ORDINANCE NO. 20150

AN ORDINANCE introduced by City Manager Brent Trout, concerning special use landscape requirements, amending City of Topeka Code § 18.60.010, § 18.225.010, § 18.230.030 and § 18.235.060 and repealing original sections.

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

Section 1. That section 18.60.010, Use Tables, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:
### Commercial/Office

<table>
<thead>
<tr>
<th>Use</th>
<th>Description</th>
<th>Approval Levels</th>
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</thead>
<tbody>
<tr>
<td><strong>Commercial/Office</strong></td>
<td><strong>Districts</strong></td>
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<tr>
<td>Animal Care and Services, Type I#</td>
<td>for common household pets in an enclosed building</td>
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<tr>
<td>Animal Care and Services, Type II #</td>
<td>services within an enclosed building</td>
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<tr>
<td>Artisan Manufacturing #</td>
<td>refer to Chapter 18.225 TMC</td>
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<tr>
<td>Auction House</td>
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<tr>
<td>Automobile or Vehicle Carwash #</td>
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<tr>
<td>Automotive Rental Establishments</td>
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<tr>
<td>Auto Service Station, Type I#</td>
<td>convenience store with gas sales</td>
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<tr>
<td>Auto Service Station, Type II #</td>
<td>excludes drive-train work</td>
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<tr>
<td>Auto Service Station, Type III #</td>
<td>includes drive-train work</td>
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</tbody>
</table>

- = Allowed Use  
S = Allowed per Special Use Requirements under Chapter 18.225 TMC  
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 TMC  

