stated that the entire corridor was looked at when considering the request.

Mr. Kevin Holland of Cook Flatt & Strobel Engineers came forward to make himself available to commissioners if they had questions and stated he'd make a presentation when the zoning item came up.

Mr. Gales declared the **public hearing open**, stating that comments should be about the case at hand.

Jonathan Ashley of 525 SE Baldwin came forward and asked why the change wasn't made when the LUGMP 2040 was originally written in 2015. Mr. Fiander stated again that a detailed review of areas outside the city limits are not generally completed until or unless a proposal comes forward that requires one. The urban growth area exists because the city anticipates that at some point it will grow into that area. The map exists to serve as a guide to help know whether proposals should even be considered.

Mr. Ashley stated that it appears light industrial zoning will be a considered use and asked if staff thinks that's wise in light of the fact that the neighborhood is residential. Mr. Fiander stated that one of the reasons the amendment was worded the way it was is to allow for controls to be put in place to make uses more compatible with the surrounding neighborhood/area. Mr. Fiander referenced "clean" industry as being all that might be allowed because of the residential impacts. It's not a "smokestack" industry that's being allowed with this amendment.

Beverly Clark of 337 SE Croco came forward to speak against the proposal, stating that 6th Street is also Highway 40 and 6th & Croco is a dangerous intersection. She voiced concerns about elevations and the sun being in people's eyes.

Mark Armstrong of 344 SE Croco Rd came forward to speak against the proposal. He stated his front yard faces where the facility is proposed. He stated he recognizes that the Planning Commission has a difficult job and also that Reser's being in town is a good thing, offering economic growth; he thinks the facility should be built on a different site.

Mr. Armstrong read a prepared statement and referenced the Golden case. He spoke to 3 guidelines: Character of the neighborhood – he stated that the area is surrounded by residential homes and apartments, and mobile homes.

Extent to which removal of restrictions will detrimentally affect nearby property. Mr. Armstrong referenced a 2007 report of an ammonia leak at the Reser's plant at 6th & Deer Creek, a 2015 report of Reser's being fined for violations related to an ammonia leak. He stated that were an industrial accident to occur in residential area it would have a devastating effect on people in the surrounding homes.

Mr. Armstrong's 4 minutes were up so the Commission agreed to allow him an additional 45 seconds.

Mr. Armstrong continued to express concern about an industrial accident and asked the Commission to locate Reser's in some other place in the community not surrounded by residential.

Ms. Feighny spoke, reminding that the case involves an amendment to the comprehensive plan and comments should be limited to whether the amendment should be made to the plan. She encouraged those with concerns about the re-zoning itself, be they concerns about noise, water, traffic, odor, etc. to save their comments for the next case. Ms. Feighny stated she doesn't wish to discourage anyone from speaking but rather to make sure the record is clear that the people are speaking about the re-zoning.

Sandra Campise of 416 SE Croco Road returned to the podium to speak. She stated they've lived at that address 24 years. She stated that commercial properties are "apart" from the neighborhood, with the nearest market being 3-5 miles away and two gas stations that aren't always open. She suggested that there needs to be stuff in the area but asked that it be a market or bakery or restaurant; something that would make her life better, not "a giant industrial plant." She expressed concern that in the future her property would be taken over by Reser's to make a bigger parking lot.

Rebecca Cannon of 416 SE Croco Road came forward and stated she's unclear about the procedure. She asked if people get to comment on the LUGMP plan or if it's decided "in-house". Mr. Gales explained that it is a public process with public meetings advertised and held in various locations to allow people to hear about and comment on the plan.

Ms. Cannon expressed concern about allowing future growth for areas that aren't annexed into the city. She stated it appears that it's designed to allow places like Reser's to "not have to deal with us" and allow easier access to displace people from their homes to facilitate someone coming in. She asked regarding the intent of expanding the area. Mr. Gales explained that it's part of the long range planning process.

David Barnsen came forward, stating his family has lived at 520 SE Croco Road for 56 years; it's directly across the street from the proposed development, and he is concerned they'll be looking out their front window at a parking lot. He stated that he anticipates an increase of 120 cars per shift change in addition to the traffic that's already at 6th & Croco. He expressed concern about lights on at night and the odor. He stated that theirs is a residential area and not proper for a big manufacturing facility. He stated it will affect the re-sale value of any property in the area. He asked if Commissioners would want this facility in their back yard.

Virgil Funk of 916 SE Croco stated that those in attendance feel like they're being manipulated to accommodate a large industry. He stated he doesn't believe that putting an industrial development in this residential area is compatible with the growth management plan. He suggested running the corridor from Rice Road to K-4 and develop land not surrounded by residential.

With nobody else coming forward to speak, Mr. Gales announced the **public hearing closed**.

Mr. Gales asked if staff have worked with projects that include industry of a similar industrial nature next to a residential area. Mr. Fiander spoke about employment areas that were set up as part of the plan and explained that is would be a micro employment area. He spoke to the in-fill direction that the plan has and the priority it puts on existing city limits, stating he thinks any opportunity to look at an area that already has services and infrastructure should be considered as a potential employment area. He stated it would be inconsistent with the plan to try to extend services far out of the existing city limits. Mr. Fiander pointed to the Deer Creek Reser's plant that backs right up to residential and stated that the initial review of that is that it did not have an effect on the property. He stated that is not exactly the type of facility being considered here, but that's why a high standard has been included in the text amendment. Industry will have to show it's compatible and have a high level of design and sensitivity to surrounding property.

Mr. Fiander pointed to the current uses on the corridor which include a large scale prison, a large scale office headquarters, small scale retail, multiple family and mobile home parks. He stated that this is a policy issue and it's a question of whether it's an appropriate way to go.

Mr. Kannarr asked what other properties had been considered by Reser's. He suggested that no matter where the facility was proposed, the neighborhood would likely be expressing concern. Mr. Fiander stated that he doesn't know where else the developer considered locating but pointed out that a 25 acre site with utilities around Reser's distribution center is not easy to find. He stated that some had suggested property across the street but it's only 5-6 acres.

Motion by Mr. Armstrong, **second** by Mr. Woods, to recommend amending the Land Use and Growth Management Plan 2040 in accordance with the staff report. **APPROVAL** (8-1-0 with Ms. Cavazos dissenting)

PUD16/05 by Reser's Fine Foods, Inc. requesting to amend the district zoning classification from "RR-1" (Residential Reserve District) and "C-2" (Commercial District) on 25 acre property located at the northwest

intersection of SE 6th Street and SE Croco Road **ALL TO** "PUD" Planned Unit Development ("I-1" Light Industrial District uses). **(Driver)**

Mr. Fiander explained that while the first two items were policy driven, the case at hand now deals directly with zoning of the site at hand.

Ms. Driver presented the staff report and stated that staff recommends approval subject to conditions listed in the staff report, and in conjunction with A17/01 and CPA17/01.

Ms. Burson asked if county property east of the property would be incorporated into the stormwater report.

Ms. Driver explained that the stormwater report is done by the applicant and addresses only the site.

Kevin Holland of Cook, Flatt & Strobel came forward and introduced Mark Reser, President and CEO of Reser's Fine Foods.

Mr. Reser gave an overview of how Reser's Fine Foods came about and their growth, with the first Topeka facility being built in 1990. The original site has been expanded 3 times.

Mr. Reser explained that the \$86 million project at hand is two phases. Phase 1 is the proposed new site and Phase 2 is remodeling of their 6th Street site.

Mr. Reser spoke about key factors they looked at regarding location, which include close proximity to their employees, the utilities being in place, and close proximity to the distribution center.

Mr. Reser presented information about a facility they've built in Hillsboro, Oregon that they intend to mirror. He spoke about refrigeration being located in the rear for a noise buffer and recycling being enclosed in a separate facility. Mr. Reser stated it's important to Reser's that they be good neighbors and they have heard and attempted to address concerns.

David Welch of Ceta Architectural Engineers of Portland, Oregon stated he's worked with Reser's since 1974 and he addressed the architecture of the proposed building, setbacks and placement on the site, landscaping, and how the design of the building helps affect perspective, making the building seem smaller. He stated that the building they built in Oregon has gotten a good reception.

Mr. Welch addressed concerns about noise and stated that a sound consultant has been employed. All areas around the building will be less than 60 decibels, with most being in the low 50's.

Mr. Welch addressed concerns about odor, stating that the technology they intend to use is the best they've come up with to date. He spoke about tests that can be done to determine odor issues and stated that the Oregon plant has no problems with or complaints about odors. Mr. Haugh asked how many times the test was done and Mr. Welch stated it was done 2 different days. He stated that Reser's is aware that there are issues at the Deer Creek plant and they are being addressed. Mr. Welch explained that the Hillsboro plant is situated next to a residential area, similar to the proposed facility here. Ms. Cavazos asked if weather affects the odor, and Mr. Welch addressed this by explaining that all garbage and refuse is kept in an enclosed building, that Reser's does an excellent job of recycling, and that the Hillsboro plant doesn't have any complaints.

Mr. Welch addressed concerns about lighting, explaining that light will not go past the property line. He reviewed some of the landscaping and pointed out that through a combination of landscaping and berming, the parking lots will not be seen from the properties across the streets.

Craig Harris of AAI Engineering came forward to speak regarding stormwater management, which includes a detention pond that will release water at or below the current rate; water will not go toward Croco but rather toward the dry streambed through a long dispersion trench so that it will go uniformly across as a sheet flow rather than source flow. He stated that the amount of stormwater coming off the property would likely be less than there is currently, adding that even if it were the same, it would be coming off more slowly so current flooding issues would be aided by this. The analysis was done on a 100-year storm rate.

Mr. Haugh asked regarding Mr. Harris's statement that the stormwater runoff would be at or below what is presently on the site, and Mr. Harris confirmed that by design, it will release water at or likely even below current rates.

Rick Yo, Project Manager for construction, came forward to speak. Mr. Yo stated he's been doing construction for over 40 years and that the technology for controlling noise, odor, stormwater, etc. changes constantly and has changed [for the better] a lot just over the past several years. Mr. Yo stated that before construction begins they will hold a neighborhood meeting to explain the process and hear concerns, then develop a construction plan that will incorporate the comments and concerns of the neighbors. Mr. Yo spoke to proposed timelines, containing noise and dirt, and working only weekdays during daytime hours. He stated that on the average, 75% of the construction is done by local sub-contractors, which would mean about \$65m stays in the community.

Mark Reser returned to the podium, reiterated that Reser's wants to be a good neighbor, and spoke regarding the time he lived in Topeka.

Ms. Cavazos asked what other locations were considered for the new Reser's plant. Mark Rezac of Kansas Commercial Real Estate came forward and reviewed the sites, as well as why they weren't the best option for Reser's. Site issues included being in floodplains, 2-lane roads and lack of services. Sites included 21st & Wittenberg, 29th & Wittenberg, and near 21st & Rice Road. They looked at land east of Rice Road but there wasn't a sufficient amount of contiguous land and no sewer. Another area included an apartment complex. Mr. Rezac pointed out that a priority for Reser's was to remain as close as possible to their distribution center and pointed out that other sites didn't include enough acreage.

Mr. Gales asked the Mr. Harris to review where the water is going to go from the detention pond. Mr. Harris reviewed the location of the pond, a dispersion trench, and the direction the water will flow, which is toward the creek. Mr. Gales asked about the decision to have a detention pond rather than retention pond. Mr. Harris stated that they are meeting what city code requires and gave information about why a retention pond isn't a good option as it would cause flooding. Mr. Harris stated that they would discuss with the city issues that had been heard at this evening's meeting to make sure they will not be adding to the problems; he stated that hopefully they would be improving the situation for the neighbors.

Mr. Haugh asked if street improvements were a separate issue. Mr. Harris stated that street improvements will be made and reviewed this briefly. Water will be contained in a catch basin rather than the open ditches that are there now, and the water will be discharged at the end of the road improvements back into the ditch. Mr. Gales asked how far the road improvements would go and Mr. Harris explained that they must go to the property line. After that they will taper back down to the existing system rather than just stop. Mr. Gales also received confirmation that the road improvements and ditch removal will take place on both sides of the road – curbs and gutter.

With no more questions from commissioners, Mr. Gales declared the **public hearing open**.

Curtis Sneden with Topeka Chamber of Commerce spoke for the Chamber in support of the proposal, speaking of Reser's being an exemplary corporate citizen in Topeka for decades, stating they're concerned about the impact they have on the community and environment. Mr. Sneden stated that it's clear from the Reser's presentation that they're concerned about how their facilities look, sound, smell, and that they're focused on being good neighbors. Mr. Sneden stated that GO Topeka is excited about the fact that the project will bring close to 200 jobs to the community and entail \$87m initial investment and recurring economic impact year after year. Mr. Sneden noted that JEDO met last week and unanimously approved the package that GO Topeka had worked with Reser's on to support the project. Mr. Sneden stated that he encourages the Planning Commission to vote in favor of the project as well.

Ms. Jordan asked what the average job at Reser's pays. Jeff Russell, VP of Operations for Reser's, came forward and explained that \$10.25 is the lowest starting rate and all positions offer have full medical benefits that include dental and vision. He stated that all employees are on the same medical plan. From \$10.25 the pay can go much higher, depending on the position and tenure.

Tom Plemons returned to ask Reser's to address 3 reported major ammonia leaks in the past 9 years and how long the water stands in the holding pond. Mr. Clemmons referenced the dangers of standing water and mosquitos.

Mr. Harris came forward and explained that it's a detention pond, not a retention pond, and water will drain out over 24-48 hours cycles. He added that if we got 2 weeks of rain it might take a little while longer but it's designed to drain out in 24-48 hours. At that point it's empty.

Mr. Russell spoke to the ammonia leaks. He stated they've had only one reportable ammonia leak in the time he's been here (approx. 35 years). He stated there was a failure in a seal many years ago. He stated the other incidents were not reportable in size but they did create a visit from OSHA, who did make some safety citations. Those have been addressed. He stated they were technical violations and Reser's doesn't believe employees were in danger at any time. He added that there were no employee injuries in the past incidences.

Mr. Kannarr asked regarding Mr. Russell saying the incidents weren't "reportable" and asked who to. Mr. Russell answered OSHA or EPA, depending on the amount. He stated these were 1 or 2 pound leaks.

Mr. Plemons returned to the podium and stated the events he was referring to were released to the public as being reportable and that Reser's was fined for not reporting. Regarding the detention pond, Mr. Plemons stated that we've been told all summer not to leave water standing, even overnight, so he's concerned that the detention pond would be a health issue. Mr. Gales explained that detention ponds are necessary to developments so water doesn't release all at once.

Van Beal, President of McElroys, came forward to speak in support of the Reser's proposal. He stated they've done business with Reser's since 1990's. They are one of the local contractors involved in the construction and also plumbing/heating/air service provider and have technicians at the plant nearly every week if not every day. He spoke to the importance of having Reser's in the community; he reported that their hourly wage is \$35/hour and they will see continued growth in their employee base if Reser's builds this plant. Mr. Beal added that they've never had issues of crime or vandalism to their vehicles while at Reser's, adding that it's safer for them to be in a Reser's parking lot than to sit in technician home driveways where they've had issues with vehicles being broken into. Mr. Beal stated that Reser's has a lot of choices regarding where they build their facilities and he's glad they've chosen Topeka.

Lula Armstrong returned to the podium. She stated that many of her concerns have been addressed, but she has concerns about the traffic. She stated that DuPont is remodeling their plant and that will add traffic, there will be shift change traffic intersecting at Croco, and there are a lot of school buses. She's also concerned about traffic backup due to trains. She states it's already a dangerous intersection and the facility would be increasing by several thousand cars as well as large truck traffic. She stated she's glad we have Reser's but thinks it would be better to have the plant located elsewhere. She also expressed concern about the wildlife they currently have in the area being displaced.

Ms. Armstrong stated that she does think the proposed building is beautiful with nice aesthetics, but expressed concerns about employees and complaints she's heard from them, mainly via the internet.

Jeanette Wiens, Corporate Engagement Manager for Harvester's Topeka facility, came forward to speak for Harvester's in support of the Reser's proposal. She stated that Harvesters is a food bank that feeds approximately 141,500 food insecure individuals each month and spoke to the importance of support from the corporate community. Ms. Wiens state that Reser's has received the Circle of Hope Award from Harvester's, which recognizes an extraordinary and long term commitment to hunger relief in our region. She spoke to the regular food donations that Reser's makes, as well as the Reser's employee donations.

Sheila Summers of 432 SE Croco came forward to speak against the proposed project. She stated that she doesn't believe anyone in attendance discounts what Reser's brings to the community; their goal has been to bring talking points to consider before the Planning Commission makes its decision. She stated that the proposed plant would have residents living on all 4 sides of it, not just 2 as has been reported. She spoke to the median value of homes in the area being \$135k and up and stated that having spoken with real estate agents, she heard that changing zoning to allow commercial or industrial uses usually decreases residential values of neighboring properties substantially. She added that she, too, is concerned about the amount of

traffic that will be generated. Ms. Summers stated her house is directly across the street from the proposed site and asked commissioners to consider whether they'd want it built across from their own home.

Jack Crayler, President of Custom Sheet Metal, came forward to speak in support of the Reser's proposal. Mr. Crayer stated that he's been associated with Reser's for over 20 years and said he knows them to be a company who will do what they say they're going to do. Mr. Crayler stated that it's not just about the millions of dollars that will be invested in the facility but also about the continued work after with vendors.

Clay Warren of 3819 SE 2nd Street came forward to speak against the proposed project. Mr. Warren stated that commissioners wouldn't want the plant by their home. He stated that he works for the wastewater industry and is certain Reser's won't be able to contain the odors.

Alan Henderson of 2933 Atwood came forward to speak in support of the proposal. He stated he doesn't live around Reser's but he works with Special Olympics and spoke to the support that Reser's provides for it. He said he was able to take the Special Olympics softball team he coaches to the national tournament because Reser's gave them money. He stated that Reser's supports the Law Enforcement porch run, the Polar Plunge, provides food for the annual citywide Thanksgiving Dinner, is one of the leaders in giving to United Way, and is a huge supporter of Harvesters and others. Mr. Henderson stated he looks forward to having 180 jobs added to the Topeka area. He stated that the plan they've put forward appears doable and encouraged the City to hold them accountable for the promises they've made. He encouraged commissioners to support Reser's and let them build their plant.

Heather Farias of 431 SE Baldwin came forward to speak against the proposed project. Ms. Farias stated she has 5 children; in the 4 years she's lived on SE Baldwin, they've only had one incident relating to crime. She's concerned that an industrial area moving in will bring increased crime. She stated that she had spoken with local law enforcement about the subject and they confirmed it. She said that in the past year there have been over 60 criminal reports within 1,000 feet of the Deer Creek plant and her neighborhood has currently nowhere near that amount of crime. Ms. Farias spoke to a CPTED note in a PUD utility note that she stated acknowledged and addressed the reality of increased crime rates in facilities with high parking lot and high activity. She stated homes in the area are not landscaped or lighted with deterring crime in mind. Ms. Farias stated that there are 20 kids on her street under the age of 13 and expressed grave concern about the potential for crime and rise in traffic. She asked commissioners to think of it as their own neighborhood and their own kids. She said she's all for Reser's development, but not in her residential area.