See Design Standards for X and D Districts  

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<tr>
<td>Activity/Industry</td>
<td>Description</td>
<td>Special Use Requirements</td>
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<tr>
<td><strong>Automobile Sales and Service</strong></td>
<td>Excludes heavy-duty vehicles and type III auto services</td>
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<tr>
<td><strong>Automobile or Vehicle Tow Lot and Body Shop</strong></td>
<td>Not including wrecking yards or long-term storage of disabled vehicles</td>
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<tr>
<td><strong>Bakery (Commercial)</strong></td>
<td>Including wholesale distribution</td>
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<tr>
<td><strong>Bank/Financial Institution</strong></td>
<td>Does not include drive-in/drive-through</td>
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<tr>
<td><strong>Billboard/Panel Poster Sign #</strong> (See TMC 18.25.110)</td>
<td>Off-premises advertising signs</td>
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<tr>
<td><strong>Billboard, Modified Legal Nonconforming Billboards</strong></td>
<td>Relocation, remodeling or rebuilding of legal nonconforming billboards</td>
<td>-</td>
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<tr>
<td><strong>Body Art Service/Tattooing, Body-Piercing</strong></td>
<td>Excludes ear-piercing only</td>
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<tr>
<td><strong>Brew Pub #</strong></td>
<td>Includes a micro-brewery as an accessory use. Micro-brewery limited to 5,000 barrels per year</td>
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<tr>
<td><strong>Building, Construction, and Mechanical Contractor Office</strong></td>
<td>Showroom, shop and sales including plumbing, heating, air, electrical, etc.</td>
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<tr>
<td><strong>Catering</strong></td>
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<tr>
<td><strong>Check Cashing/Pay-Day Loans/Title Loans</strong></td>
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<tr>
<td><strong>Drinking Establishment #</strong></td>
<td>Includes allowing a micro-brewery as an accessory use. Micro-brewery</td>
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<tr>
<td><strong>Drive-Through Establishments/Facilities</strong></td>
<td>Refer to Chapter 18.225 TMC</td>
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<tr>
<td><strong>Funeral Home, Mortuary # without Crematorium</strong></td>
<td>Includes the display and sale of related products</td>
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<tr>
<td><strong>Funeral Home, Mortuary # with Crematorium</strong></td>
<td>Includes the display and sale of related products</td>
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<tr>
<td><strong>Grave Monuments and Markers</strong></td>
<td>Includes display but not stone engraving or cutting</td>
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<tr>
<td><strong>Gun Ranges, Indoor</strong></td>
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<tr>
<td><strong>Health Services #, Clinic #, Health Care Facility #</strong></td>
<td>May include a pharmacy as part of the facility</td>
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<tr>
<td>Activity</td>
<td>Special Use</td>
<td>Pharmacy # and Drugstores</td>
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<td>----------------------------------------------</td>
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<tr>
<td>Home Improvement and Building Supply</td>
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<td>Labor Pools #</td>
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<tr>
<td>Hospital #</td>
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<tr>
<td>Hotel #, Motel #</td>
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<tr>
<td>Lawn/Garden Centers</td>
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<tr>
<td>Liquor Sales, Packaged Goods</td>
<td>-</td>
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<tr>
<td>Manufactured Housing and Accessory Structure Sales</td>
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<td>Medical Equipment</td>
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<td>Mobile Retail Vendors #</td>
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<td>Office #, Professional Office #</td>
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<tr>
<td>Oil/Gas Well Drilling</td>
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<tr>
<td>Parking, Surface Lot, as a Stand Alone Principal Use</td>
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<tr>
<td>Parking, Surface Lot, in Association with a Principal Use</td>
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<tr>
<td>Parking Garage (Multi-Level)</td>
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<tr>
<td>Pawn Shops/Second Hand Shops</td>
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<tr>
<td>Personal Services #</td>
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<tr>
<td>Pet Shops</td>
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<tr>
<td>Pharmacy # and Drugstores</td>
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<tr>
<td>Activity</td>
<td>Approval Levels</td>
<td>Industrial</td>
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<td>-----------------------------------------------</td>
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<tr>
<td>Printing/Copy Center</td>
<td>● = Allowed Use</td>
<td></td>
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<tr>
<td>Radio and TV Broadcasting/Recording Studio</td>
<td>S = Allowed per Special Use Requirements under Chapter 18.225 TMC</td>
<td></td>
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<tr>
<td>Rental Establishment</td>
<td>S/C = If unable to meet Special Use Requirements, may apply for CUP</td>
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<tr>
<td>Restaurant, Family Dining, Carry-Out # (Delicatessen)</td>
<td>- limited to 50 seats - refer to Chapter 18.225 TMC for drive-throughs</td>
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<tr>
<td>Retail Merchandise, Outdoor Display</td>
<td>- see Chapter 18.225 TMC, retail merchandise outdoor display</td>
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<tr>
<td>Retail Sales/Service #</td>
<td>- sale and repair of items having a low intensity</td>
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<tr>
<td>Gun Sales and Service</td>
<td>- enclosed structure used for performances for admitted audiences</td>
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<tr>
<td>Theaters #</td>
<td>- includes tobacco and smoke shop/hookah houses/E-cigarettes</td>
<td></td>
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<tr>
<td>Truck Stop #</td>
<td>-</td>
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</tbody>
</table>

Approval Levels:

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# = See Definition in Chapter 18.55 TMC

See Design Standards for X and D Districts
<p>| Use                                      | Description                                                                 | R-1/R-2/R-3 Single-Family Dwelling | R-4 Manufactured Homes          | M-1a Manufactured Home          | M-1 Multiple-Family Dwelling     | M-2 Multiple-Family Dwelling     | M-3 Multiple-Family Dwelling     | O&amp;D-1 Office and Institutional    | O&amp;D-2 Office and Institutional    | O&amp;D-3 Office and Institutional    | C-1 Commercial                    | C-2 Commercial                    | C-3 Commercial                    | C-4 Commercial                    | C-4 Light Industrial              | L-1 Heavy Industrial              | U-1 University                     | U-2 Medical Service               | X-1 Mixed Use                    | X-2 Mixed Use                    | X-3 Mixed Use                    | X-4 Downtown Mixed Use            | X-5 Downtown Mixed Use            | X-6 Downtown Mixed Use            | D-1 Residential Reserve           | ORD/Special Use Landscape Requirements 9/6/18 |
|-----------------------------------------|------------------------------------------------------------------------------|-------------------------------------|----------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|</p>
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<tr>
<th>NAME</th>
<th>USE/DESCRIPTION</th>
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<tbody>
<tr>
<td>Micro-Alcohol Production #</td>
<td>refer to Chapter 18.225 TMC</td>
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<td>Publishing Establishments and Distribution</td>
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<td>Raw Material Extraction</td>
<td>extraction, processing, storage, and sale of these materials</td>
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<td>Recycling Depot</td>
<td>collection, storage, and processing of recyclables</td>
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<td>Research Lab #, Testing or Development Laboratory</td>
<td>facility for scientific investigation or engineering and development</td>
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<td>Self-Storage, Type I #</td>
<td>indoor storage with indoor access</td>
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<tr>
<td>Self-Storage, Type II (allows boat/RVs) #</td>
<td>indoor and outdoor</td>
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<tr>
<td>Small Wind Energy System</td>
<td>nonresidential use only</td>
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<tr>
<td>Storage of Nonmerchandise, Outdoor</td>
<td>See Chapter 18.225 TMC, outdoor storage of nonmerchandise</td>
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<td>Tower, Communication #, Transmission Tower #</td>
<td>ground-mounted freestanding structure transmitting or receiving TV, radio, and</td>
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<td>Truck/Freight Terminal</td>
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<tr>
<td>Warehouse #, Storage #, Distribution Facilities</td>
<td>structure for storing goods, wares, and merchandise. For accessory cargo</td>
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<tr>
<td>Welding, Tinsmithing and Machine Shop</td>
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Notes: Some entries are marked with "C" indicating compliance with certain regulations.
Section 2. That section 18.225.010, Special Use Requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Special use requirements.

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

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

(1) Ancillary towing services and body shops are permitted. Storage of damaged vehicles needing body shop repairs shall only be stored in rear yards or screened from view from public roadways and screened from abutting residentially zoned properties. Automotive wrecking and dismantling for salvage purposes are prohibited. Each disabled vehicle is limited to 30 days of on-site storage.

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

(3) A solid, opaque screen, fence or sight prohibitive landscaping shall be provided along lot lines adjoining residential property at a height of not less than six feet except in front yards where it may be reduced to three feet or replaced with shrubs designed to grow two to three feet in height.
(4) Automobile dealerships shall have frontage on a roadway designated as an arterial roadway by the Shawnee County functional classification of roadways map.

(b) Automobile or Vehicle Car Wash Facility.

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

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

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

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

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

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

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

(1) Automobile sales, leasing, and service of vehicles are restricted to automobiles, pickup trucks, motorcycles and other vehicles that do not exceed a gross vehicle weight rating of 12,000 pounds in the C-3 district.
(2) The inventory of vehicles for sale, lease, or service shall be parked only on paved areas and shall not displace the minimum required number of off-street parking spaces.

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

(d) Automotive Service Station.

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

(2) Type 2. A facility which may include those uses defined in Type 1 and specifically includes replacement of automotive parts including but not limited to fan belts, hoses, sparkplugs, tires and tubes, ignition parts, batteries, shock absorbers, and fuses. A Type 2 facility is limited to servicing automobiles, pickups, motorcycles and other vehicles having a gross vehicle weight rating of 12,000 pounds or less. The following automotive services shall be permitted in a Type 2 facility:

(i) Lubrication.

(ii) Tire repair and replacement.

(iii) Brake repair and wheel balancing and alignment.

(iv) Muffler and exhaust system repair and replacement.

(v) Shock absorber and strut replacement.

(vi) Engine adjustment (tune-up).
(vii) Replacement of pumps, cooling systems, generators, alternators, wires, starters, air conditioners, bearings and other similar devices.

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

(ix) Glass replacement.

(x) Trailer hitch and wiring installation and repair.

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

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

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

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

(1) Storage of damaged vehicles requiring body shop repairs shall only be parked on paved areas meeting city standards in rear yards or screened from view from public roadways.