Harold Pointer of 2343 SE Croco came forward again to speak against the proposed project. He expressed concern about water run-off, stating that it all runs north. He expressed concern about the storm sewer and which way the pads are going to grade. He stated that he'd like to echo what everyone else said – that they moved there for the rural area and asked if commissioners would like to have the facility in their back yard/front yard, or even up the road.

Mr. Harris responded, stating again that the water will be run to the west and to the north. There is no stormwater from the site that will go NE down Croco. Mr. Gales asked if all the water on the property has to

go through the detention pond and be released from there at a controlled rate. Mr. Harris said yes, that's correct; it has to be released at the current rate or slower. The plan is to take the water to the NW so it will not go into the curb or ditch system. Mr. Harris stated that the stormwater management plan has to be approved by the city.

Mr. Pointer returned to the podium and asked how often the smell and sound levels are checked.

Mr. Reser came forward and stated that unless there is a change made to the evaporators, noise levels won't change, though they'd agree to a schedule for reviewing. Regarding odor, they will test until they get to the results they are seeing in Oregon, where there are no odors. Mr. Reser reminded the commissioners that the system at Deer Creek is different than what they plan for this facility, and Phase 2 of the plan is updating the Deer Creek facility.

Sandra Campise of 416 SE Croco Road came forward to speak again against the proposal. She spoke of the field that's currently there and how she enjoys looking at every day, as well as the beautiful sunsets and wildlife in her yard. She said she spoke with a County Extension agent who said that with any expansion, the animals will disappear. Some will come back but you're disturbing their habitat. She spoke to the noise of traffic around shift changes, stating that cars will be going into her front yard. She said headlights will shine into her windows; she doesn't close her windows because she enjoys looking out. She is concerned about noise in the parking lot both from cars and people talking. She asked how many of the Reser's jobs pay \$10.50/hour, how much of that has to go to pay for their health insurance and expressed concern about work conditions and the quality of life of their employees.

Mr. Russell returned to the podium to re-state that the lowest starting rate is \$10.25 and stated benefits cost depends on the plan employees choose. He said he has the same benefit options as a \$10.25/hour employee and he stated that Reser's has absolutely nothing to apologize for.

Alicia Chavez, current Chair of Our Lady of Guadalupe Fiesta & Planning Committee came forward to speak on behalf of Fiesta and Our Lady of Guadalupe Parrish in favor of the project. Ms. Chavez spoke to the more than 20 years of support that Reser's has offered to the annual Fiesta, which helps support Holy Family School. She said that year after year Reser's comes in at their highest level of sponsorship, and Mr. Russell and/or Mr. Reser also attend the Fiesta each year to show their support.

Rebecca Cannon of 416 SE Croco came forward to speak against the project. She stated most of her concerns had already been addressed, but pointed out that there are no restaurants for employees to walk to on their lunch breaks, so there will be additional traffic for that.

Deborah McCray of 246 SE Croco came forward to speak against the project. She stated she appreciates all that Reser's has done and will do, the 180 jobs they will bring, and the business people who came out to speak in favor of the project. She stated someone told her that 3-4 times/week employees are bussed in from Kansas City and wondered where they stayed if the bus only comes with that frequency. She also expressed concern about tax dollars going to KC rather than Topeka.

John Flory of 714 SE Croco, which he said is 5,400' from the Deer Creek plant. He said that at night you can hear the fans in the plant running. He quoted from a court case saying that the Planning Commission has the discretion to approve a plot with conditions. He'd like a condition set that sound is monitored at the property line behind where cooling fans are, and also that odor is monitored weekly.

Mr. Florea said he read in the newspaper that the CEO of GO Topeka said economic development is good for the people who live around this plant, so he thinks that should be taken into consideration.

Mr. Florea inquired as to the uses allowed in I-1, stating I-1 provides for a wide range of uses except specified uses which are obnoxious or obvious by reasons of odor, dust, smoke, gas or noise. He believes that should be taken into consideration.

Mr. Florea stated that the property is not contiguous with city limits. Mr. Gales stated that according to city officials, it is. Mr. Florea continued to state that the map is not correct.

Jonathan Ashlee of 525 SE Baldwin came forward again stating his house has been in his family since it was built by his grandfather in 1952 and it was one of the first in the neighborhood. He recently bought the house hoping to retire there and does not look forward to having a plant across the street. He stated concerns about sound and how, even though it won't be loud, it will be continuous through the night and awfully annoying.

Richard McClay of 246 SE Croco questioned whether part of the road is in the city.

Trey Jones of 612 SE Croco came forward to speak against the project. Mr. Jones addressed the other location options that Reser's representative had mentioned, speaking about properties being in floodplains. Mr. Jones suggested a good location would be the Forest Park Retreat and Conference Center, which is 34.82 acres and could be acquired by buying out one owner.

Mr. Jones cited crime statistics about 65 police calls to Reser's plant in 2016 and said that in comparison, there were 8 to Frito Lay. He thinks the difference may be because he's heard that Reser's uses a work release program.

Mr. Jones asked for clarification regarding water run-off from the street.

Mr. Harris returned to the podium and explained again that the water will be collected in a storm collection system, which is catch basins, and piped to the ditch. Currently all the street runoff goes into an open ditch. Mr. Harris continued, stating that while the current Reser's plant may be built partly in a floodplain, that happened 10 years ago; since that was built FEMA requirements for new construction have changed dramatically and make it much more difficult to build in a floodplain.

Mr. Russell came to the podium to explain that the Forest Park Retreat and Conference Center is not for sale. Reser's have tried to buy it before but the owners are not interested in selling. Therefore, it's not an option for Reser's.

Ms. Cavazos asked Mr. Jones where he got the crime stats. He stated he called the police department but couldn't get info from an open records request that quickly. Ms. Cavazos stated that she did request the

crime stats. She stated that according to those records, in 2016 there were 4 reported criminal activities that took place in the Deer Creek Reser's parking lot. She added that her stats show that in the empty gas station/car wash parking lot by the location they wish to build on, there were 32 incidents. Mr. Jones stated he thought his numbers might be from 3 Reser's locations and might be the number of calls, not the number of police reports.

Ms. Cavazos verified for Mr. Gales that Ms. Driver had supplied the stats at Ms. Cavazos's request and they came from TPD and Sn. Co. Sherriff's Office.

Jim Mader of 3622 SE 2nd Street expressed concern about the train tracks crossing the street approximately ½ mile from 6th & Croco and traffic backing up when trains come through. He stated that there are a minimum of 4 trains a day. Mr. Gales asked him how many cars may que up at the railroad track while waiting for the train to go by and Mr. Mader didn't know. He stated it's just a scenario he wanted to make sure people considered.

Kimberly Tibbs of 520 Laurel stated that cars will turn off when they see a train coming and also from people trying to avoid 6th & Croco. She stated that the neighborhoods will be inundated with cars trying to get away from trains and from the 6th & Croco intersection. She stated that while they love Reser's, if they want to be a good neighbor, they don't want to build at this place because nobody wants them there.

With nobody else coming forward to speak, Mr. Gales declared the **public hearing closed**.

Mr. Woods pointed out that staff recommendations include conditions, especially numbers 12, 13, 14, that specifically deal with noise (no more than 60 decibels at the property line, which Ms. Driver confirmed is roughly the same as a conversation from 5'); air quality standards, and discernable odors. Ms. Driver stated that according to KDHE, Reser's has air quality permits to operate their engines but there are no violations. Ms. Driver confirmed these are all conditions on the PUD.

Mr. Haugh noted questions and comments on traffic and Mr. Haugh asked for confirmation that a traffic study would be required. Ms. Driver stated that the applicant has submitted a traffic study and it has to be approved by the City's traffic engineer.

Tom Ingram of Cook Flatt & Strobel came forward stating he did the traffic study that is under review. Mr. Haugh asked if analysis took railroad crossings into consideration. Mr. Ingram stated he did not take this into account but quickly calculated that if you have a 100 car train with 65' long/car going 25mph, it's going to cross in about 4.5 minutes. So – while 4.5 minutes can feel like an eternity, it's not that long. Mr. Ingram also stated that when they did the traffic counts, only about 7% of the cars were going North on Croco, and those are the only cars that would be affected.

Mr. Gales reviewed the Commission's options and Ms. Feighny confirmed them. Mr. Woods asked for and received verification that the Planning Commission is being asked to make a recommendation to the Governing Body; the final decision regarding re-zoning will come from the Governing Body.

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Motion by Mr. Gales, **Second** by Mr. Woods, to recommend granting the rezoning subject to the conditions in the staff report and conditioned upon the governing body annexing the property.

DISCUSSION:

Mr. Gales stated that it was not an easy motion to make, but the Planning Commission must base their decision on a land use perspective. It's a challenge to consider something changing in a residential area. Mr. Gales stated that 6th Street is a commercial area and it just so happens that it's growing eastward toward the highway, an area that's been residential for some time. When the area developed it was much further from the city limits than what it is now; the city simply continues to grow; for example, 25 years ago about the only thing on Wanamaker was Sam's Club. Over time, this area will likely continue to grow as an economic commercial zone and it is our responsibility to look at things with a long range plan. Mr. Gales stated that the Planning Department is aggressive in demanding that our business community design and develop in a neighbor-friendly manner.

Mr. Gales stated he is convinced that the applicant did a good job of vetting other property options, and Planning staff have set conditions that they can make sure are followed by the applicant. In the end, this will be a good investment for the community. Mr. Gales believes it's possible to have industry growth within a city, in conjunction with nearby residential, and have a win-win situation.

Mr. Kannarr thanked everyone for being at the meeting. He stated that initially he had concerns about whether other locations had been considered and had heard testimony that other options had in fact been explored. He stated that throughout the evening there was virtually no word against the applicant; they seem to be a model of the community. While it was asked over and over if people would want the facility in their neighborhood, Mr. Kannarr stated that he understands most would answer no; however, they're going to go somewhere, and ultimately, having this in our community is a good thing. Mr. Kannarr stated that he'll be supporting the motion for those reasons.

Ms. Burson stated from an economic goal standpoint, it's worthwhile to try and keep businesses in Topeka and not elsewhere. To see them growing is a good thing.

Mr. Haugh stated while he may enjoy looking at a field across the street, he understands that if he doesn't own the property, he can't guarantee that it won't change. Having your own open space that you don't own can't always continue forever. Mr. Haugh stated he believes that Reser's has done about as good a job as you can to buffer the facility from the neighborhood through design, berming, recess of the property; all those will work together to minimize the effect and he is in support of the proposal.

With no further discussion, Mr. Gales called for a vote.

APPROVAL (9-0-0)

With no further agenda items, meeting was adjourned at 12:45AM.

P16/20
Lewis Industrial Park Subdivision

SUBDIVISION REPORT
(Major Plat)
CITY OF TOPEKA PLANNING DEPARTMENT

Preliminary Plat Phase

Preliminary and Final Plat Phase

Final Plat Phase

NAME: Lewis Industrial Park Subdivision - [P16/20]

OWNER/DEVELOPER: Lewis Family Limited Partnership

ENGINEER/SURVEYOR: Schmidt, Beck & Boyd Engineering, LLC / Richard T. Schmidt

GENERAL LOCATION: 840 NE US 24 Highway

JURISDICTION: Class "A" subdivision within the City of Topeka.

ANNEXATION: N/A

Area	# of Lots	Density	Existing Land Use	Proposed Land Use	Zoning
9.60acres	4	N/A	Wholesale Sales & Service, Industrial	Industrial or Commercial	"I-1" Light Industrial District.

Pending Zoning Case: N/A

Design: The subject plat contains 9.60 acres, more or less, and is irregular in shape, measuring approximately 359.96' x 881.87' with its greatest length running parallel to NE Calhoun Bluff Lane. The proposal consists of a four-lot single Block subdivision. The purpose of the plat is to subdivide the property into four lots to facilitate sale of property and further development.

BACKGROUND: A pre-application meeting was held on June 8, 2016 with a preliminary plat being submitted November 10, 2016 and a revised preliminary plat submitted December 6, 2016 . This area of the city was annexed in 1965, and this is the first platting action taken regarding the property. This plat cannot be processed as a minor plat (administrative approval) because further development requires the extension of the sanitary sewer main. That proposed extension may encourage future development to the west along the north side of US 24 Highway.

As indicated on the preliminary plat each of the proposed Lots 1-3 contain buildings and a mix of outdoor storage and businesses. Lot 1 contains a mobile home and outdoor vehicle storage. Lot 2 is occupied by Action Safety Supply Company, presumably a supplier of safety related equipment for road construction companies. Lot 3 is occupied by Petroleum Equipment, Inc., which provides equipment sales, installation and other services to convenience store filling stations. Proposed Lot 4 is vacant.

SERVICES AND FACILITIES:

1. **WATER SERVICE:** All properties to be included in this platting action are to be serviced by City of Topeka water service by means of connection to an 8" water main located along the frontage road of NE

US 24 Highway. Water meters are already set for three of the lots.

2. **SEWAGE DISPOSAL:** Proposed lots 2 and 3 are currently served by individual septic tanks and lateral field systems. There is no record on file for a sanitary sewer connection for Lot 1. The nearest public sanitary sewer comes from the west and is located directly south of proposed Lot 2. The Shawnee County Health Agency has indicated future development of the properties should require connection to public sanitary sewer.
3. **WASTEWATER PLAN SERVICE AREA:** The property is located within the Primary Urban Service Area as reflected by the Shawnee County Wastewater Management Plan. All sewer main installation will be at developer expense.
4. **STORMWATER MANAGEMENT REPORT:** The Stormwater Management Report as submitted by the Consultant to the City of Topeka Department of Public Works has been approved per City of Topeka Engineering Division memo dated December 28, 2016, which requires the *minimum opening elevations* note #4 on the final plat as submitted.
5. **STREET PLAN/ACCESS:** NE Meriden Road and NE Calhoun Bluff Road are classified as local roads. There is currently an existing 20' road easement for NE Calhoun Bluff Road but with this platting action a 30' right-of-way as measured from the centerline of NE Calhoun Bluff Road is to be dedicated to replace the easement. A single point of access from Meriden road is to be approved at time of site plan review. Access to the frontage road is to be limited to the entrances as indicated on the preliminary plat. Access to NE Calhoun Road is to be determined at time of site plan review.
6. **FIRE DISTRICT:** City of Topeka Fire District.
7. **STREAM BUFFER:** N/A
8. **SCHOOL DISTRICT:** USD No. 345 – Seaman.

WAIVER/VARIANCE TO STANDARDS: N/A

CAPITAL IMPROVEMENT PLAN (CIP): There are currently no transportation projects in the City's or County's CIP's affecting this area.

CONFORMANCE TO COMPREHENSIVE PLAN: The Land Use & Growth Management Plan 2040 (LUGMP) identifies the the property as Tier 1 (within city limits) and thus supports development and the extension of services. The Future Land Use Map in the LUGMP designates the area generally as *Urban Growth Residential*. However, considering the existing industrial and commercial land uses along US 24 Highway, the area is a candidate for a comprehensive plan amendment.

STAFF ANALYSIS: As proposed the overall subdivision design conforms to the established standards and provisions of the subdivision regulations relative to design criteria; and the design appears compatible with existing and planned conditions.

Based upon the above findings and staff analysis, the Planning Department recommends the final plat phase of Lewis Industrial Park Subdivision, final plat received December 22, 2016, be **APPROVED** subject to:

1. Approval and acceptance of the final plat by the Governing Body and recordation prior to development.

Attachments: Vicinity Map
Final Plat

Prepared by: Michael Hall, AICP



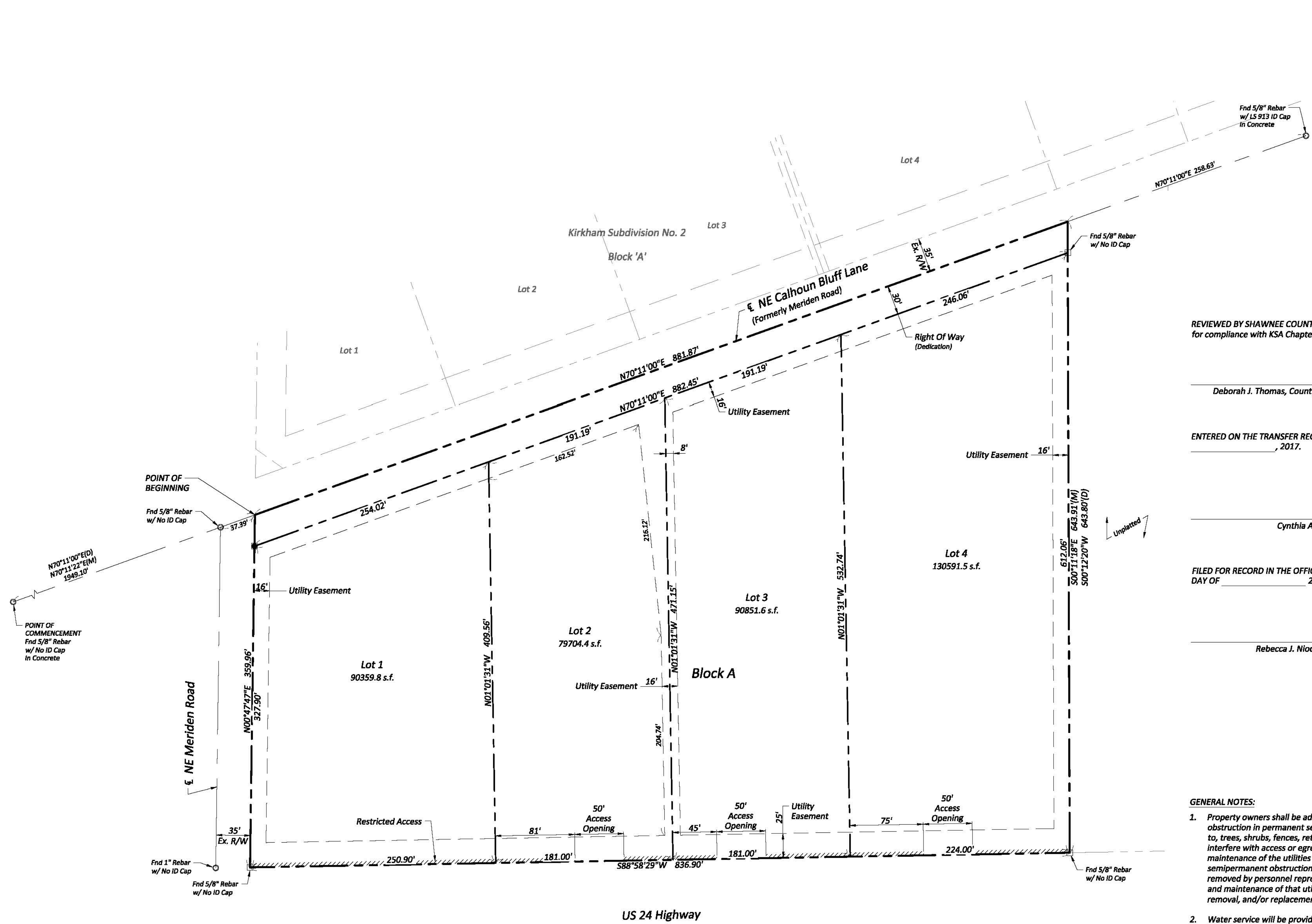
**P16/20 Lewis Industrial Park Subdivision
(Final Plat Phase)**

FINAL PLAT

LEWIS INDUSTRIAL PARK SUBDIVISION

A TRACT OF LAND IN RESERVE 5 OF THE KANSAS HALF BREED INDIAN LANDS, IN TOWNSHIP 11 SOUTH,
RANGE 16 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN SHAWNEE COUNTY, KANSAS.