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

(3) Each disabled vehicle is limited to 30 days of on-site storage.
(4) A solid, opaque screen, fence or sight prohibitive landscaping shall be provided along lot lines adjoining street rights-of-way and residential property at a height of not less than six feet except in front yards where it may be reduced to three feet or replaced with shrubs designed to grow two to three feet in height.

(f) Cemetery.

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

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

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

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

(g) Community Gardens.

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

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

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

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

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

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

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

(8) Weeds, grass, undergrowth and uncultivated plants shall not exceed a height of 12 inches.
(9) Compost bins shall be set back at least 10 feet from all side and rear property lines and 25 feet from the front property line. Compost bins shall be screened and maintained in such a manner as to not attract insects, vermin, reptiles and other animals. Appropriate best management practices shall be used to minimize odor.

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

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

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

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

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

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

   (ii) Maximum height of 12.5 feet.

   (iii) Maximum lot coverage for structures shall be calculated based on the cultivated area for the community garden, including pathways. Maximum lot coverage for structures shall be 10 percent or less than 150 square feet, whichever is greater.
(iv) Storage buildings are limited to less than 150 square feet and may only be
used for storing garden equipment and materials used on site.

(v) Each structure shall meet the required setbacks from property lines as
outlined in TMC 18.60.020. If the area of cultivated land exceeds one acre, a
50-foot setback is required between properties with existing dwelling units and
any cultivated area or accessory structures.

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

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

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

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

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

(h) Day Care Facility, Type I.

(1) An on-site automobile drop-off/pickup area for a minimum of two vehicles
shall be provided for a facility which only has street frontage on a major traffic
thoroughfare as designated by the transportation plan; and said drop-off/pickup
shall be in accordance with any applicable provisions of said plan.
(2) Playground equipment or structures shall not be permitted to be located in a required yard adjacent to a public street.

(i) Day Care Facility, Type II.

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

(j) Demolition Landfill.

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

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

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

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

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

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

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

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

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

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

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

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

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

(viii) Show location of at least five borings, which show depths to ground water.
(ix) Provide a cross-section to illustrate physical conditions of the site. Show vertical scale equal to, or in exaggeration of, horizontal scale.

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

(i) North point, scale and date.

(ii) Extent of area to be excavated.

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

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

(v) Benchmarks.

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

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

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

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

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

(xi) A map showing access routes between the property and the nearest arterial road.
(xii) Location of screening berms shall be shown to scale, and notes shall be provided indicating when they will be used as reclamation material. In the same manner overburden storage areas shall be identified and noted.

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

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

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

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

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

(iii) Estimated type and volume of the excavation.

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

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

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

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

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

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

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

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

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

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

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

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

(m) Golf Course – Country Club.

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

(2) Vehicular access to a golf course or country club may ingress/egress directly to a local street provided the local street intersects with a roadway that is classified as a collector or arterial roadway on the Shawnee County functional classification of roadways map; and further provided, that said points of ingress/egress are located within 300 feet of the centerline of the aforementioned thoroughfare.

(3) All patron parking lots, clubhouses and recreational facilities other than those for golf, shall be located a minimum distance of 500 feet from all property boundaries of the golf course or country club.
(4) All maintenance facilities and employee parking lots shall be located a minimum distance of 200 feet from all property boundaries of the golf course or country club.

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

(n) Indoor Gun Range.

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

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

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

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

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

(o) Outdoor Storage of Nonmerchandise. When storage is located in a yard that abuts or is located across the street from residentially zoned property it shall be screened from public view by a solid, opaque screen, fence or sight prohibitive landscaping of not less than six feet in height, except in front yards where it may be reduced to three feet or replaced with shrubs designed to grow two to three feet in height. If storage is adjacent to driveways or intersections, screening may be reduced to comply with site distance triangles, as outlined in TMC 12.20.020.

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

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

(i) Maximum occupant load at any one time.