BOOK _____ PAGE _____
DATE _____ TIME _____



Scale: 1" = 60'

BASIS OF BEARING:
Bearings are based
on assumed datum

LEGEND

- SET 1/2"x24" REBAR W/ CLS 263 ID CAP IN CONCRETE
- FOUND CORNER AS NOTED (SET IN CONCRETE)
- FOUND CORNER AS NOTED
- (M) MEASURED
- (D) DESCRIBED
- R/W RIGHT-OF-WAY
- //// RESTRICTED ACCESS

REVIEWED BY SHAWNEE COUNTY SURVEYOR, THIS _____ DAY OF _____, 2016
for compliance with KSA Chapter 58 Article 20.

Deborah J. Thomas, County Surveyor, LS# 1461

ENTERED ON THE TRANSFER RECORD OF SHAWNEE COUNTY, KANSAS, THIS _____ DAY OF _____, 2017.

Cynthia A. Beck, County Clerk

FILED FOR RECORD IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS THIS
DAY OF _____ 2017, AT _____ O'CLOCK _____ M.

Rebecca J. Nioce, Register of Deeds

GENERAL NOTES:

- Property owners shall be admonished from placing any permanent or semi-permanent obstruction in permanent sewer, drainage or utility easements. This includes, but is not limited to, trees, shrubs, fences, retaining walls, buildings or other miscellaneous obstructions that interfere with access or egress of maintenance vehicles or equipment for the operation and maintenance of the utilities or pipe lines located in the easement. Any permanent or semi-permanent obstruction located in the permanent sewer or utility easement may be removed by personnel representing the governing body, to provide for the proper operation and maintenance of that utility line, without cost or obligation for replacement, cost of removal, and/or replacement shall be the responsibility of the property owner.
- Water service will be provided by City of Topeka.
- Sanitary sewer service shall be provided by City of Topeka's public sanitary sewer system.
- Minimum opening elevations shall be 1 ft above the highest adjacent 100-year water surface elevation.
- All utilities shall be placed underground pursuant to the City's right-of-way management standards.
- Restricted access line defines portions of the subdivision boundary in which the public is not allowed to cross in order to gain access to the subdivision other than in an emergency situation or for temporary access during construction activities. Temporary access requires prior approval from the Director of Public Works.
- Any development on Lots 1-3 that would require an extension to the existing lateral fields would require connection to sanitary sewer.
- Any land use or development on Lot 4 that generates wastewater shall be required to connect to sanitary sewer.
- Access to Lot 1 from NW Meriden Road will be limited to a single point, the location of which will be determined at Site Plan review. Current access to Lot 1 along the US 24 Highway Frontage Road can remain until such time as any new development occurs or the existing trailer is removed.

LEGAL DESCRIPTION:
A Tract of Land in Reserve 5 Of The Kansas Half Breed Indian Lands, in Township 11 South, Range 16 East Of The Sixth Principal Meridian, in Shawnee County, Kansas, described as follows:
BEGINNING at a point in the center of Old Meriden Road which is North 70 degrees 11 minutes 00 seconds East, 1949.10 feet along the center of Old Meriden Road from the Northwest corner of the land sold to Godfrey Graf by deed recorded in Deed Book 35, Page 70, said point being on the East right of way line of Meriden Road as recorded in Deed Book 1297, Page 5; thence North 70 degrees 11 minutes 00 seconds East, 881.85 feet along said centerline to a point 798.38 feet West of the East line of said Reserve 5; thence parallel with the East line of said Reserve 5, South 0 degrees 11 minutes 23 seconds East, 643.91 feet to the North right of way line of U.S. 24 Highway; thence South 88 degrees 58 minutes 29 seconds West, 836.90 feet along said North right of way line to the East right of way line of Meriden Road; thence North 00 degrees 47 minutes 47 seconds East, 359.96 feet along said East right of way line to the POINT OF BEGINNING. The above described tract contains 9.60 acres, more or less.

DEDICATION: The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner shown on the accompanying plat which subdivision shall be known as "LEWIS INDUSTRIAL PARK SUBDIVISION".

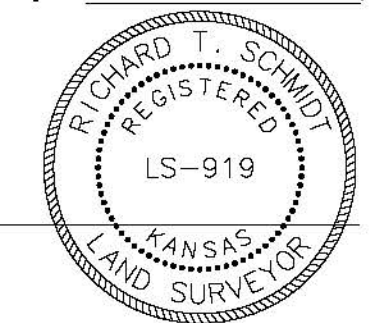
NOTICE: In the event there are other owners or those holding any proprietary interest in any land contained in this subdivision whom do not appear and duly acknowledge this plat prior to the time of recording in the Office of the Register of Deeds, the plat shall be null and void.

EASEMENTS: Easements are hereby granted to the public as follows: "Utility Easements" or "U.E.", to allow public utility providers, contractors, and authorized agents to locate, construct, and maintain facilities to provide utility service to the public. All public utilities specifically including but not limited to water, gas, sewer, stormwater, and telecommunications may place or locate their facilities over, under, and along the strips marked as "Utility Easements", or "U.E.". A temporary construction easement of 12 feet adjacent to the side of the utility easement is dedicated for the use of the public utilities while initial construction of the public utility's facilities are in progress.

STREETS: The public ways (streets and roads) not heretofore dedicated, are hereby dedicated to the public. Temporary turn-around easements are hereby established as shown on the accompanying plat and shall be automatically vacated when streets are extended.

FLOOD PLAIN NOTE: According to "FIRM" Map Community Panel Number 2017C0209E, effective date September 29, 2011, subject Tract is in Zone X. Note: This area is shown as begin protected from the 1-percent-annual chance or greater flood hazard by a levee system that has been provisionally accredited.

CERTIFICATE OF SURVEYOR:
I hereby certify that the details of this plat to be correct to the best of my knowledge and belief, that all boundary corners of this subdivision of land have been monumented and that iron pins are set as shown on the attached plat this _____ day of _____, 2017.



RICHARD T. SCHMIDT, P.S. 919
SCHMIDT, BECK & BOYD ENGINEERING, LLC
1415 SW TOPEKA BLVD.
TOPEKA, KS 66612

IN TESTIMONY WHEREOF, the owner, Lewis Family Limited Partnership, have caused these presents to be signed this _____ day of _____, 2017.

Jim Lewis, Trustee

STATE OF KANSAS
COUNTY OF _____, SS:

Be it remembered that on this _____ day of _____, 2017, before me, the undersigned, a notary public in and for the County and State aforesaid came Jim Lewis, Trustee of Lewis Family Limited Partnership, who is personally known to me to be the same person who executed, the within instrument of writing.

IN WITNESS WHEREOF: I have hereunto set my hand and affixed my notarial seal the day and year last written above.

Notary Public

My Commission Expires: _____

APPROVED BY THE TOPEKA PLANNING COMMISSION THIS _____ DAY OF _____, 2017.

_____, Planning Commission Chairman _____, Planning Commission Secretary

THIS SUBDIVISION HAS BEEN PRESENTED TO THE CITY COUNCIL, CITY OF TOPEKA, KANSAS, ON THE _____ DAY OF _____, 2017, FOR ACCEPTANCE OF LAND TO BE DEDICATED FOR PUBLIC PURPOSES. THE CITY COUNCIL HEREBY ACCEPTS THE LAND FOR PUBLIC PURPOSES.

Larry Wolgast, Mayor _____ Brenda Younger, City Clerk

SBB

Schmidt, Beck & Boyd
Engineering, LLC

1415 SW Topeka Blvd.
Topeka, KS 66612
Ph: (785) 215-8630

SBB Proj. No.: 16-253

Drawn by: JEM

Checked by: RS

Date: 12/22/2016

Scale: 1" = 60'

Drawing No.: Sh. 1 of 1

P16/20

ACZR17/01

Amending the Zoning Code / Matrix

The following amendments provide for the conversion of the existing C-5 zoning to D-1 and for an update to other parts of the zoning regulations.

Conversion of Existing Districts, whereby M-4 multiple – family dwelling district converts to M-3 multiple-family dwelling district, and C-5 commercial district converts to D-1 downtown district;

Amendments to the Land Use Matrix in Chapter 18.60 including amendments to the use standards for the D-1, D-2, and D-3 downtown districts;

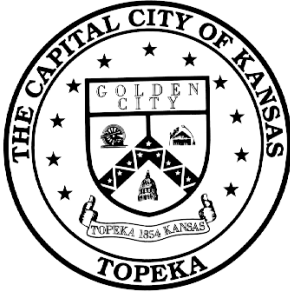
Amendments to the Design and Appearance Guidelines by amending existing guidelines and adding standards for signs in the downtown districts;

Amendments to the Definitions in Chapter 18.55, the Land Use Matrix in Chapter 18.60, and Special Use Requirements in Chapter 18.225 to regulate Automobile Wrecking and Salvage Yards; Artisan Manufacturing; Detached Accessory Dwellings; Free Little Libraries; Microbreweries, Tap Rooms, Brew Pubs, and related uses; Mobile Retail Vendors; Outdoor Recreation; and Wood and Yard Waste Recycling;

Amendments to the standards in Chapter 18.210, Accessory Uses, amending the regulations for fences, cargo containers, decks, patios, and stair landings;

Amendments to Chapter 18.10 regulating standards for the maintenance of signs; and

Amendments to other sections of TMC Title 18 related to the above.



CITY OF TOPEKA

PLANNING DEPARTMENT
620 SE Madison Street, Unit 11
Topeka, Kansas 66607-1118
Tel.: (785) 368-3728

Bill Fiander, AICP, Director
Email: bfiander@topeka.org
Fax: 785-368-2535
www.topeka.org

MEMORANDUM

To: Topeka Planning Commission

From: Bill Fiander, AICP, Topeka Planning Director

Re: Downtown Zoning D-1 Conversion and Miscellaneous Code Amendments

Date: January 23, 2017

The attached proposed amendments to the zoning regulations are submitted for your consideration. Planning staff have advertised a public hearing for January 23, 2017 and request that the Planning Commission forward a recommendation to the Governing Body. Alternatively, given the size and complexity of the proposed amendments, the Commission may continue this item for action to a certain future date.

The proposed amendments reflect review by staff and suggestions received from the public and development community over the past couple of years. Staff recommends conversion of the existing C-5 zoning to D-1 and miscellaneous amendments to modernize and align the code with goals of the Land Use & Growth Management Plan (LUGMP) encouraging mixed use, infill development, and aesthetic quality.

Downtown Zoning D-1 Conversion

In recent years Downtown has seen increased investment and greater overall interest in its historic character. The City of Topeka invested \$5 million, which was matched with more than \$2 million of private investment, to upgrade the streetscape and utility infrastructure along Kansas Avenue.

Additionally, two historic districts were added to the National Register of Historic Places in 2015 and design guidelines were written and approved for the two historic districts in 2016.

Staff recommends adding and improving design standards to better protect mixed use and urban design character of downtown and assure integrity of the historic districts. For these reasons a conversion of C-5 to D-1 is proposed consisting of these four parts:

- **Convert C-5 Commercial District to D-1 Downtown District.** Rather than amend the zoning map, this amendment replaces C-5 with D-1 requirements.
- **Design guidelines.** Refreshes the design guidelines in D-1.
- **Use Matrix and Specific Use Requirements.** Includes updates to use standards (chapter 18.60) and special use standards (chapter 18.225) for D-1.

- **Signs.** Add context-based sign standards for type, size, and placement compatible with downtown character.

Outreach efforts include meeting regularly with a group of design professionals, sign industry representatives, and downtown stakeholders in 2015 and 2016. The Planning Commission discussed the D-1 related amendments at their meeting on November 21, 2016.

Miscellaneous Amendments

Planning staff presented drafts of these amendments to the Planning Commission during the Fall of 2016. Additional input on cargo containers was received from affected businesses and property owners.

The following summarizes staff recommendations after receiving the feedback and upon further review. The anticipated net result (less restrictive/more restrictive/neutral) is noted.

- **Site and Landscape Ordinances:** Sync up minimum thresholds for site plan review and landscape plan applications (to achieve consistency); reduce landscape requirements for some industrial uses (less restrictive); add standards for the siting and screening of trash dumpsters for commercial uses (more restrictive).
- **Add or Revise Use Categories, Definitions and Land Use Matrix.** New use categories are needed in order for the City to respond to the type and nature of development we are encountering now and in the future.
 - **Artisan Manufacturing.** New use in commercial and mixed use districts for small-scale, handcraft manufacturing businesses currently relegated to “I” districts. (less restrictive)
 - **Microbreweries, Micro-distilleries, etc.** Provide greater clarity, incorporate alcohol distilleries, and add specific use requirements. (neutral)
 - **Mobile Retail Vendors.** New use allowing food trucks and other mobile retail sales in any district. (less restrictive with parking and circulation protections)
 - **Outdoor Concert Venues.** Clarifies as a use under recreation, outdoor type III. (neutral)
 - **Truck Stops, etc.** Add use requiring a CUP in “C-3” and “C-4”. (more restrictive).
 - **Wood and Yard Waste Recycling.** Include in definition of “landfill, demolition” which requires a CUP in “I-1” and is subject to specific use requirements in “I-2”. (neutral).
- **Cargo Containers (as accessory storage):** Allow cargo containers as an accessory use but with screening requirements in some commercial districts. (less restrictive) Only allow small containers in residential areas for moving purposes. (more restrictive)
- **Setbacks for Uncovered Horizontal Structures (decks, patios, stoops, stair landings, and accessibility ramps):** The code currently provides for the encroachment of accessory structures into required building setback areas (yards). The proposed amendment adds clarity and greater flexibility regarding placement of porches, decks and other unroofed structures typically associated with residential land use.

- **Fences.** The proposed amendment adds a diagram to clarify setback and height standards and clarifies acceptable fence construction materials.
- **Mixed Use Zoning Districts.** The proposed amendment provides for the use of “X” Mixed Use districts in areas outside of neighborhood plan areas. (less restrictive)
- **Free Little Libraries.** These “libraries” have become familiar in Topeka neighborhoods. The proposed amendment allows for their use and provides modest standards to control size. (neutral)
- **Condition of Signs.** Clarifies what constitutes signs that are not in good condition and thus subject to repair or removal to help enforcement. (more restrictive)
- **Accessory Dwellings.** New use to clarify that detached accessory dwellings are allowed in districts where duplexes and multiple family dwellings are already permitted.

Attachments:

- Amendments related to the C-5 to D-1 Conversion (draft)
- Miscellaneous Amendments (draft)
- Amended Land Use Matrix (draft)

Section A

Downtown Zoning D-1 Conversion

1. TMC 18.50.030 Conversion
2. TMC 18.200 D Districts
3. Sign Standards for D Districts
4. Exhibit A, Design Guidelines
5. TMC 18.240 Off Street Parking
6. TMC 18.225 Specific Use Requirements

18.50.030 Conversion of existing districts.

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

- (a) A single-family dwelling district converts to R-1 single-family dwelling district.
- (b) B single-family dwelling district converts to R-2 single-family dwelling district.
- (c) C two-family dwelling district converts to M-1 two-family dwelling district.
- (d) D multiple-family dwelling district converts to M-2 multiple-family dwelling district.
- (e) All remaining property classified E multiple-family dwelling district converts to M-3 multiple-family dwelling district.
- (f) E-1 high-rise multiple-family dwelling district converts to M-4 multiple-family dwelling district. M-4 multiple – family dwelling district converts to M-3 multiple-family dwelling district.
- (g) D&O multiple-family dwelling and office district converts to either M-2 multiple-family dwelling district or O&I-1 office and institutional district.
- (h) F neighborhood shopping district converts to C-2 commercial district.
- (i) G commercial district converts to C-4 commercial district.
- (j) H business district converts to C-5 commercial district. C-5 commercial district converts to D-1 downtown district
- (k) I light industrial district converts to I-1 light industrial district.
- (l) J heavy industrial district converts to I-2 heavy industrial district.
- (m) U-1 university district converts to U-1 university district.
- (n) U-2 university community district converts to M-3 multiple-family dwelling district.

Chapter 18.160
C-5 COMMERCIAL DISTRICT

Sections:

[18.160.010](#)—Purpose—Intent.

[18.160.020](#)—Repealed.

[18.160.030](#)—Principal, special, and conditional uses.

[18.160.040](#)—Density and dimensional requirements.

[18.160.050](#)—Other regulations.

[18.160.060](#)—Repealed.

~~18.160.010 Purpose—Intent.~~

~~This district is established to provide for a wide range of commercial activities which are contained in the central business or core area of the community. The extent and range of uses permitted are to provide for high efficiency of land use and to encourage a broad mix of commercial, office and residential uses. (Code 1995 § 48-19.00.)~~

~~18.160.020 Regulations generally.~~

~~Repealed by Ord. 19921. (Code 1995 § 48-19.01.)~~

~~18.160.030 Principal, special, and conditional uses.~~

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

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

~~(c) Conditional uses identified in the use matrix table in TMC [18.60.010](#) may be allowed in accordance with Chapter [18.215](#) TMC if approved by the governing body. (Ord. 19921 § 107, 9-23-14.)~~

~~—Cross References: City council—mayor, Chapter [2.15](#) TMC.~~

~~18.160.040 Density and dimensional requirements.~~

~~All development shall comply with the density and dimensional standards in TMC [18.60.020](#). (Ord. 19921 § 108, 9-23-14.)~~

~~18.160.050 Other regulations.~~

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

- ~~(a) Permitted Accessory Uses and Requirements. See Chapter [18.210](#) TMC.~~
- ~~(b) Off-Street Parking Requirements. See Chapter [18.240](#) TMC.~~
- ~~(c) Sign Regulations. See Chapter [18.20](#) TMC.~~
- ~~(d) Dimensional Requirements. See Chapter [18.230](#) TMC.~~
- ~~(e) Nonconforming Uses. See Chapter [18.220](#) TMC.~~
- ~~(f) Site Plan Regulations. See Chapter [18.260](#) TMC.~~
- ~~(g) Landscaping Requirements. See Chapter [18.235](#) TMC.~~
- ~~(h) Subdivision Regulations. See Chapters [18.30](#) through [18.45](#) TMC. (Ord. 19921 § 109, 9-23-14.)~~

~~18.160.060 Development alternatives.~~

~~Repealed by Ord. 19921. (Code 1995 § 48-19.05.)~~

Chapter 18.200

D DOWNTOWN DISTRICTS

Sections:

- [18.200.010](#) Purpose and regulations.
- [18.200.020](#) Downtown district classifications.
- [18.200.030](#) Use regulations for D-1 district.
- [18.200.040](#) Use regulations for D-2 district.
- [18.200.050](#) Use regulations for D-3 district.
- [18.200.060](#) Dimensional and performance standards.
- [18.200.070](#) Parking.
- [18.200.080](#) Legal nonconforming uses.
- [18.200.090](#) Design and appearance guidelines.