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

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

(B) Any permitted outdoor activities.

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

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

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

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

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

(q) Recycling Depot. Recycling depots shall meet the following requirements:
(1) Limited to the collection, storage and processing of metal, glass or plastic food or beverage containers and paper resources as an initial phase of a recycling process.

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

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

(r) Religious Assembly.

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

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

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

No application for a conditional use permit to relocate, remodel, or rebuild an existing legal nonconforming billboard shall be approved unless the governing body, upon recommendation by the planning commission, shall determine that the proposed billboard is appropriate in the location proposed based upon its consideration of the standards set forth below.

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

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

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

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

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

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

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

(8) No billboard to be relocated shall be placed within 300 feet of a residential dwelling, which fronts on the same street right-of-way, nor within 500 feet of any religious assembly or public or private elementary or secondary school on the same street.

(9) No billboard shall result in the loss or damage of natural, scenic, or historic features of significant importance; and shall be constructed and operated with minimal interference of the use and development of neighborhood property.
(10) No billboard shall be so designed to include the vertical stacking of billboards on the sign pole. Each billboard shall be comprised of a single sign face oriented in a given direction. This provision does not preclude double-sided billboards where arranged back to back on the sign pole.

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

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

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

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

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

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

(6) The roof of the manufactured home shall be double pitched and have a nominal vertical rise of three inches for each 12 inches of horizontal run, and shall be covered with material that is residential in appearance, including but not limited to wood, asphalt, composition or fiberglass shingles, but excluding corrugated aluminum, corrugated fiberglass, or corrugated metal roofing material. The roof shall have a minimum eave projection or overhang of 10 inches on at least two sides, which may include a four-inch gutter.
(u) Retail Merchandise Outdoor Display. Items for sale that are displayed outside buildings, exclusive of very large items such as vehicles and construction materials, shall meet the following standards:

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

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

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

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

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

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

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

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

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

(5) No living quarters are allowed within the individual units but the overall premises may have one dwelling unit for the caretaker.
(6) The storage of hazardous, toxic, or explosive substances is prohibited.

(w) Animal Care and Services, Type I.

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

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

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

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

(1) A site plan or plans drawn to scale of one inch equals 30 feet or larger and identifying the site boundary; tower(s); guy wire anchors; existing and proposed structures; vehicular parking and access; existing vegetation to be retained, removed, or replaced; and uses, structures, and land use designations on the site and abutting parcels.

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

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

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

(y) Vehicle Surface Parking Lot.

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

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

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

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

(z) Bed and Breakfast Home.

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

(i) The bed and breakfast shall operate as an ancillary use to the principal use of the residence as a single-family dwelling.
(ii) The bed and breakfast shall be located in an existing single-family dwelling and no new structure shall be built expressly for a bed and breakfast establishment.

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

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

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

(vi) Individual guestrooms shall not contain cooking facilities.

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

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

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

(A) The merchandise offered for sale shall be confined to the dwelling and not located within a garage or accessory structure, whether attached or detached.
Merchandise offered for sale shall be restricted to that produced on site; souvenir items bearing the name and/or logo of the establishment; and those items customarily provided for the convenience of resident guests.

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

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

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

(aa) Bed and Breakfast Inn.

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

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

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

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

(iv) The exterior of the dwelling and premises shall outwardly remain and appear to be a single-family dwelling giving no appearance of a business use.
(v) Individual guestrooms shall not contain cooking facilities.

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

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

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

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

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

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

(E) The total area devoted to the display or merchandise shall not exceed five percent of the gross floor area of the dwelling, excluding an attached garage.
(F) In the RR-1 district, a bed and breakfast inn shall not be established on less than a three-acre parcel. In all other districts where permitted, a bed and breakfast inn shall be established on a parcel having a minimum size equivalent to 500 square feet per guestroom plus the minimum lot area of the district, for a single-family dwelling, in which located.

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

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

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

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

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

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

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

      2. Days of the week and hours of operation for which social events would be scheduled.
3. Any permitted outdoor activities and the location on the premises that may be used for such activities.