18.200.010 Purpose and regulations.

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

(b) Regulations. The regulations set forth in this chapter or set forth elsewhere in this division are the district regulations for the D downtown districts. (Code 1995 Appx. C, Art. XXIVb.)

18.200.020 Downtown district classifications.

There are three classifications of downtown districts as follows:

(a) D-1 District. The purpose of this district is to facilitate a compatible mixed use activity center within the core area of downtown Topeka. The district is predominately composed of state offices, as well as local and federal facilities, commercial and retail uses. The district includes compatible residential, office, civic, and commercial retail/service uses which complement and support a high density of activity and facilitate pedestrian usage.

(b) D-2 District. The purpose of this district is to integrate a compatible mixed use activity with urban residential neighborhoods. The district includes a balance of compatible residential, office, cultural, and neighborhood commercial retail/service uses of low to moderate intensity that complement and support neighborhood residential areas and pedestrian usage.

(c) D-3 District. The purpose of this district is to reestablish the linkage between downtown and the Kansas River through intensive redevelopment of the area north of Crane Street to the Kansas River. The

district includes housing, commercial and office uses that emphasize the relationship between downtown and the river, as well as expand cultural opportunities in the general downtown area. (Ord. 17661 § 2, 8-20-01. Code 1995 § 48-24b.00.)

18.200.030 Use regulations Principal, special, and conditional uses:

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

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

(c) Conditional uses identified in the use matrix table in TMC 18.60.010 may be allowed in accordance with Chapter 18.215 TMC if approved by the governing body. (Ord. 19921 § 107, 9-23-14.)

~~(a) Permitted Principal Uses.~~

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

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

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

~~(4) Multifamily dwellings.~~

~~(5) Group homes.~~

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

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

~~(8) Amusement indoor establishments, including dance, pool, and billiard halls; archery ranges, shooting galleries, pinball, electronic and video game arcades; taverns and similar establishments licensed by the city to sell and dispense cereal malt beverages for drink on premises.~~

~~(9) Churches, places of worship or assembly.~~

~~(10) Schools.~~

~~(11) Community facilities.~~

~~(12) Conference/convention center.~~

~~(13) Cultural facility.~~

~~(14) Public use facilities.~~

~~(15) Parks, recreation, and open space.~~

- (16) Amusement parks.
- (17) Camera and film shop, photography and artist studio, frame shop.
- (18) Automobile service station, type I and type II.
- (19) Bed and breakfast establishments.
- (20) Child care centers.
- (21) Clubs and lodges.
- (22) Farmer's markets.
- (23) Funeral homes.
- (24) Health clubs.
- (25) Hotel, motel.
- (26) Theater, nonadult.
- (27) Offices for conducting affairs of business, profession, service, industry or government, including financial institutions and human health care clinics which may contain a pharmacy.
- (28) Orthopedic, medical appliance, and prosthesis stores, optician and the sale of eyeglasses; hearing aid evaluations, fitting and sales.
- (29) Pet shops/small animal clinics.
- (30) Commercial recreational facilities which are used primarily for physical exercise, recreation, and/or health maintenance including fitness centers, spas, suntanning salons, skating rinks, swimming pools, gymnasiums, game courts, golf courses, golf driving ranges, pitch and putt, miniature golf courses and similar activities, including locker and training areas.
- (31) Personal service shops.
- (32) Parking lot and/or multistory parking garage.
- (33) Communication towers or telecommunication equipment attached to a building and which must meet the criteria of Chapter [18.250 TMC](#).
- (34) Boarding and lodging houses.
- (35) Crisis centers.
- (36) Residential care facility, type I.

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

~~(38) Child care centers.~~

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

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

~~(1) Private or public utility structures facilitating the transmission, distribution and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.~~

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

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

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

~~(5) Nonresidential small wind energy system, subject to Chapter [18.265](#) TMC. (Ord. 19311 § 28, 9-22-09; Code 1995 § 48-24b.01.)~~

18.200.040 Use regulations for D-2 district.

~~(a) Permitted Principal Uses.~~

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

~~(2) Multifamily dwellings.~~

~~(3) Group homes.~~

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

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

~~(6) Schools.~~

~~(7) Personal service shop less than 10,000 square feet.~~

~~(8) Community facilities.~~

~~(9) Public use facilities.~~

~~(10) Parks, recreation, and open space.~~

~~(11) Amusement parks.~~

~~(12) Camera and film shop, photography and artist studio, frame shop.~~

~~(13) Bed and breakfast establishments.~~

~~(14) Retail uses less than 10,000 gross square feet.~~

~~(15) Dwelling units as accessory use.~~

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

~~(1) Private or public utility structures facilitating the transmission, distribution and/or collection systems, including substations, distributions stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.~~

~~(2) Communication towers or telecommunication equipment which must meet the criteria of Chapter [18.250](#) TMC with the exception that all towers must be attached to an existing building or structure, and may exceed 20 feet in height.~~

~~(3) Boarding and lodging houses.~~

~~(4) Crisis centers.~~

~~(5) Conference/convention center.~~

~~(6) Cultural facility.~~

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

~~(8) Residential care facility, type II.~~

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

~~(10) Child care centers.~~

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

~~(12) Funeral homes.~~

~~(13) Health clubs.~~

~~(14) Hotel, motel.~~

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

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

~~(17) Recreation, indoor.~~

~~(18) Restaurants.~~

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

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

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

~~(22) Clubs and lodges.~~

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

~~(24) Small animal clinics.~~

~~(25) Nonresidential small wind energy system, subject to Chapter [18.265](#) TMC. (Ord. 19311 § 29, 9-22-09. Code 1995 § 48-24b.02.)~~

~~18.200.050 Use regulations for D-3 district.~~

~~(a) Permitted Principal Uses.~~

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

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

~~(3) Multifamily dwellings.~~

~~(4) Group homes.~~

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

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

~~(7) Amusement indoor establishments, including dance, pool, and billiard halls; archery ranges, shooting galleries, pinball, electronic and video game arcades; taverns and similar establishments licensed by the city to sell and dispense cereal malt beverages for drink on premises.~~

~~(8) Amusement parks.~~

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

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

~~(11) Cultural facility.~~

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

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

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

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

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

~~(iii) Arsenal, high explosives (other than armory).~~

~~(iv) Asphalt, cement or other paving materials manufacture or central mixing plant.~~

~~(v) Vehicular wrecking or dismantling for salvage purposes.~~

~~(vi) Blast furnace, coke oven, boiler works, forge plant, ore reduction, smelting of tin, copper, zinc or iron ores, iron, steel, brass or copper foundry or fabrication plant.~~

~~(vii) Brick, tile, pottery or terracotta manufacture (other than the manufacture of handcraft products only).~~

~~(viii) Creosote manufacture or treatment.~~

~~(ix) Distillation of bones, coal or wood.~~

~~(x) Explosives or fireworks manufacture or storage.~~

~~(xi) Fat rendering.~~

~~(xii) Garbage, offal or dead animals reduction or disposal.~~

~~(xiii) Junk, iron or rags or paper storage or bailing except as provided elsewhere in these regulations.~~

~~(xiv) Petroleum or its products, refining or wholesale storage.~~

~~(xv) Planing mills, rock crusher, rolling mill.~~

~~(xvi) Rubber or gutta percha manufacture or treatment.~~

~~(xvii) Stockyard or slaughter of animals or fowls.~~

~~(xviii) Stone mill.~~

~~(xix) Tanning, curing or storage of raw hides or skins.~~

~~(xx) Wool pulling or scouring.~~

~~(xxi) And in general, those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas or noise.~~

~~(15) Recreation, indoor.~~

~~(16) Restaurants.~~

~~(17) Retail establishments less than 30,000 gross square feet.~~

~~(18) Theater, nonadult.~~

~~(19) Churches, places of worship or assembly.~~

~~(20) Schools.~~

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

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

~~(1) Private or public utility structures facilitating the transmission, distribution and/or collection systems, including substations, distributions stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.~~

~~(2) Communication towers or telecommunication equipment which must meet the criteria of Chapter [18.250](#) TMC with the exception that all towers must be attached to an existing building or structure, and may exceed 20 feet in height.~~

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

~~(4) Community facilities.~~

~~(5) Conference/convention center.~~

~~(6) Public use facilities.~~

~~(7) Automobile service station, type III.~~

~~(8) Bed and breakfast establishments.~~

~~(9) Child care centers.~~

~~(10) Clubs and lodges.~~

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

~~(12) Health clubs.~~

~~(13) Hotel, motel.~~

~~(14) Parking lots/garages principal use.~~

~~(15) Pet shops/small animal clinics.~~

~~(16) Retail establishments less than 30,000 square feet.~~

~~(17) Personal service facility.~~

~~(18) Nonresidential small wind energy system, subject to Chapter [18.265](#) TMC. (Ord. 19311 § 30, 9 22-09. Code 1995 § 48-24b.03.)~~

18.200.040 Dimensional and performance standards.

All development shall comply with the density and dimensional standards in TMC [18.60.020](#)

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

~~(a) D-1 District Performance Standards:~~

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

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

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

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

~~(b) D-2 District Performance Standards:~~

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

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

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

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

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

~~(c) D-3 District Performance Standards:~~

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

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

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

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

~~(5) Maximum building height: 60 feet. (Ord. 17661 § 6, 8-20-01. Code 1995 § 48-24b.04.)~~

18.200.050 Parking.

(a) No off-street parking requirements for the D-1, D-3 use districts.

(b) Minimum off-street parking requirements for the D-2 use districts shall be consistent with the following:

(1) Residential dwellings: one space per dwelling unit.

(2) Private clubs, drinking establishments, and restaurants: one space per four occupants permitted.

(3) Retail and office uses: one space per 500 square feet of usable retail or office floor area.

(4) All other uses not specified shall be consistent with Chapter [18.240](#) TMC.

(c) A maximum number of off-street parking spaces for a particular use may be required by the planning director to conserve open space, prevent unnecessary demolition of buildings and damage to the historic integrity of a district, or to remain consistent with adopted development performance standards. (Ord. 17661 § 7, 8-20-01. Code 1995 § 48-24b.05.)

Cross References: Planning department, TMC [2.25.210](#).

18.200.060 Legal nonconforming uses.

(a) Any use which is not listed as a permitted use in these downtown zoning districts but which was permitted for a specific parcel of property pursuant to zoning district regulations in effect for such parcel and which physically existed upon such parcel prior to the enactment of the districts shall be permitted as a legal nonconforming use in accordance with Chapter [18.220](#) TMC.

(b) Expansion of legal nonconforming uses and/or structures is prohibited unless a determination of “no adverse impact” by the planning director is obtained based on the following:

(1) The use intensity on the site of the proposed expansion will not increase by more than 10 percent cumulatively; and

(2) The expansion will not result in a reduction of acceptable levels of off-street parking, lot coverage ratio, landscaping by more than five percent; and

(3) The expansion will not result in an increase of noise, odor, traffic, light, or dust incompatible with the surrounding neighborhood and/or uses; and

(4) The expansion is consistent with any adopted neighborhood, area, or redevelopment plan; and

(5) The expansion is consistent with the development performance standards of these districts. (Ord. 17661 § 8, 8-20-01. Code 1995 § 48-24b.06.)

Cross References: Planning department, TMC [2.25.210](#).

Standards for Signs in D Districts

18.200.090 Design and appearance guidelines and sign standards.

- (a) Within the D-1, D-2 and D-3 districts, all new development, including permitted commercial, office, institutional, multifamily residential, industrial uses, or combination thereof, or change of uses with exterior modifications shall be consistent with the following design guidelines. No building permit shall be issued unless it is in compliance with the downtown Topeka general design ~~and appearance~~ guidelines which are set forth in Exhibit A at the end of this section.
- (b) Compliance shall be determined by the planning director by evaluating site plans and exterior elevations for conformity with the downtown Topeka general design ~~and appearance~~ guidelines.
- (c) Decisions on conformity with the guidelines shall be made within 10 working days of submission.
- (d) An appeal from the planning director's decision as to compliance with the downtown Topeka general design and appearance guidelines may be made to the ~~Topeka Shawnee County metropolitan planning commission's planning and policy committee~~ board of zoning appeals pursuant to Chapter 2.45 TMC. ~~Such appeal shall be heard at the next scheduled meeting of the committee.~~
- (e) On-premise signs in the D-2 district shall comply with the standards for signs in the X (Mixed Use) districts pursuant to TMC 18.20.020 (e). Off-premise signs shall be regulated by TMC 18.25, Article IV.
- (f) On-premise signs in the D-1 and D-3 districts shall comply with the following standards. Off-premise signs shall be regulated by TMC 18.25, Article IV.

(1) Wall Signs

- (i) Each establishment is permitted one or more wall signs at the first floor on each building face occupied by said establishment. The accumulated area of wall signs on each building face shall be limited to 20 percent of the area of the exterior building elevation at the pedestrian level or 150 square feet, whichever is less.
- (ii) Wall signage above the first floor shall be limited to no more one sign of no more than 150 square feet, for every 50 lineal feet of street frontage, on the exterior wall of the floor on which the signage is located. For buildings of over three floors or of a height of 40 feet or more, on any level above the third floor or above 40 feet from grade, one wall sign per building face is permitted no larger than 300 square feet and such wall sign shall be located above the third floor or above 40 feet, whichever is the least. For signage above the third floor, the Planning Director, or the Historic Landmarks Commission if the sign is located on a historic landmark or in a historic district, may approve signage of greater than 300 square feet to the extent the applicant demonstrates signage exceeding 300 square feet is necessary for visibility and legibility of the sign.

(2) Painted Exterior Wall Signs

(i) A painted exterior wall sign is a sign identifying a use or establishment within the building on which the sign is located and consisting entirely of copy that is painted directly on the exterior material of a building not including any signs painted directly on the exterior surface of a window, awnings, or other appurtenances. Any painted exterior wall sign applied to the front or side of a building directly facing a street shall be regulated in the same manner as a wall sign. Any painted exterior wall sign applied to the side or rear of a building that does not directly abut a street is permitted and the area of all such signs shall not exceed 300 square feet on the wall on which the signage is applied.

(3) Awning and Marquee Signs

(i) Awning and marquee signs are defined as signs incorporated in the awning material or attached flat to the face of an awning or marquee. A marquee is a roof-like projection or shelter, typically over the entrance to an entertainment venue, and typically containing an illuminated flat area for static or changeable sign copy. Signage attached such that the sign face is parallel with, or at an angle between 0 and less than 45 degrees of the building façade, shall be regulated in the same manner as wall signs. Signs attached in such a way as to be at a 45 degree or greater angle to the building façade shall be regulated in the same manner as projecting signs. For marquees electronic message centers (EMCs) may comprise 100 percent of the face of the marquee and 100 percent of the size allowed for marquee signs.

(4) Window Signs

(i) Window signs are defined as those signs on the inside or outside of the window and visible from the outside of the window. Window signs are permitted provided all window signs in aggregate constitute no more than 50 percent of all windows on the side of the building on which said window signs are located. Window signs do not require a sign permit.

(5) Projecting Signs

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

(6) Ground Signs

(i) A “ground sign” is any sign placed upon, or supported by, the ground independently of any building or structure on the property. Ground signs permitted in the D-1 district include “monument” signs and “pylon” signs. A “monument sign” is a ground sign for which the width of the widest part of the base or pylon cover of the sign is at least 90 percent of the width of the widest part of the sign face, and for which the total height of the sign does not exceed 5 feet. A “pylon sign” is a ground sign whose sign face or cabinet is above ground level and is supported by poles, pylons, or posts.

(ii) Any parcel of land located in the Downtown Topeka Historic District is allowed one monument sign or pylon sign per street frontage not to exceed two signs, to a height not to exceed 10 feet. For

each sign the sign area shall not exceed .5 square feet per lineal foot of frontage on the street to which it is oriented or 50 square feet, whichever is less. A pylon sign located on a base that is within 2 feet of the exterior building wall may be mounted on a pylon or similar support structure and the dimensional standards for projecting signs shall apply.

(iii) All other parcels of land may be permitted one sign per street frontage not to exceed two signs, to a height not to exceed 20 feet. For each sign the cumulative sign area shall not exceed .75 square foot per foot of frontage on the street to which it is oriented or 120 square feet, whichever is less.

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

(v) The poles or pylons used to support the cabinet of a pylon sign shall be contained within pole or pylon covers of a material and color compatible with the sign and adjacent buildings. Pole or pylon covers shall be of a diameter of one foot or more.

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

(7) Roof Signs

(i) Each building of a height of three floors or 40 feet or more is permitted one roof sign no larger than 300 square feet. The height of a roof sign, measured from the top of the highest parapet to the top of the sign, shall not exceed 25% of the height of the building or 30 feet, whichever is most restrictive. Roof signs shall comply with all applicable engineering and construction code requirements. The Planning Director, or the Historic Landmarks Commission if the sign is located on a historic landmark or in a historic district, may approve signage exceeding the above dimensional standards to the extent the applicant demonstrates signage exceeding the dimensional standards is necessary for visibility and legibility of the sign.

(8) Electronic Message Centers (EMC)

(i) EMCs may be incorporated in whole or in part into any of the above sign types. One EMC sign is permitted per street frontage per establishment provided the size of the EMC is limited to 50 percent of the allowable sign area for the type of sign in which it is incorporated. EMCs that are part of a marquee are allowed 100 percent of the allowed sign area and may comprise 100 percent of the face of the marquee.

(9) Directional Signs

(i) A directional sign is a sign designed to provide direction to pedestrian or vehicular traffic into and out of a site, or within a site. In addition to the ground signs provided in paragraph "g", up to two directional signs, constructed as ground signs, whether as a monument or pylon type, each not to exceed 6 square feet and 5 feet in height, are permitted for each 50 feet of street frontage not to exceed four per parcel. All other directional signs shall be regulated in accordance with paragraphs "a" through "I".

(10) Illumination

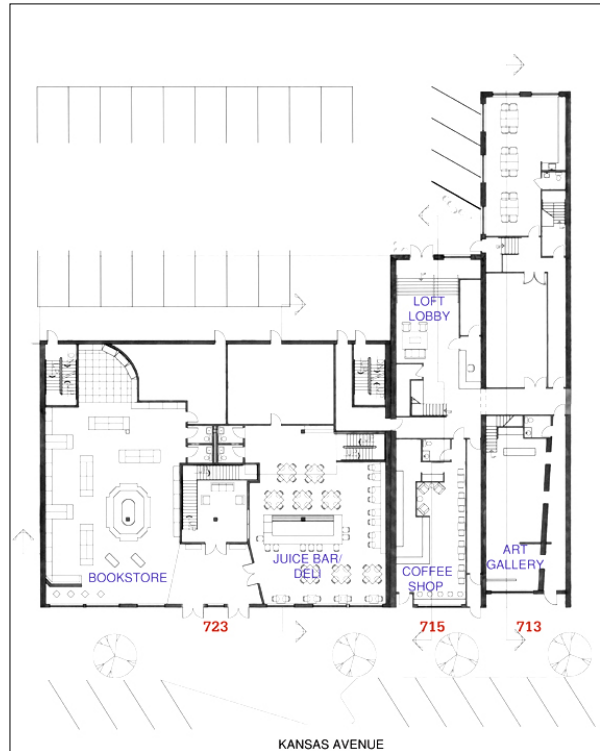
(i) Internal, flood illumination, or direct (i.e. neon) are permitted. Flashing, strobing, blinking, fluttering, chasing, and similar lighting features are prohibited unless they are determined by the Planning Director to contribute to or consistent with the historic character of the sign and building.

Exhibit A

DOWNTOWN TOPEKA URBAN DESIGN GUIDELINES

Purpose

Urban design is concerned with the appearance of Downtown Topeka, and the physical implications of design and planning decisions for the public realm of the City. Urban design is an effective means to coordinate how various public and private development proposals, including transportation and public infrastructure will affect the City physically. The focus of concern is on the public realm of Downtown: the public faces of buildings, public spaces, streets, sidewalks, parks and plazas that provide the outdoor public venues for many activities. The purpose of these guidelines is to provide the regulatory authority to ensure that new construction and renovation of existing structures is consistent with the established urban form of Downtown. These guidelines are to be used as criteria for the design of new public and private projects and to be utilized in the evaluation of new projects by the approving authorities. These guidelines seek to balance private property rights against the public interest of protecting the appearance and existing investments Downtown.



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

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

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

Applicability

These guidelines apply to the D-1 Zoning District with the exception of projects located within the South Kansas Avenue Commercial Historic District, which must follow the applicable design guidelines for that historic district rather than the D-1 guidelines. Within the boundaries of the D-1 Zoning District's designated National Register Historic Districts, these guidelines are amended by separate design guidelines as adopted. Any project within the D-1 Zoning District requiring a building permit must comply with approved design guidelines.

The guidelines established herein are not intended to restrict creative solutions. The D-1 guidelines describe ways to achieve the stated purpose of the guidelines and offer flexibility in meeting the key concepts for good downtown design. Not all guidelines will or are intended to be met. The "should", "recommended", or "encouraged" statements offer flexibility and indicate that the city is open to design features that are equal to or better than those stated, so long as the intent is satisfied.

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

Waiver/Exception

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

Definitions

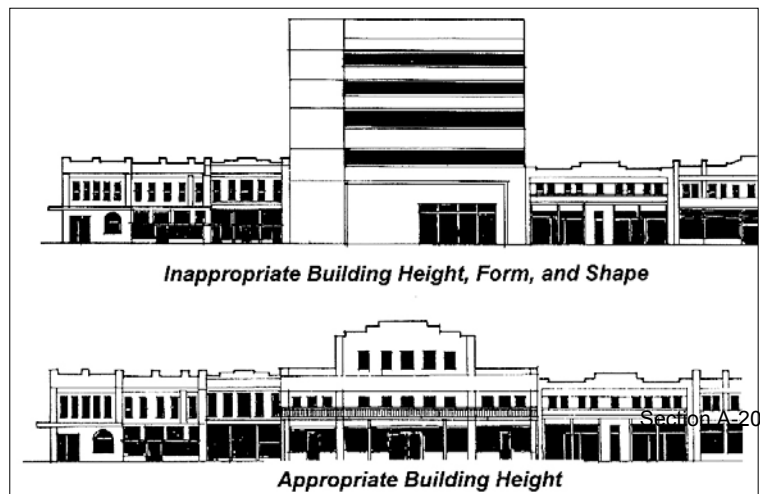
If in the course of administration of these guidelines, a question arises as to the meaning of any word, phrase, or section, the interpretation thereof shall be given by the Director of the Planning Department.

~~MIXED USE DEVELOPMENT~~

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

INFILL DEVELOPMENT

1. Exterior additions to existing buildings or adjacent infill construction should be compatible with the character of the site, and take into account the size,



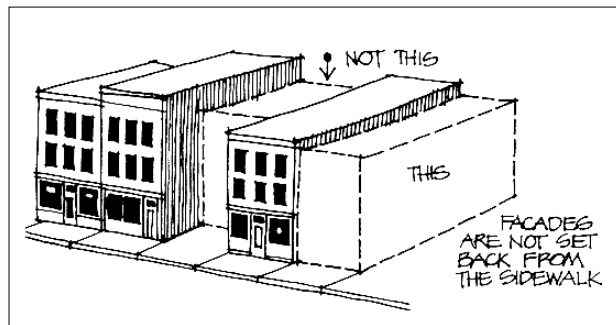
proportions, façade composition, rhythm and proportion of openings, materials, and colors of neighboring buildings. Techniques to help ensure compatibility with neighboring buildings include:

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

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

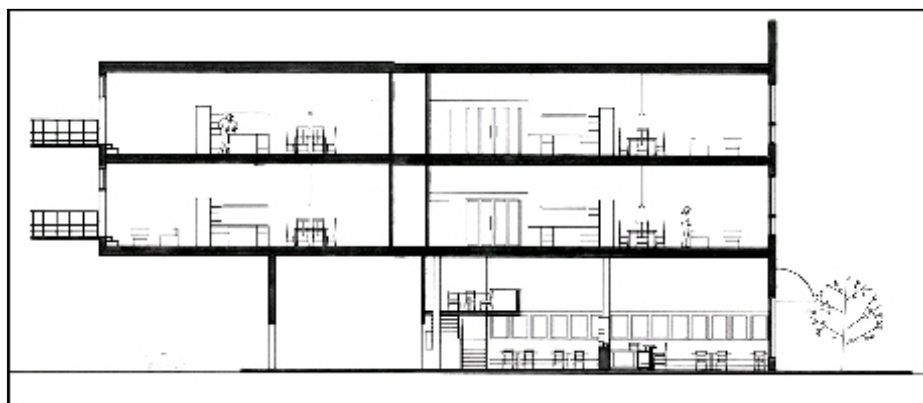
STREET ORIENTATION

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



STREET LEVEL USESFORM

1. The ground floors-street frontage of buildings should contain public or semi-public uses such as commercial, 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 principal alle 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 strong connection between the interior of the structure and the exterior street environments.
- ~~4.5.~~ Upper floor balconies should not extend structural supports into the public right-of-way below.
- ~~5.6.~~ Sidewalk cafes should not impair pedestrian circulation nor store entrance access. There should be at least a 6-foot contiguous and unobstructed walkway for use by pedestrians.

BUILDINGS FACADES



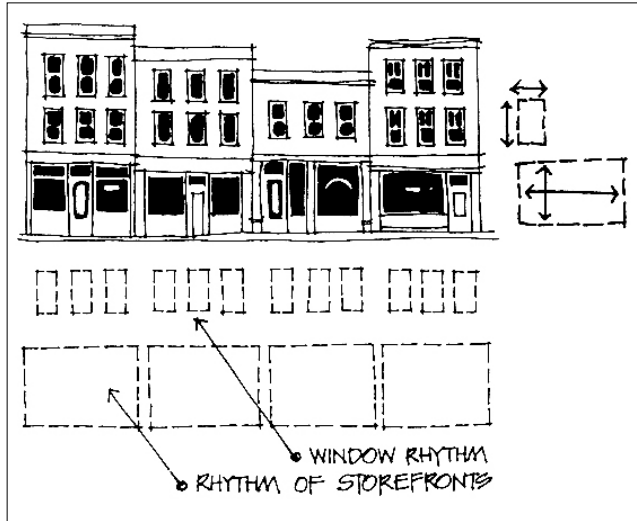
1. New buildings should be open and inviting in both their principal and secondary facades. Blank walls, or any wall with less than 30% glass, should not be placed along public streets, but may be placed along alleys and service lanes.
2. Entryways should be generously proportioned and visually transparent so as to encourage connections to the public realm.
3. Decorative and functional elements such as signage, awnings, and ornamentation should be used to create human scale elements on the street-level facades to further encourage openness.
- ~~4. Blank walls should not be placed along public streets, but may be placed along alleys and service lanes.~~
- ~~4.~~ 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

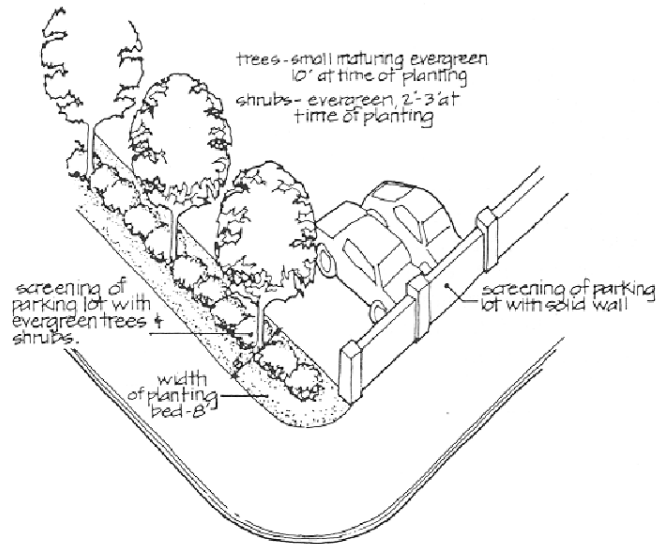
1. Facades of parking facilities should be treated with high-quality materials and architectural finishes and given vertical articulation and emphasis. The façade should distinguish a base, middle and top by using different materials, or other methods and also respond to the context of surrounding buildings by using similar materials. The façade should be designed so as to visually screen cars at street level. Sloping interior floors should not be visible or expressed on the exterior face of the building.



2. Retail storefronts or other business uses should be placed at the street level along the principal street and are encouraged along all adjacent streets except service alleys.

3. Pedestrian entries should be clearly visible and architecturally expressed on the exterior of the garage. Expression of the vertical pedestrian circulation (stairs and elevators) on the exterior of the garage is encouraged.

4. Surface parking lots should provide a **minimum of 20 square feet of landscaping for each parking space** landscaping in compliance with Topeka's **landscape ordinance**. Required landscaping should take the form of planter strips, landscaped areas and perimeter landscaping.



5. The existing street setback should be maintained along the principal street frontage in developed areas and established in new districts or developments. Tools for accomplishing this can include walls, fences, row of trees, hedges or any combination of these elements. **The height and placement of such features should be balanced against CPTED 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

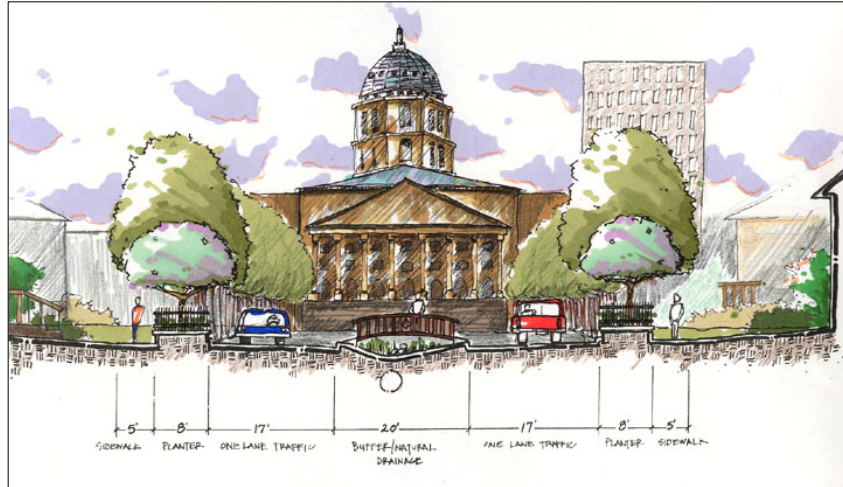
1. The architectural design of new buildings and the rehabilitation of existing buildings should be sensitive to the existing built and natural environment within which they are constructed. The architecture of the existing downtown buildings, **particularly buildings built before 1940**, should provide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



2. New construction ~~in the Downtown Districts are~~ 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.

PUBLIC INFRASTRUCTURE IMPROVEMENTS

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



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



ART IN PUBLIC PLACES

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

PUBLIC SPACES

1. New public spaces should consist of renovated or enhanced streets, or strategically selected places that are directly linked to the street system. ~~Primary opportunities are adjacent to the Kansas-Quincy, and at the intersections of 9th and Kansas Ave. and 8th and Van Buren St.~~



2. Generally, pedestrian ways should not be separated from streets and sidewalks, unless in riverfront parks. They should maintain direct access from the adjacent streets. They should be open along the adjacent sidewalk

and allow for multiple points of entry. A passerby should be able to see directly into the space.

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

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

- Landscaping.
- 1 tree per 1000 square feet of open Open space. (3½" caliper at planting).
- A minimum of 25 linear feet of seating Seating for every 1000 square feet of open space.
- 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.



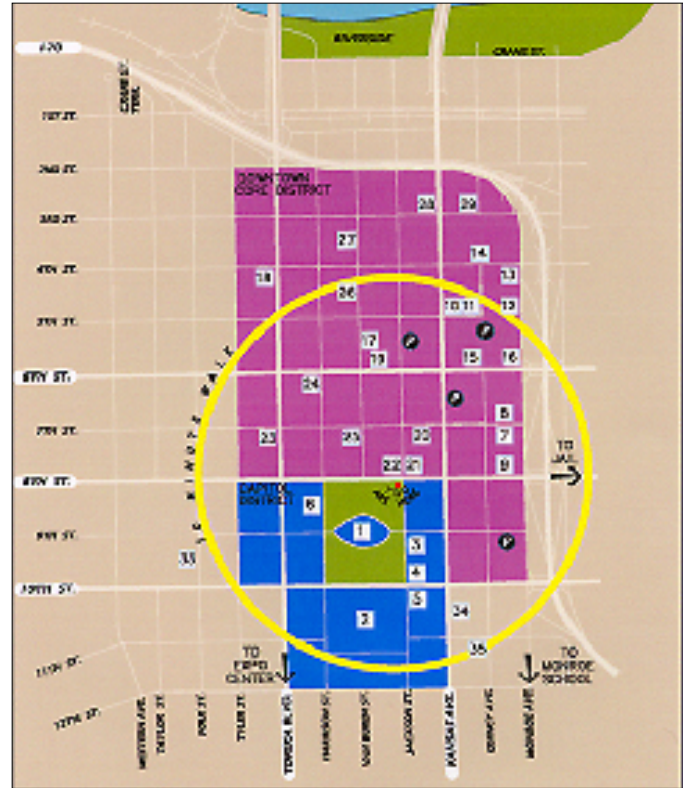
2. New development projects or renovation of existing

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

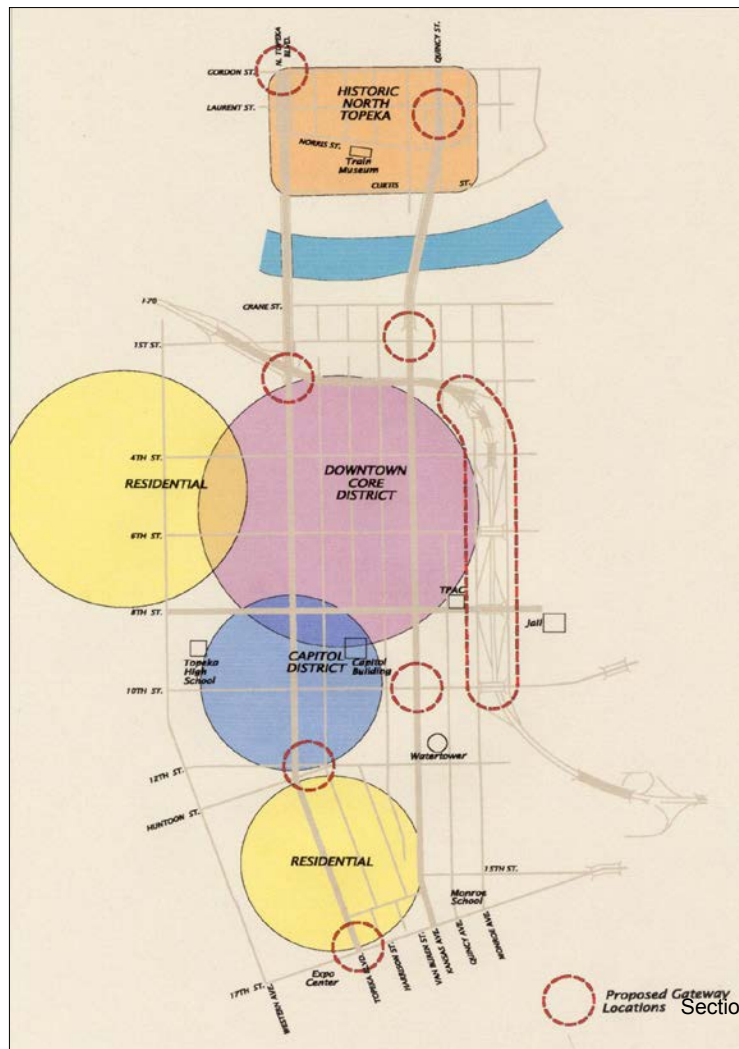
1. New buildings and development should respect the existing organization of the city and the street and block patterns that exist.
2. Superblock developments that join together one or more blocks are discouraged.
3. Where it is feasible, street grids should be extended, reestablished or newly created in areas of large-scale redevelopment.



4. New buildings or pedestrian bridges should not bridge across or block access to existing streets.

ENTRANCES AND VISTAS

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



Illustrations:

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

Chapter 18.240
OFF-STREET PARKING REQUIREMENTS

18.240.010 Scope and application.

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

(a) Scope of Regulations.

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

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

(i) Whenever a building, structure or use existing prior to February 25, 1992, is enlarged to the extent of less than 50 percent in floor area, the addition or enlargement shall comply with the parking requirements set forth herein.

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

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

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

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

TMC 18.225 Specific Use Requirements changes affected by C-5 to D-1 Conversion

...

(o) Drive-up/Drive Through Facilities.

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

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

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

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

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

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

(7) The principal use of the building must be permitted in the zoning district the drive through is requested.

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

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

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

...