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

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

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

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

(bb) Management/Leasing Office and Maintenance Facility.

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

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

(ii) The proposed facility shall be comparable in design, construction, materials, siding and roofing to the rental units located within the residential community.
(iii) All materials, equipment and supplies shall be maintained within the facility or within a detached accessory structure that is comparable in size and design to other detached accessory structures located within the residential community.

(iv) A building sign is limited to one wall-mounted identification sign not exceeding six square feet.

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

(cc) Automobile Rental Establishments.

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

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

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

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

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

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

(7) A solid, opaque screen, fence or sight prohibitive landscaping shall be provided along lot lines adjoining residential property at a height of not less than six feet except in front yards where it may be reduced to three feet or replaced with shrubs designed to grow two to three feet in height.
(dd) Group Residence, General – Group Residence, Limited – Correctional Placement Residence or Facility, General – Correctional Placement Residence or Facility, Limited – Home Care, Type II. In considering an application for a conditional use permit for a correctional placement residence or facility, general; a correctional placement residence or facility, limited; home care, type II; a group residence, general; or a group residence, limited, the planning commission and governing body will give consideration to the following criteria:

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

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

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

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

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

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

(7) The extent to which the proposed use would substantially harm the value of nearby properties.
(8) The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property.

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

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

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

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

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

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

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

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

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

(gg) Artisan Manufacturing.

(1) The area used for production and assembly shall be limited to no more than 80 percent of the gross floor area of the principal structure and shall not exceed a total of 6,000 square feet.
(2) All activities and equipment associated with all aspects of artisan manufacturing shall be confined to the interior of structures located on the property.

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

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

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

(hh) Drive-Up/Drive-Through Facilities.

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

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

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

(4) Ingress and egress shall be designed to minimize potential conflicts with vehicular, pedestrian, and bicycle traffic.
(5) The location and design of the drive-up facility shall minimize blank walls on street-facing exteriors of the building and disruption of existing or potential retail and other active ground floor uses.

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

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

(ii) Building, Construction, and Mechanical Contractor Office; Contractor Yards. Outdoor storage associated with a contractor office or contractor yard, when located along a lot line adjoining a visible public street or in a yard that abuts residentially zoned property, shall be screened from public view by a solid, opaque screen, fence or sight prohibitive landscaping of not less than six feet in height. If storage is adjacent to driveways or intersections, screening may be reduced to comply with site distance triangles, as provided in TMC 12.20.020.

Section 3. That section 18.230.030, General yard requirements, of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

General yard requirements.

(a) Location of Required Yards. The required yard space for any building, structure or use shall be contained on the same zoning lot as the building, structure or use and such required yard space shall be entirely upon land in a district in which the principal use is permitted.

(b) Yard Requirements for Open Land. If a zoning lot is, or will be, occupied by a permitted use without buildings or structures, then the minimum yards that would otherwise be required for said zoning lot shall be provided and maintained unless some other provision of this division requires or permits a different minimum yard. The
minimum yards shall not be required on zoning lots used for gardening purposes without structures except for community gardens as described in TMC 18.225.010, or on zoning lots used for public recreational areas.

(c) Restrictions on Allocation and Disposition of Required Yards or Space.

(1) No part of a lot, yard, off-street parking space, open space or other space provided in connection with any building, structure or use in order to comply with this division shall, by reason of change of ownership or otherwise, be included as part of the minimum lot area, yard, off-street parking space, open space or other space required for any other building, structure or use, except as specifically provided herein.

(2) All of the lot area, yards, off-street parking, open space or other space provided in connection with any building, structure or use in order to comply with this division shall be located on the same zoning lot as such building, structure or use.

(3) No part of a lot, yard, off-street parking, open space or other space provided in connection with any building, structure or use (including, but not limited to, any building, structure or use existing on the effective date of the ordinance codified in this division) shall be subsequently reduced below, or further reduced if already less than, the minimum requirements of this division for the equivalent new construction.

(d) Computing Rear Yard. In computing the required minimum depth of a rear yard for any principal building, principal structure or principal use where such yard abuts on an alley, one-half of the alley right-of-way width may be included as part of the required minimum rear yard.

(e) Yards for Corner and Double Frontage Lots. Front yard requirements included in the district regulations within which the zoning lot is located shall apply on both frontages. A double frontage lot shall have two front yards, two side yards, and no rear...
yard. A corner lot shall have two front yards, one side yard, and one rear yard. The corner lot’s rear yard shall be opposite the front yard, which is the yard having the least street frontage, unless the applicant desires otherwise or doing so would create a reversed corner lot. The planning director may approve the creation of an alternative layout when doing so would result in a better development pattern based on existing and anticipated future development. A property owner may appeal the decision of the planning director by filing an appeal to the planning commission within 10 days of receiving written notification of the decision. Such appeal shall be made in writing to the planning director and shall be considered by the planning commission at its next regularly scheduled meeting.

(f) Front Yard Building Setbacks on Existing Lots of Record. An individual lot of record may be developed with revised minimum front yard setback requirements, as determined by the planning director, subject to the following requirements:

(1) The proposed development of said property does not conflict with or, alternatively, promotes the policies and objectives as stated in the adopted comprehensive metropolitan plan or an adopted neighborhood plan;

(2) The proposed development is intended to complement the existing character and architecture of the surrounding properties in the neighborhood; or the proposed development complies with any adopted design guidelines or standards of the city;

(3) The proposed development will be consistent with the established building front yard setbacks so as to reflect and align with existing setbacks of buildings on the block face or, alternatively, will comply with any adopted design guidelines or standards of the city. Where variable building setbacks exist with respect to these properties, an average of the building setbacks may be applied.
(g) Platted Building and Setback Lines. If a recorded plat imposes a building or setback line for a lot which is greater than the minimum front yard of the district in which located, then notwithstanding any other provisions of this division, the minimum setback shall be the setback as imposed by the plat.

(h) Where a lot in the O&I, C, I or MS district abuts an R district, a yard at least equal to the abutting yard required in the R district shall be provided along the R district boundary line.

(i) An owner of an existing improved property who desires to undertake further improvements to the property, but which property does not comply with the yard requirements, shall not be required to file a variance with the board of zoning appeals for such further improvement, provided the following conditions are met:

(1) The additional improvement will not result in any less yard than that observed by the existing structure; and

(2) The original structure was in compliance with regulations existing at the time the original structure was built, or a variance was previously granted which allowed for the deviation from the dimensional requirements; and

(3) Applicable designated yard requirements with which the existing improvements are in conformance shall continue to be observed and conformed to, unless an official variance is granted by the board of zoning appeals.

Section 4. That section 18.225.060, Landscape requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Landscape requirements.**

(a) Performance Objectives. All required landscape plans shall emphasize plantings along visible street frontages and required buffer yards, as specified by this
chapter to the greatest extent possible including mitigation or screening of parking lots adjacent to public streets. Unless constrained by existing conditions, sites with a single street frontage shall apply 50 percent or more of the total required landscape points to landscape setbacks along street frontages. The minimum percentage of the total required landscape points along street frontages shall increase by 10 percentage points for each additional street frontage. Berms may be used with or in place of shrubs for screening where appropriate.

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

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

Table 1. Number of Points Required for the Site

<table>
<thead>
<tr>
<th>Square Footage of the Developed Area</th>
<th>Number of Points Required for sites classified I-1, I-2, X-2, and X-3</th>
<th>Number of Points Required for sites classified C-1, C-2, C-3, C-4, U-1, X-1, O&amp;I-1, O&amp;I-2, O&amp;I-3, M-S, and for multiple-family residential development, churches, schools, and other institutional uses in any zoning district</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 10,000</td>
<td>33 (+1.5 per parking space)</td>
<td>40 (+1.5 per parking space)</td>
</tr>
</tbody>
</table>
Table 1. Number of Points Required for the Site