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

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

- 2) Tap rooms and tasting rooms are permitted as an accessory use and should be located near the street front side of the building.
- 3) Any portion of the building that fronts a public street should have a store front facade and include windows and door openings along the street frontage.
- 4) The area of the building used for manufacturing, processing, brewing, fermenting, distilling, or storage should be above or below the ground floor or located to the rear of the building or otherwise subordinate in area and extent.

...

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

- (1) The display area shall not exceed 50 percent of the first floor area of the business.
- (2) Screening shall be provided between the merchandise being stored and residentially zoned properties when the merchandise is located in a side or rear yard next to residentially zoned properties. Merchandise shall not be stacked higher than the screening in this area.
- (3) The inventory of vehicles and equipment for sale, lease, or service shall not displace the minimum required number of off-street parking spaces.
- (4) In D and X Districts, retail merchandise outdoor display areas shall occur only during normal business hours. The outdoor display area shall not obstruct vehicular or pedestrian circulation and provide adequate pedestrian clearance.

Section B

Miscellaneous Amendments

1. Site Plan Applicability
2. Landscape Plans for Industrial Uses
3. Artisan Manufacturing
4. Microbreweries, Tap Rooms, Brew Pubs
5. Mobile Retail Vendors
6. Outdoor Concert Venues as Recreation Outdoor Type III
7. Wood & Yard Waste Recycling
8. Auto Wrecking and Salvage Yards
9. Cargo Containers
10. Unroofed Horizontal Structures (decks, stair landings, etc.)
11. Fences
12. X Districts Applicability
13. Free Little Libraries
14. Condition of Signs
15. Accessory Dwellings

Site Plan Applicability / Landscape Plans

Revise General Provisions:

18.50.120 Enforcement.

It shall be the duty of the ~~code enforcement~~ Planning ~~Director~~ of the city of Topeka or designee ~~or the Shawnee County zoning administrator~~ to enforce these regulations within their respective jurisdictions through proper legal channels. The Planning Director may require site plans and other building plans as necessary to determine compliance with these regulations prior to the issuance of a building permit or the use of property subject to these regulations. Appeal from the decision of the ~~code enforcement director or zoning administrator~~ Planning Director or designee may be made to the ~~Board of Zoning Appeals~~ Board of Zoning Appeals as provided herein. Other officials of the various departments and divisions of the city of Topeka and Shawnee County shall have the duty and responsibility to report any apparent or alleged violations to the enforcement officer of the appropriate jurisdiction. (Code 1995 § 48-1.11.)

* * *

Revise Landscape Regulations:

18.235.030 Applicability.

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

(a) Any construction within the O&I-1, O&I-2, O&I-3, C-1, C-2, C-3, C-4, M-S, I-1, I-2, X-1, X-2, X-3, U-1, and D-2, and all planned unit development districts for the above listed use groups; parking lots in the C-5 or D-1 zoning district. Multifamily dwelling developments (buildings composed of four or more dwelling units), churches or other religious or institutional uses in any zoning district and all developments constructed under the provision of a conditional use permit, in any zoning district, are also subject to this chapter.

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

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

(c) The provisions of this chapter shall apply to all legal nonconforming uses as established and defined in TMC 18.50.040. (Ord. 18255 § 2, 6-1-04; Ord. 17846 § 3, 6-11-02. Code 1995 § 48-38.02.)

* * *

Revise Site Plan Regulations:

18.260.030 Applicability.

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

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

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

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

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

~~(d)~~ (e) General Provisions. A site plan is required whenever a specific reference is made to these regulations in any other part of the code of the city of Topeka ~~or in the regulations of Shawnee County.~~
(Ord. 17913 § 3, 11-5-02. Code 1995 § 48-39.03.)

Landscape Plans for Industrial Uses

18.235.060 Landscape requirements.

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

(b) Planting Requirements/Point System. The developer may use any combination of plantings to obtain the necessary number of points required for the developed area. Different developed areas will lend themselves to different types of plantings. This chapter encourages creativity and diversity in landscaping. In no case shall a mono-culture of plantings be allowed. A variation of plantings, at least three different species, is required.

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

* * *

(e) Landscape for Industrial Uses. For industrial uses in I districts as listed in the Land Use Matrix in Chapter 18.60, unimproved areas and outdoor storage areas will not be applied toward the generation of required points provided the purpose and performance objectives of this chapter, including the creation of landscape buffers and proper screening of parking and storage areas, are met

Artisan Manufacturing

18.55.10 A” definitions.

* * *

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

* * *

18.60.010

Add row for “Artisan Manufacturing #”. “C” in C-1, C-2, C-3, and D-2; “s” in C-4, C-5, X-1, X-2, X-3, D-1, and D-3; Allowed and not subject to “s” in I-1 and I-2 districts. Prohibited in all other districts.

18.225.010 Special Use Requirements

(a) Artisan Manufacturing

1. The area used for production and assembly shall be limited to no more than 80% of the gross floor area of the principal structure and shall not exceed a total of 6,000 sq. ft.
2. All activities and equipment associated with all aspects of Artisan Manufacturing must be confined to the interior of structures located on the property.
3. In C-1, C-5, X-3, and D-1, and D-2 districts artisan manufacturing occurring on the ground level within a designated district classification must retain the front portion of the ground level to serve as a storefront entrance to a showroom, retail space, office use, or permitted residential use, consistent with the general character of the adjacent properties.
4. The production process shall not produce offensive chemical odors, dust, vibration, noise, or other offensive external impacts that are detectable beyond the boundaries of the subject property.
5. Retail sales of the product produced on site are allowed. On-site retail sales of other non-related products are permitted.

Microbreweries, Micro-distilleries, etc.

18.55.020 “B” definitions.

* * *

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

* * *

18.55.040 “D” definitions.

* * *

“Drinking establishment” means a premises which may be open to the general public, where alcoholic liquor by the individual drink is sold. A microbrewery may be included as an accessory use and is limited to 5,000 barrels per year, which is equivalent to 155,000 gallons per year.

* * *

18.55.060 “F” definitions.

* * *

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

* * *

18.55.130 “M” definitions.

* * *

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

“Micro-Alcohol Production” Includes Microbreweries, Farm Wineries and Microdistilleries. A facility in which beer, wine or spirits are brewed, fermented or distilled for distribution and consumption, and possesses the appropriate license from the state. Tap and Tasting rooms are permitted as an accessory use.

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

* * *

18.55.200 “T” definitions.

“Tap/Tasting Room” means an area included on-site that is accessory to micro-alcohol production to allow customers to taste samples of products manufactured on-site and purchase related items. Sales of alcohols manufactured outside the facility are prohibited. Does not include food sales or service.

TMC 18.60 Use Matrix

Change “Micro Brewery” to “Micro Alcohol Production” and make “Micro-Alcohol Production” a “S” in X-2 and X-3 Districts and the D Districts.

Currently, “Micro Breweries” are permitted in C-4, I-1, I-2, X-2, and D-3; not permitted in X-1, X-3; and by CUP in C-5 and D-1, D-2

Delete “Bar/Tavern” use in matrix and add “Drinking Establishment” use. TMC 18.55 Definitions refers to a “Drinking Establishment” not a “bar/tavern”. Also, consistent with State licensing terms.

* * *

TMC 18.225.010 Special Use Requirements

Proposed Change to add specific use standards for “Micro-Alcohol Production” in X-2, X-3 and D Districts:

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

- 1) Micro-breweries are limited to 5,000 barrels per year.
- 2) Tap rooms and tasting rooms are permitted as an accessory use and should be located near the street front side of the building.
- 3) Any portion of the building that fronts a public street should have a store front facade and include windows and door openings along the street frontage.

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

Mobile Retail Vendors

18.55.010 “M” definitions

* * *

“Mobile Retail Vendor” means any person, corporation, association, or other entity, however organized, that offers any merchandise, food and/or beverage for sale from any vehicle, trailer, cart, or other type of conveyance.

* * *

18.60.010 Use Tables

* * *

Add a row for Mobile Retail Vendors to the Land Use Matrix as an “s” in all districts.

Note: “s” means the use is permitted subject to the Special Use Requirements in TMC 18.225.

18.225.010 Special Use Requirements

* * *

(n) Mobile Retail Vendors

- (1) Mobile retail vendors are allowed in zoning districts where retail sales are permitted per TMC 18.60.
- (2) In zoning districts where retail sales are not permitted, mobile retail vendors, not including sales of fireworks, may be permitted in association with public facilities when approved by the owner. The mobile retail vendor shall be located a sufficient distance from adjacent residential land uses so as not to generate a negative impact to adjacent residential land uses.
- (3) Approval of the mobile retail vendor by the property owner is required.
- (4) The mobile retail vendor shall not occupy any required parking areas and associated driveways.
- (5) The siting of the mobile retail vendor, including but not limited to the mobile retail vendor’s vehicles, merchandise, and customer service areas, shall not hinder the flow of pedestrian, bicycle, and vehicular traffic and shall not compromise the safe movement of traffic.
- (7) The mobile retail vendor shall obtain all permits and comply with the laws administered by city, state, county, and applicable jurisdictions.

Outdoor Concert Venue / Outdoor Recreation Type III

18.55.180 “R” definitions.

* * *

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

* * *

Add a note to the Land Use Matrix to include outdoor concert, music, performance, and theater venues under Recreation Outdoor Type III .

Wood and Yard Waste Recycling

18.055.120 “L” definitions.

* * *

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

No change is proposed to 18.60 Matrix. Landfills, Demolition are allowed by CUP in I-1 and RR-1 and subj to Specific Use in I-2.

Automobile Wrecking and Salvage Yards

18.55.010 “A” definitions.

Revised Definition

“Automobile wrecking and/or salvage yard” means ~~area outside of a building~~ a building and/or site which is maintained, operated or used for the storing, keeping, buying, or selling of junk (as cross referenced in TMC 5.135) and where motor vehicles and/or heavy appliances or machinery not in operable condition are disassembled, dismantled, junked, ~~or~~ wrecked, stored, or the used parts thereof are bought, and/or sold., ~~or where motor vehicles not in operable condition or used parts of motor vehicles are stored.~~

Old Definition

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

* * *

18.60 Land Use Matrix

Add “Automobile Wrecking and/or Salvage Yard” to Use matrix TMC 18.60 to require a CUP in I-2 Heavy Industrial, and to be prohibited in all other districts. Add “#” for see definition and note to indicate cross reference TMC 5.135

“Junk” is defined in TMC 5.135 (Salvage Yard section) code section concerning “Salvage yards” and should be cross reference in matrix.

Cargo Containers

18.55.030 “C” definitions.

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

* * *

Chapter 18.210

ACCESSORY USES

18.210.010 Accessory uses.

Accessory uses, buildings and land customarily associated with, and clearly incidental to, a permitted use, special use requirement or conditional use permit shall be permitted provided they are:

- (a) Located on the same lot or parcel as a principal use and commonly associated with a principal building or use.
- (b) Subordinate in area, extent and purpose to the principal building. The cumulative footprint of all accessory buildings shall not exceed 90 percent of the principal building’s footprint.
- (c) Operated and maintained under the same ownership and are contributory to the comfort, convenience or necessity of the occupants, business or industry in the principal building or use served.
- (d) Time of Construction. No accessory building shall be constructed or established more than 120 days prior to the time of completion of the construction or establishment of the principal building or use to which it is an accessory. (Ord. 19921 § 136, 9-23-14.)

18.210.020 Permitted uses.

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

- (a) In the RR-1 district:

* * *

(18) Temporary construction buildings for on-site construction purposes for a period not to exceed the duration of the construction project.

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

(1) Storage buildings and garages for the storage of wood, lumber, lawn or gardening equipment and other materials and equipment, exclusively for the personal use of the residents of the premises, but not including storage for commercial purposes. Truck bodies and cargo containers

are not allowed as accessory uses. However, cargo containers may be used on a temporary basis ~~for up to 30 days within a calendar year~~ as regulated by TMC 18.210.050.

(2)(i) No farming equipment or farming machinery shall be parked or stored on a lot or tract of land unless within an enclosed lawful structure, or screened from view from any abutting property or street. No truck, excluding a pickup truck, trailer, boat, bus, tractor, or similar vehicle, machinery, or equipment with a curb weight (unloaded vehicle weight) or manufacturer's gross vehicle weight rating exceeding six tons shall be parked or stored any place on a lot or tract of land within an R, M-1 or M-1a district.

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

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

(4) A child's playhouse.

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

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

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

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

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

(3) A storage building incidental to a permitted use, provided no such structure shall exceed 400 square feet in gross floor area, and shall be in keeping with the principal structure.

(4) Employee restaurants and cafeterias, when located in a principal structure.

(5) Signs as regulated by Chapter 18.20 TMC.

(6) Fences as regulated by TMC 18.210.040.

(7) Flagpoles and statuary.

(8) Private garages and carports.

(e) In the C-1, C-2, C-3, C-4 and C-5 districts: in addition to the accessory uses included in subsection (d) of this section, the following shall be permitted:

(1) Restaurants, drugstores, gift shops, clubs, lounges, newsstands, and travel agencies when located in a permitted hotel or motel.

(2) One independent, freestanding commercial structure of 400 square feet or less in the C-1 district and 600 square feet in the other districts shall be permitted on a zoning lot. Such accessory structure shall not be required to provide off-street parking, but shall be located as to not interfere with or reduce the amount of required parking for the principal use. The location of such accessory structure shall be reviewed and approved by the planning director at the time of building permit application, provided such location does not conflict or interfere with site access and interior vehicular circulation.

* * *

18.210.050 Cargo Containers

Cargo containers as an accessory use are permitted in the I-1 and I-2 districts. In all other districts cargo containers are permitted only in accordance with the following provisions and standards.

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

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

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

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

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

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

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

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

1) Cargo containers used for permitted on-site construction purposes for a period not to exceed the duration of the construction project.

2) Cargo containers used where accessory to athletic fields as the primary use.

(e) Any legally existing cargo containers made non-conforming as a result of these regulations have 180 days from the adoption and publication of these regulation to conform.

Uncovered Horizontal Structures

18.230.040 Permitted encroachments in required yards.

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

- (a) Accessory Building. Accessory buildings may be located in any yard except the front yard, provided they shall comply with the requirements of Chapter [18.210](#) TMC.
- (b) Architectural Features. Eaves, cornices, marquees, awnings, canopies, belt courses, sills, buttresses or other similar features which extend beyond the wall of a building may encroach into any required yard by not more than 30 inches.
- (c) Canopy, Gas Pump Island. Unenclosed canopies over gas pump islands may encroach into any required yard, provided the supports shall be no closer than 10 feet to the right-of-way line and do not conflict with the sight distance triangle as established by the city or county.
- (d) Chimneys, Bay Windows and Balconies. Chimneys, bay windows and balconies may encroach into any yard not more than 30 inches, provided such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.
- (e) Fences, Hedges and Walls. Fences, hedges and walls may be located in any yard, subject to the requirements of TMC [18.210.040](#).
- (f) Fire Escapes and Unenclosed Stairways. Fire escapes and unenclosed stairways exceeding a height of 6 feet may encroach into any yard, provided they shall not extend into a side yard more than three feet or into a rear yard more than five feet. Fire escapes and unenclosed stairways of a height of 6 feet or less are subject to the permitted encroachments for uncovered horizontal structures.
- (g) Dispensing Equipment and Devices. Fuel pump and air dispensing devices located in districts where allowed shall be exempt from the front yard requirement, but, on a corner lot all such dispensing equipment and devices shall be subject to the sight distance triangle as established by the city or county.
- (h) Off-Street Parking, Off-Street and Driveway Access. Except as otherwise provided in Chapters [18.235](#) and _____ TMC, open off-street parking and driveway access may be located in any yard.

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

- 1) Uncovered horizontal structures of a height of six inches or less may encroach entirely into required yards but shall maintain a minimum distance of 12 and one half feet from street rights-of-way.
- 2) Uncovered horizontal structures of a height greater than six inches and no greater than 30 inches may encroach into required yards but shall maintain a minimum 3 foot setback from side and rear property lines and a minimum setback of 12 and one half feet from street rights-of-way
- 3) Uncovered horizontal structures of a height greater than 30 inches may encroach not more than 10 feet into the required front or rear yards but shall maintain a minimum distance of 12 and one-half feet from street rights-of-way.
- 4) The height of a porch, deck, patio, stoop, stair landing or similar structure is measured from the deck or walking surface to surrounding grade.

Fences

18.210.020 Permitted uses.

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

(a) In the RR-1 district:

* * *

(7) Fences as regulated by TMC [18.210.040](#).

* * *

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

* * *

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

* * *

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

* * *

(6) Fences as regulated by TMC [18.210.040](#)

* * *

(e) In the C-1, C-2, C-3, C-4 and C-5 districts: in addition to the accessory uses included in subsection (d) of this section, the following shall be permitted:

* * *

(f) In the I-1 and I-2 districts, the following shall be permitted:

(1) Fences as regulated by TMC [18.210.040](#).

* * *

(g) In the U-1 district: the accessory uses included in subsection (c) of this section.

(h) In the MS-1 district: the accessory uses included in subsection (d) of this section.

(i) In the X-1, X-2 and X-3 districts: the accessory uses included in subsections (b), (c), (d), (e) and (f) of this section shall be in compliance with any applicable performance standards of the X mixed use districts. (Ord. 19921 § 137, 9-23-14.)

Cross References: Planning department, TMC [2.25.210](#).

* * *

18.210.040 Fences.

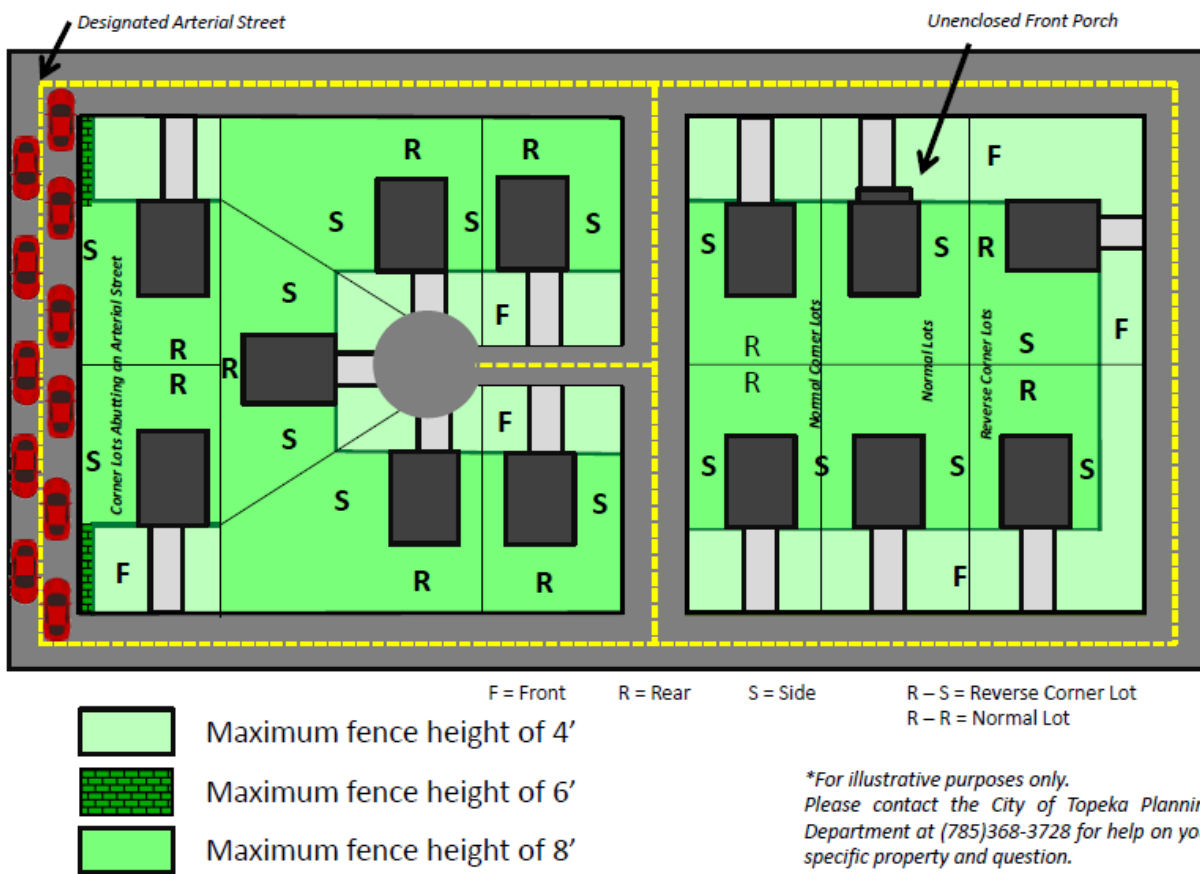
(a) Location and Height. Fences and hedges shall be subject to the following location and height requirements:

(1) Except as provided in subsection (c) of this section, no portion of a fence shall exceed eight feet in height.

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

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

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



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

- (1) Upon determination by the city engineer that the proposed fence constitutes a traffic hazard;
- (2) The location of the fence creates a site obstruction, such as within a site distance triangle, as prohibited by Chapter [12.20](#) TMC, Public Traffic Hazards; or
- (3) In such a manner or design as to be hazardous or dangerous to persons or animals.

(c) Construction Methods and Materials:

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

not be constructed of salvaged metal, salvaged wood, or other material not typically supplied by vendors as fencing materials.

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

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

(2) Fences located in or upon public use facilities or public utility facilities, such as electrical substations or pumping stations, shall be limited to eight feet in height unless the planning director determines that additional height, not to exceed ~~nineteen~~ nineteen feet, is necessary for public health and safety. (Ord. 19547 § 1, 4-12-11.)

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

Cross References: City engineer, TMC [2.25.180](#); planning department, TMC [2.25.210](#).

Purpose and Applicability of Mixed Use Districts

Chapter 18.185 X MIXED USE DISTRICTS

* * *

18.185.010 Purpose and regulations.

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

(b) Regulations. The regulations set forth in this chapter or set forth elsewhere in this division are the district regulations for the X mixed use districts. (Ord. 17746 § 1, 11-13-01; Ord. 17502 § 1, 5-22-00. Code 1995 § 48-23a.00.)

18.185.020 Mixed use district classifications.

There are three classifications of mixed use districts as follows:

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

(b) X-2 Mixed Use District. This district facilitates a mixed use area that transitions from a higher intensity industrial use area to lower intensity neighborhood-scale residential areas and includes a balance of compatible residential, office, commercial service, and light industrial uses.

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

- (1) Improving the area as a 24-hour destination for urban, cultural, entertainment, community, and residential experiences; and
- (2) Retention and attraction of businesses, workplaces and residences through adaptive reuse and rehabilitation of existing buildings as a preference; and
- (3) Redeveloping vacant and under-utilized properties through appropriately scaled in-fill development; and
- (4) High quality development and urban design standards that maintain a sense of history, human scale, and pedestrian-orientation. (Ord. 17746 § 2, 11-13-01; Ord. 17502 § 2, 5-22-00. Code 1995 § 48-23a.01.)

18.185.030 Applicability of mixed use districts.

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

Free Little Libraries

18.55.060 “F” definitions.

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

* * *

“Free little libraries” are structures for the storage of books or other print media made available to the general public for no remuneration, and which may be located on private property in a structure or receptacle of a limited size and volume.

“Frontage” means any lot line abutting a public street right-of-way. (Ord. 19370 § 103, 3-23-10. Code 1995 Appx. C, Art. XXXV.)

Chapter 18.210 ACCESSORY USES

Sections:

- [18.210.010](#) Accessory uses.
- [18.210.020](#) Permitted uses.
- [18.210.030](#) *Repealed.*
- [_____](#) Home occupations.
- [18.210.040](#) Fences.

18.210.010 Accessory uses.

Accessory uses, buildings and land customarily associated with, and clearly incidental to, a permitted use, special use requirement or conditional use permit shall be permitted provided they are:

- (a) Located on the same lot or parcel as a principal use and commonly associated with a principal building or use.

- (b) Subordinate in area, extent and purpose to the principal building. The cumulative footprint of all accessory buildings shall not exceed 90 percent of the principal building's footprint.
- (c) Operated and maintained under the same ownership and are contributory to the comfort, convenience or necessity of the occupants, business or industry in the principal building or use served.
- (d) Time of Construction. No accessory building shall be constructed or established more than 120 days prior to the time of completion of the construction or establishment of the principal building or use to which it is an accessory. (Ord. 19921 § 136, 9-23-14.)

18.210.020 Permitted uses.

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

(a) In the RR-1 district:

- (1) Open or enclosed storage of farm materials and equipment.
- (2) Farm buildings, including barns, stables, sheds, toolrooms, shops, tanks, bins and silos.
- (3) Fuel storage tanks and dispensing equipment for fuels used solely for farming operations. No wholesale/retail sales of such fuels shall be allowed as an accessory use.
- (4) Wholesale and retail sales of agricultural products grown or raised upon the premises.
- (5) Roadside stands for the sale of produce grown on the premises; provided, that such a stand shall not contain more than 600 square feet of floor area, the stand is located no closer than 20 feet from the right-of-way, and access to the stand is from an entrance to the farm or residence.
- (6) Private, noncommercial antenna and supporting structure when used for amateur radio service; citizens band radio; a telecommunication device that receives only a radio frequency signal; a sole-source emitter with more than one kilowatt average output; and satellite receiving devices, provided they shall not be located in the area between the street and principal building nor within the required side yard.
- (7) Fences as regulated by TMC [18.210.040](#).
- (8) Gazebos, enclosed patios and similar buildings for passive recreational use.

- (9) Home occupations as regulated by TMC [18.210.035](#).
- (10) Private garages and carports.
- (11) Private greenhouses or conservatories.
- (12) Private recreational uses and facilities including but not limited to swimming pools and tennis courts, if the use of such facilities is restricted to occupants of the principal use and guests for whom no admission or membership fees are charged.
- (13) Private or public utility transmission, distribution and/or collection systems; and not, however, including substations and distribution substations, pump stations, reservoirs, towers, transmission equipment buildings and similar facilitating structures.
- (14) Residential accessory storage buildings for the storage of wood, lumber, lawn or gardening equipment and other materials and equipment, exclusively for the personal use of the residents of the premises, but not including a storage building for commercial purposes.
- (15) Signs as regulated by Chapter [18.20](#) TMC.
- (16) Statuary, arbors, trellises, flagpoles, and barbecue stoves.
- (17) Structures for the shelter of household pets except kennels.
- (18) Temporary construction buildings for on-site construction purposes for a period not to exceed the duration of the construction project.
- (19) Free little libraries associated with residential uses are limited to a height of 6 feet, a width of 2 feet, and volume of 6 cubic feet, and to a height of 6 feet, width of 4 feet, and volume of 10 cubic feet when associated with non-residential uses.

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

Condition of Signs

18.10.100 Maintenance and removal.

~~(a) All signs must ____ be maintained in good condition and the owner thereof shall repair any signs when ordered to do so by the public works director, planning director or their designees. (b) A sign with~~ missing or visibly damaged face panels, exposed internal lights and related internal hardware, visible deteriorating paint and rust, or structural damage that may be hazardous to the public is not in good condition and shall ~~If any sign is not maintained in good condition so as to meet the approval of the public works director, planning director or their designees, then the public works director, planning director or their designees may order such sign to be~~ repaired or removed within a reasonable time as determined by the planning director. (Ord. 17906 § 2, 10-15-02; Code 1981 § 39-68. Code 1995 § 118-10.)

Accessory Dwellings

In land use matrix add a row for “Dwelling, Accessory” after “Dwelling, Multiple-Family”. It is allowed in M-1, M-1a, M-2, M-3, X-1, X-2, X-3, D-1, and D-2 districts.

Add to definitions:

18.55.040 “D” definitions.

* * *

“Dwelling, accessory” means an independent, detached dwelling unit having the defining characteristics of a “dwelling unit” but, in addition, being secondary to a primary dwelling located on the same lot of record and containing a maximum of 600 square feet, not including garage.

Section C

Land Use Matrix

1. Residential
2. Commercial/Office
3. Industrial
4. Civic/Cultural
5. Density Dimensional Standards – RR, R, M Districts
6. Density Dimensional Standards – OI, C Districts
7. Density Dimensional Standards – I, U, MS, D, X Districts

Residential

		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	RR-1 Residential Reserve	OS-1 Open Space	
Residential		Districts																										
Assisted Living Facility #	has individual living units where at least 6 persons receive	C	C	C	C	●	●	●	●	●	-	-	-	-	-	-	-	-	●	C	C	C	●	S	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	C	●	●	●	●	●	●	●	-	●	●	●	●	●	●	●	●	●	-
Boarding House #	dwelling where lodging, with or without food, for 3-20 persons is provided	-	-	-	-	C	●	-	-	-	-	-	-	-	-	-	-	-	●	C	C	C	●	●	●	●	●	-
Caretaker's Residence		-	-	-	-	-	-	-	-	-	-	-	●	●	-	●	●	-	-	-	-	-	-	-	-	-	-	-
Community Living Facility, Type I #	dwelling operation for short-term residential care for improving living skills	-	-	-	-	C	-	●	●	-	●	●	●	●	●	-	-	-	●	-	-	-	●	●	-	-	-	-
Community Living Facility, Type II #	dwelling operation for residential care providing an intermediate and primary treatment setting	-	-	-	-	-	-	C	●	-	●	●	●	●	●	-	-	-	C	-	-	-	●	●	-	-	-	-
Correctional Placement Residence or Facility General #	residential/rehabilitation facility occupied by more than 15 individuals	-	-	-	-	C	-	C	C	-	-	-	C	C	-	C	C	-	C	-	-	-	●	●	-	-	-	-
Correctional Placement Residence or Facility Limited #	residential/rehabilitation facility occupied by 3 to 15 individuals	-	-	-	-	C	C	C	C	C	-	-	-	-	-	-	-	-	C	-	C	-	●	●	-	-	-	-
Crisis Center, Type I #	may include meals and merchandise to residents	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	-	C	-	●	●	C	C	-	-
Crisis Center, Type II #	facility used for immediate human social service functions including meals, merchandise or shelter	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	●	●	C	C	-	-	-
Dwelling, Detached Single-Family #		●	-	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	●	●	●	●
Dwelling, Attached Single-Family #		-	-	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	●	●	●	-
Dwelling, Two-Family # (Duplex)		-	-	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	●	●	●	-
Dwelling, Three/Four-Family	includes 3-4 unit row or town houses #	-	-	-	●	●	●	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	●	●	●	-
Dwelling, Multiple-Family #	structure with at least 5 units	-	-	-	●	●	●	-	-	-	-	-	-	-	-	-	-	-	●	C	C	●	●	●	●	●	●	-
<u>Dwelling, Accessory #</u>	<u>secondary to primary dwelling, not exceeding 600 sq. ft.</u>	-	-	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	●	●	●	-
Dwelling Units Above Ground Floor or Basement	other than medical care & community living facility	-	-	-	-	-	-	●	●	●	●	●	●	●	●	●	●	-	●	●	●	●	●	●	●	●	●	-
Dwelling Units on main floor	subordinate to principal non-residential uses	-	-	-	-	-	-	S	S	S	S	S	S	S	S	-	-	-	S	S	S	S	S	S	S	S	S	-
Group Home #	licensed dwelling for up to 8 with disability & 1 or 2 staff	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	●	●	C	C	●	●	●	●	●	-
Group Residence, General #	dwelling occupied by 9 to 15 persons and at least 8 with a disability	-	-	-	-	C	C	-	C	-	-	-	-	-	-	-	-	-	●	-	-	-	●	●	-	-	C	-
Group Residence, Limited #	dwelling occupied by up to 10 persons, up to 8 with a disability, and up to 2 staff residents	C	C	C	C	●	●	C	C	-	-	-	-	-	-	-	-	-	●	C	-	-	●	●	-	-	C	-
Home Care, type I #	nonsecure dwelling with residential/nursing care for up to 8 care receivers	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	●	●	C	C	●	●	●	●	●	-
Home Care, type II #	nonsecure dwelling with residential/nursing care for up to 12 care receivers	C	C	C	C	●	●	-	-	-	-	-	-	-	-	-	-	-	●	C	C	C	●	●	C	C	C	-
Management/Leasing Facilities	for managing an onsite multi-family community Refer to TMC18.225	-	-	S/C	S/C	S/C	S/C	-	-	-	-	-	-	-	-	-	-	-	S/C	●	●	●	S/G	S/C	S/C	S/C	-	-
Medical Care Facility, type I #	dwelling for the personal nursing care & treatment for up to 2 persons	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	●	-	-	-	●	●	-	-	●	-
Medical Care Facility, type II #	dwelling for the personal nursing care & treatment for more that 3 persons	-	-	-	-	C	C	C	●	●	-	●	●	●	●	●	●	-	●	-	-	-	●	●	-	-	-	-

Residential

		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	RR-1 Residential Reserve	OS-1 Open Space	
Residential		Districts																										
Mobile Home #, Manufactured Home #	residential structure manufactured off-site excluding "residential- design manufactured home"	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Residential-Design Manufactured Home #	At least 22' wide on a permanent foundation, pitched roof, and siding/ roofing materials similar to site built homes except in R-4.	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	●	●	●	●	-
Residential Care Facility, Type I #	nonsecure dwelling in which residential care is provided for children and/or adults on 24-hr basis, up to 4 persons	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	●	●	C	C	●	●	C	-	●	-	
Residential Care Facility, Type II #	nonsecure dwelling in which residential care is provided for children and/or adults on 24-hr basis, up to 10 persons	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	●	C	C	C	●	●	C	-	●	-	
Residential Care Facility, Type III #	nonsecure dwelling in which residential care is provided to children and/or adults on a 24-hour basis	-	-	-	-	C	●	-	-	-	-	-	-	-	-	-	-	●	-	-	-	-	-	-	-	-	-	
Student or Faculty Housing		-	-	-	-	●	●	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	-	-	

Commercial/Office

		Approval Levels ● = Allowed Use S = Allowed per Special Use Requirements under Chapter 18.225 S/C = If unable to meet Special Use Requirements, may apply for CUP. C = Conditional Use Permit (CUP) approved by Governing Body																									
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Use	Description	R-1/R-2/R-3 Single Family Dwelling	R-4 Manufactured Homes	M-1 Two Family Dwelling	M-1a Limited Multiple Family Dwelling	M-2 Multiple Family Dwelling	M-3 Multiple Family Dwelling	O&I-1 - Office And Institutional	O&I-2 - Office And Institutional	O&I-3 - Office And Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	C-5 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown-Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use	RR-1 Residential Reserve	OS-1 Open Space
Commercial/Office		Districts																									
Animal Care and Services type I#	for common household pets in an enclosed building	-	-	-	-	-	S	S	S	-	S	S	●	S	●	●	-	-	●	C	C	●	S	C	C	C	-
Animal Care and Services type II#	services within an enclosed building	-	-	-	-	-	-	-	-	-	-	-	●	-	●	●	-	-	-	-	-	-	●	-	-	C	-
Artisan Manufacturing #	Refer to TMC 18.225	-	-	-	-	-	-	-	-	C	C	C	S	●	●	●	-	-	S	S	S	●	S	C	S	-	-
Auction House		-	-	-	-	-	-	-	-	-	-	S	●	●	●	●	-	-	-	-	-	-	●	-	-	-	-
Automobile or Vehicle Carwash #		-	-	-	-	-	-	-	-	-	S	S	S	S	●	●	-	-	-	-	-	-	●	-	-	-	-
Automotive Rental Establishments		-	-	-	-	-	-	-	-	-	S	●	●	●	●	●	-	-	-	-	-	-	●	-	-	-	-
Auto Service Station, type I #	convenience store with gas sales	-	-	-	-	-	-	-	-	-	C	S	S	S	●	●	-	-	-	-	-	●	●	S	C	-	-
Auto Service Station, type II #	excludes drive-train work	-	-	-	-	-	-	-	-	-	S	S	S	S	●	●	-	-	C	●	●	●	●	S	-	-	-
Auto Service Station, type III #	includes drive-train work	-	-	-	-	-	-	-	-	-	C	C	S	S	●	●	-	-	C	C	-	●	●	C	-	-	-
Automobile Sales & Service	excludes heavy duty vehicles and type III auto services	-	-	-	-	-	-	-	-	-	-	S	S	S	●	●	-	-	C	S	-	●	●	-	-	-	-
Automobile, Boat, Truck, Heavy & Ag Equipment, Sales/Services	includes heavy-duty trucks, rec. vehicles, trailers and type III service	-	-	-	-	-	-	-	-	-	-	-	S	-	●	●	-	-	-	-	-	-	●	-	-	-	-
Automobile or Vehicle Tow Lot and Body Shop	not including wrecking yards or long-term storage of disabled vehicles	-	-	-	-	-	-	-	-	-	-	-	S	-	●	●	-	-	-	-	-	-	●	-	-	-	-
Bakery (Commercial)	including wholesale distribution	-	-	-	-	-	-	-	-	-	-	-	●	-	●	●	-	-	-	●	-	●	●	-	-	-	-
Bank/Financial Institution	Does not include drive in/drive throughs	-	-	-	-	-	●	●	●	●	●	●	●	●	●	●	-	-	●	●	●	●	●	●	●	●	-
Bars and Taverns	includes allowing a microbrewery as an accessory use	-	-	-	-	-	-	-	-	-	G	G	●	G	●	●	-	-	G	G	●	●	●	●	G	●	-
Billboard/Panel Poster Sign # (See Section 18.25.110 TMC)	off-premise advertising signs	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	●	C	-	C	C	-
Billboard, Modified Legal Non-Conforming Billboards	relocation, remodeling or rebuilding of legal non-conforming billboards	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	●	-	-	-	-	-
Body Art Service/ Tattooing, Body-Piercing	excludes ear-piercing only	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	●	●	●	●	●	●	●	●	-
Brew Pub #	includes a microbrewery as an accessory use. Microbrewery limited to 5000 barrels per year.	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	●	●	●	●	●	●	●	●	-
Building, Construction, & Mechanical Contractor Office	showroom, 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 5000 barrels per year.	-	-	-	-	-	-	-	-	-	C	C	●	G	●	●	-	-	C	C	●	●	●	●	●	●	-
Drive through establishments/facilities	Refer to TMC 18.225	-	-	-	-	-	S	S	S	S	S	S	S	S	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	-	-	-	-	-	-	C	●	-	●	●	●	●	●	●	-	-	●	●	●	●	●	●	●	●	-
Grave Monuments & Markers	includes display but not stone engraving or cutting.	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	-	-	-	-	●	●	●	●	-
Gun Ranges, Indoor		-	-	-	-	-	-	-	-	-	-	-	C	-	S	S	-	-	-	-	-	-	●	●	●	●	-
Health Services #, Clinic #, Health Care Facility #	May include a pharmacy as part of the facility	-	-	-	-	-	-	●	●	-	●	●	●	●	●	●	-	-	●	●	●	●	●	●	●	●	-
Home Improvement & Building Supply	outdoor display, storage Retail merchandise, outdoor display limited to only C-4 & I see TMC 18.225.	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	●	●	●	●	●	●	●	●	-
Labor Pools #		-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	-	-	-	●	●	●	●	●	-
Hospital #	institution providing inpatient health services, medical or surgical care, and related facilities	-	-	-	-	-	-	C	●	-	●	●	●	●	●	●	-	-	●	●	●	●	●	●	●	●	-
Hotel #, Motel #	commercial establishment providing sleeping rooms for overnight guests	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	-	-	C	C	●	●	C	C	-

Commercial/Office

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# = 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	RR-1 Residential Reserve	OS-1 Open Space
Commercial/Office		Districts																									
Lawn/Garden Centers	landscape materials, lawn & garden equipment and supplies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Liquor Sales, Packaged Goods		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Manufactured Housing & Accessory Structure Sales		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Medical Equipment	Hearing aids, eyeglasses, prosthesis stores, etc.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mobile Retail Vendors #	Refer to TMC 18.225 mobile retail vendors	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 <u>in association with</u> 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	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Personal Services #	including beauty & barber shops, laundromats, dry-cleaning, tailors, tanning salons, etc.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pet Shops		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pharmacy # & Drugstores	retail sales of drugs, prosthesis, rehabilitation equipment & medicine. <u>Does not include drive throughs</u>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Printing/ Copy Center		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Radio & TV Broadcasting/ Recording Studio		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Rental Establishment	general equipment and domestic items	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restaurant, Family Dining, carry-out # (Delicatessen)	limited to 50 seats <u>and no drive-throughs in C-1</u>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restaurant, drive-in/ <u>drive through</u> #	Refer to TMC 18.225 for drive throughs	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restaurant, fast-food #	Refer to TMC 18.225 for drive throughs	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retail Merchandise, Outdoor Display	See TMC 18.225 Retail Merchandise outdoor display <u>no truck bodies or cargo containers used for storage in any district except in I-1 and I-2</u>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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	<u>includes Tobacco & Smoke Shop/Hookah Houses/E cigarettes, Shop/cigar shops</u>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Truck Stop #		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

		Approval Levels																											
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# = 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	RR-1 Residential Reserve	OS-1 Open Space		
Industrial		Districts																											
Airport	including landing strips & heliports	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	C	-
Agriculture #	agricultural activity and the production, storage, processing of agricultural products	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●
Agricultural Product Sales & Storage	storage & retail sales of raw food material, fertilizers, pesticides, and similar products for crop/livestock production	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	-	-	-	C	-
Automobile Wrecking and/or Salvage Yards #	Refer to TMC 5.135	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-
Bottling Works		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	●	-	-	-	-	-	-	-
Contractor Yards		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	-	-	-	-	-
Heliprot	heliprot only	C	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	●	-	-	-	-	-	-	-	-	C	-
Landfill, Demolition #		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	S	-	-	-	-	-	-	-	-	-	C	-
Landfill, Sanitary #		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	C	-
Laundry, Commercial #; Dry- Cleaning, Dyeing		-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	-
Machinery and Equipment Repair and Restoration		-	-	-	-	-	-	-	-	-	-	-	-	●	-	●	●	-	-	-	-	●	-	-	-	-	-	-	-
Manufacturing/Processing Type I #	few if any off-site impacts	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	-	-	●	-	
Manufacturing/Processing Type II #	up to medium off-site impacts	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	C	-	-	-	-	-	-	C	-
Manufacturing/Processing Type III #	potential for significant off-site impacts	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	
Microbrewery # <u>Micro-Alcohol Production#</u>	in X & D Districts limited to 5,000-barrels per year. Taprooms allowed in C-5, X-3 & D-1. Refer to TMC 18.225.	-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	-	S	S	G	S	S	S	-	-	
Publishing Establishments and Distribution		-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	-
Raw Material Extraction	extraction, processing, storage, and sale of these materials	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	C	-
Recycling Depot	collection, storage, & processing of recyclables	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	-	-	-	-	-	-	-	-	-	-
Research Lab #, Testing or Development Laboratory	facility for scientific investigation or engineering & development	-	-	-	-	-	-	-	●	-	●	●	●	●	●	●	●	-	-	C	●	C	●	●	-	-	-	-	-
Railroad Facilities		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Self-Storage, type I #	Indoor storage with indoor access	-	-	-	-	-	-	-	-	-	-	C	S	S	-	●	●	-	-	C	S	-	-	-	-	-	-	P	-
Self-Storage, type II (allows boat/RVs) #	Indoor and outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	C	-	-	-	-	-	-	-	-	-
Small Wind Energy System	Non-residential use only	C	C	C	C	C	C	C	C	C	C	C	C	C	G	C	C	C	C	C	C	C	C	●	C	C	C	C	C
Storage of non-merchandise, outdoor	in C-4 and I-1 see Retail Merchandise- Outdoor Display. See 18.225 Outdoor storage of non-merchandise. No truck bodies or cage containers used for storage except in I-1/I-2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S/C	S/C	-	-	-	C	C	-	-	-	-	-	-	-
Tower, Communication #, Transmission Tower #	ground-mounted free-standing structure transmitting or receiving tv, radio, & microwave frequencies Refer to TMC 18.20	C	C	C	C	C	C	C	C	C	C	C	S	S	S	S	C	C	-	-	-	-	●	C	C	C	C	-	
Towers, Receiving and Commercial Broadcasting	For radio and television Refer to TMC 18.20	-	-	-	-	-	-	-	C	C	-	-	-	C	-	C	-	-	C	-	-	-	-	-	-	-	-	-	
Truck/Freight/Bus-Terminal	In C-5 bus terminal only	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	-	-	-	-	-	-	-	-	-	-	-	-
Bus Terminal		-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	●	-	-	-	-	-	-	-	-	-	-	-	-
Warehouse #, Storage #, Distribution Facilities;	structure for storing goods, wares, and merchandise. For accessory truck bodies/cargo containers refer to TMC 18.210.20 Accessory Uses.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	●	C	-	-	-	-	-	-	-
Welding, Tinsmithing & Machine Shop		-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	●	-	-	-	-	-	-	-	-

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Civic, Cultural and Recreational		Districts																										
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	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C
Class "A" & "B" Clubs #	as licensed by state alcohol beverage control board (e.g. ELKS)	-	-	-	-	-	-	-	-	-	-	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Club or Lodge, Private # (excludes Class "A" & "B" Clubs)	organization for social, educational, or recreational purposes. Not licensed by the State.	-	-	-	-	-	-	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Common Open space # (within a development and for its occupants)	natural areas and passive recreational facilities only	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Community Center #	building open to the public for recreational and/or educational activities	C	C	C	C	C	C	•	•	•	C	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
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 Cares 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	C	-	•	S	S	S	S	S	S	S	S	S	•
Fairgrounds		-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-	-	-	-	-	-	-
Farmers' Market #	Conditional Uses in R & M Districts are limited to 2.5-acre or larger sites	C	C	C	C	C	C	C	C	C	C	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Gardens, Community Type I #	No permanent sales	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	•
Gardens, Community Type II #	Sales/Non-Type I Standards	C	C	C	C	C	C	C	C	C	S	S	S	S	S	S	S	C	C	C	C	C	C	C	C	C	C	•
Golf Course #, Country Club #		S/C	S/C	S/C	S/C	S/C	S/C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S/C
Government Services, Type I	government administrative offices and services	C	C	C	C	C	C	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Government Services, Type II	police, fire, and ambulance stations	C	C	C	C	C	C	C	C	C	C	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Open Spaces #		•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Private Residential Recreational Facility (allows clubhouses; "Recreation, Indoor Type I"; and "Recreation, Outdoor Type I" uses)	located within a residential project and only for its residents and their guests	•	•	•	•	•	•	-	-	-	-	-	-	-	-	-	-	-	-	•	•	•	•	•	•	•	•	•
Park #	owned or controlled by public	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Public Utility Facilities, Type I # (See Section 18.50.100(c)(1) of Topeka Municipal Code)	non-major facilities are exempt from zoning use restrictions	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Public Utility Facilities, Type II # (See Section 18.50.100(c)(1)(i,ii,iii) of Topeka Municipal Code)	major facilities including: pump stations, towers, treatment plants, etc.	C	C	C	C	C	C	C	C	C	C	C	C	C	C	€	•	•	•	•	•	•	•	•	•	•	•	•
Reception, Conference, and Assembly Facilities	For Conditional Uses Refer to TMC, 18.225 for standards.	C	-	C	C	C	C	C	•	•	C	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Recreation, Indoor Type I # (lower intensity recreational uses)	Indoor pools, fitness clubs, skating rinks, gyms, dancing, martial arts, etc.	-	-	-	-	-	-	C	•	•	C	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Recreation, Indoor Type II # (higher intensity recreational uses)	pool & billiard halls, bowling alleys, arcades, indoor amusement parks, etc.	-	-	-	-	-	-	-	-	-	-	C	C	•	€	•	•	-	-	C	-	•	•	•	•	•	•	•
Recreation, Outdoor Type I # (low intensity recreational uses)	tennis, basketball & shuffle board courts, pools, golf courses, horse shoes, etc. in conjunction with a residential community	S	S	S	S	S	S	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
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	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•

		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 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	RR-1 Residential Reserve	OS-1 Open Space	
Civic, Cultural and Recreational		Districts																										
Recreation, Outdoor Type III # (high intensity recreation uses)	go kart tracks, horse and auto race tracks, drag strips, amusement and motorized kiddie parks; and sport stadiums, complexes and arenas, <u>outdoor concert, music, performance, and theater venues,</u> etc.	C	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	-	-	•	C	•	•	C	C		
Religious Assembly #	Refer to IMC 18.225	S/C	S/C	S/C	S/C	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	C	•	C	•	•	S	-
RV Short-Term Campgrounds #	has at least 24 campsites	-	-	-	-	-	-	-	-	-	-	-	•	•	•	•	•	-	-	-	-	-	-	•	-	-	C	C
Schools #, Public or Private Educational Facility #	elementary school # and secondary school #	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	-
School, Business and Vocational School #	includes technical colleges and training academies	-	-	-	-	-	-	-	•	•	-	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	-	-
Youth Camps	retreats for scouting, etc	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	

Density Dimensional Standards - RR, R, M Districts

Density and Dimensional Standards - All Other Districts										
Standards	Notes	Districts								
		RR1 Residential Reserve District	R1 Single Family Dwelling District	R2 Single Family Dwelling District	R3 Single Family Dwelling District	R4 Manufactured Home District	M1 Two Family Dwelling District	M1a Limited Multiple Family Dwelling District	M2 Multiple Family Dwelling District	M3 Multiple Family Dwelling District
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] [1 2][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.)	[1 1]	15-20	15-20	15-20	15-20	15-20	15-20	15-20	15-20	15-20
Minimum Garage Entry Setback (ft.)	front entry	20	20	20	20	20	20	20	20	20
Minimum Garage Entry Setback (ft.)	rear entry (from alley)	10	10	10	10	10	10	10	10	10
Minimum Garage Entry Setback (ft.)	side entry (from alley)	5	5	5	5	5	5	5	5	5
Maintenance Accessory Building	Maximum size (sq. ft.)	-	-	-	-	-	-	-	400	400
	Maximum #	-	-	-	-	-	-	-	1	1

Notes:

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

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

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

Density Dimensional Standards - RR, R, M Districts

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

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

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

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

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

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

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

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

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

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

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

Density Dimensional Standards - O, C Districts

Density and Dimensional Standards - All Other Districts									
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	None
Maximum Building Coverage	% of lot area	40	50	60	40	50	60	60	100
Minimum Lot Width (ft.)		50	50	50	50	50	50	50	25
Principal Buildings									
Setbacks (ft.) [1,2,3]	Front	25	25	25	25	25	25	25	0
	Side	7	7	10	10	10	10	10	0
	Rear	25	25	25	25	25	25	25	0
Maximum Building Size (sq. ft.)	Ground floor area	7,500	20,000	—	10,000	50,000	—	—	—
Maximum Height (ft.) [5-6]		42	60	75	35	50	70	70	None
Accessory Buildings (Detached)									
Setbacks (ft.) [1,2]	Front [4]	25	25	25	25	25	25	25	0
	From other buildings	6	6	6	6	6	6	6	6
Minimum Garage Entry Setback (ft.)	rear entry (from alley)	10	10	10	10	10	10	10	10
Minimum Garage Entry Setback (ft.)	side entry (from alley)	5	5	5	5	5	5	5	5
Maximum Height (ft.) [6]		—	—	—	—	—	—	—	—
Maintenance Accessory Building	Maximum size (sq. ft.)	400	400	400	400	600	600	600	600

Notes:

- [1] If the recorded plat of subdivision provides greater setbacks, the provisions of the plat shall prevail.
- [2] The side yard of a corner lot and rear yard of a double frontage lots shall conform to the minimum front yard requirements of the district.
- [3] During site plan review, side yard setbacks may be reduced to 0 feet where the buildings are attached along a common lot line.
- [4] Accessory structures shall not be located within a required front yard or beyond the front face of the principal structure, whichever is more restrictive. However, a minimum setback of 20 feet from all street rights-of-way shall be provided for garages and carports. If, in the judgment of the planning director, construction of a garage or carport is compatible with the neighborhood, in respect to availability of land for public sidewalks, right-of-way needs, and the location of structures within the block, then such construction may occur with revised minimum setback(s) as determined by the planning director.

Density Dimensional Standards - O, C Districts

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

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

~~[5] Height restrictions of Airport Overlay District may be more restrictive.~~

~~[6] Height shall not exceed the height of its principal structure.~~

Density Dimensional Standards - Other Districts

Density and Dimensional Standards - All Other Districts											
		I-1 Light Industrial District	I-2 Heavy Industrial District	U Univeristy District	MS-1 Medical Services District	X1 Mixed Use District	X2 Mixed Use District	X3 Mixed Use District	D1 Downtown District * See #17	D2 Downtown District	D3 Downtown District
Standards	Notes	Districts									
Lot Standards											
Minimum Lot Area (sq. ft.)	New lots	10,000	10,000	None	None	None	None	None	None	None	None
Maximum Density	Dwelling units/acre	-	-	-	15	12	12	29	-	-	-
Maximum Building Coverage	% of lot area	85	85	-	80	75	75	100	100	75	100
Minimum Lot Width (ft.)		50	50	-	50	50	50	25	25	50	50
Setbacks (ft.) [1,2,7,10]	Front [5]	0	0	-	25	0 - 15	0 - 25	0 - 10	0	0	0
	Side [4,7,10]	0	0	-	5;10	0 - 8	10	0	0	0	0
	Rear [4,10]	0	0	-	25	0 - 25	25	10	0	0	0
Maximum Height (ft.) [3,6,8, 16]		70	None	-	160	40	50	50	see #16	50	60
Accessory Buildings (Detached)											
Maximum Accessory Building Coverage Ratio	% of principal building coverage	-	-	-	90	90	90	90	-	-	-
Setbacks (ft.) [1,2]	Front [9,11]	-	-	-	25	0 - 15	0 - 25	0 - 10	-	-	-
	Side [10,14,15]	-	-	-	3	3	3	3	-	-	-
	Rear [10,14]	-	-	-	5	5	5	5	-	-	-
	From other buildings [12]	-	-	-	6	6	6	6	-	-	-
Minimum Garage Entry Setback (ft.)	front entry [9]	-	-	-	20	20	20	20	-	-	-
Minimum Garage Entry setback (ft.)	rear entry (from alley)	-	-	-	10	10	10	10	-	-	-
Minimum Garage Entry Setback (ft.)	side entry (from alley)	-	-	-	5	5	5	5	-	-	-
Maximum Height (ft.) [3,13]		-	-	-	15-20	15-20	15-20	15-20	-	-	-

Notes:

- [1] If the recorded plat of subdivision provides greater setbacks, the provisions of the plat shall prevail.
- [2] The side yard of a corner lot and rear yard of a double frontage lots shall conform to the minimum front yard requirements of the district.
- [3] Height restrictions of Airport Overlay District may be more restrictive.
- [4] "I" Districts: 10' rear or 7' side yard setback where that yard abuts any residential dwelling district.
- [5]"I" Districts: Where the frontage along one side of the street in that block abuts a residential district, then, the front yard requirements of the residential district shall apply.
- [6] "U" District : Minimum yard requirements and maximum height shall be in accordance with the approved Master Development Plan.
- [7] "MS-1" District: The side setbacks are 5' for buildings up to 50' in height and 10' for buildings taller than 50' in height.

Density Dimensional Standards - Other Districts

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

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

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

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

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

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

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

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

[16] (i) In "C-5"-"D-1" District, no building hereafter erected or structurally altered shall exceed a height at the street line which is greater than the width of the street Right-of-Way times a factor of three. An additional height of six feet may be added for each one foot the building or structure is set back from the front property line or street line. The street line shall mean the right-of-way line or property line at the front of the lot, lots or building site. On corner lots, and where the widths of the two intersecting streets are varied, the larger street width shall be used to determine the height of any building or structure.

(ii) Exception. Within the state zoning area, as defined by K.S.A. 75-36320, the height of structures and buildings shall be regulated in accordance with the following provisions: no building shall exceed a height at the street line of six stories or 75 feet, but above the height permitted at the street line three feet may be added to the height of the building for each one foot that the building or portion thereof is set back from all sides of the lot, except that the cubical contents of such building shall not exceed the cubical contents of a prism having a base equal to the area of the lot and a height equal to two times the width of the street; provided, however, that a tower with a base not to exceed 20 percent of lot area not to have any side greater than 60 feet nor to have any wall closer than 20 feet to any lot line, may be constructed without reference to the above limitations. Any applicable provisions of Chapter 18.225 TMC shall apply to buildings erected in this district.

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