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</thead>
<tbody>
<tr>
<td>Greater than 10,000</td>
<td>33 points plus one point for each additional 300 square feet of developed area (+1.5 per parking space)</td>
</tr>
</tbody>
</table>

Table 2. Point Values for Various Plantings

<table>
<thead>
<tr>
<th>Type of Plant Material</th>
<th>Minimum Size</th>
<th>Point Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large tree</td>
<td>2.0 inches – 2.5 inches caliper</td>
<td>11 per tree</td>
</tr>
<tr>
<td>Medium tree</td>
<td>1.25 inches – 1.5 inches caliper</td>
<td>8 per tree</td>
</tr>
<tr>
<td>Understory tree</td>
<td>Single trunk: 1.25 inches – 1.5 inches caliper</td>
<td>5 per tree</td>
</tr>
<tr>
<td></td>
<td>Multiple trunk: 6 feet – 8 feet in height</td>
<td>5 per tree</td>
</tr>
<tr>
<td>Coniferous tree</td>
<td>4 feet – 5 feet initial height at planting</td>
<td>8 per tree</td>
</tr>
<tr>
<td>Shrub</td>
<td>2 gallon (established) minimum</td>
<td>1 per shrub</td>
</tr>
<tr>
<td>Ornamental grasses</td>
<td>2 gallon (established) minimum</td>
<td>1 per plant</td>
</tr>
<tr>
<td>Groundcover</td>
<td>Per square foot of landscaped area. Sufficient quantity of plants to cover the entire landscape area within 3 growing seasons.</td>
<td>0.250.10 per square foot</td>
</tr>
</tbody>
</table>

Except for industrial uses in I and X-2 districts, all designated outdoor storage, loading, or display areas, including, but not limited to, car lots, lumber yards, warehouses, home improvement centers, and loading docks, will require an additional one point per 600 square feet.
Table 2. Point Values for Various Plantings

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<tr>
<th>Type of Plant Material</th>
<th>Minimum Size</th>
<th>Point Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landscape berm</td>
<td>30 inches minimum height with a sufficient quantity of trees, shrubs or plants to equal 1 point per 10 square feet.</td>
<td>0.50 per 3 lineal feet</td>
</tr>
<tr>
<td>Turf berm</td>
<td>30 inches minimum height. 3-foot minimum length, not to exceed 10% of total point requirements.</td>
<td>0.25 per 3 lineal feet</td>
</tr>
</tbody>
</table>

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

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

(2) On parking lots with less than 24 parking spaces, parking lot trees/shrubs may be spaced around the perimeter of the lot as desired to provide a uniform and attractive design.

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

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

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

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

(ii) A landscaped buffer no less than six feet in width, planted with a series of evergreen plantings which will grow to at least six feet in height and spaced in a manner to provide an impervious visual barrier, not to exceed six-foot spacing between plants.

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

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

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

   (i) An area not less than four feet in width shall be located between a parking lot and an adjacent property line of a nonresidential zoning district. For sites classified I-1, I-2, X-2, or X-3, such buffering shall not be required where an equivalent buffer exists on the adjoining property.

   (ii) A landscaped setback not less than 20 feet shall be located between all parking lots and any public street right-of-way. Landscaped setbacks shall only be required for lots platted after the adoption of this chapter on or after June 11, 2002, except when surface parking is placed to the side or rear of the building in which case the width of the parking area, as measured by a line parallel with the street right-of-way, is no more than one-half of the frontage on the street right-of-way and the development meets the front yard building setbacks in TMC 18.230.030.

A landscape setback of not less than 5 feet shall be required from public
street right-of-way for all other lots.

(e) Landscape for Industrial Uses. For industrial uses in I and X-2 districts, 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.

Section 5. That original § 18.60.010, § 18.225.010, § 18.230.030 and § 18.235.060 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 6. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 7. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 8. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body on October 23, 2018.

CITY OF TOPEKA, KANSAS

__________________________________
Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk