ORDINANCE NO. 18/64

AN ORDINANCE introduced by Mayor James A. McClinton relating to Mixed Use District regulations and specifically amending City of Topeka Code §§ 48-31.00, 48-31.01, 48-23a.02, 48-23a.03, 48-23a.04, and 48-23a.06 and specifically repealing said original sections.

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

Section 1. That City of Topeka Code § 48-31.00, District regulations, is hereby amended to read as follows:

Scope; intent.

The provisions of this article shall govern the placement and use of privately owned outdoor signs together with their appurtenant and auxiliary apparatus. Unless specifically restricted or prohibited herein, these regulations do not preclude the erection or placement of signs otherwise regulated by Chapter 118 of the Code of the City of Topeka. No sign shall be erected, enlarged, constructed, reconstructed or otherwise altered without first obtaining a separate sign permit from the appropriate city or county building official. The types of signs permitted by district is nonappealable.

Section 2. That City of Topeka Code § 48-31.01, District regulations, is hereby amended to read as follows:

District regulations.

All signs listed hereafter are regarded as accessory structures as distinguished from off-premises billboard or poster panel signs which are regarded as a principal use in the districts in which allowed. All signs shall be located upon a lot, parcel or tract of land so as not to encroach upon a recorded easement or public dedicated right-of-way, except as may be provided by chapter 118 of the Code of the City of Topeka.
(a) *Agricultural and residential districts*: The following types of signs are permitted in the "RA," "RR," "R" and "M" districts:

(1) Church or public building identification sign, not exceeding 25 square feet per sign face. Such sign may be lighted only if indirect lighting or shaded lighting is used.

(2) Temporary signs not exceeding six square feet per sign face, appertaining to the lease, hire or sale of a building or premises and providing that said temporary signs shall not be erected closer to the street than the building setback line of vacant lots and on improved lots as close as practicable to the building.

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

(4) Nameplate or flat wall signs (in the "M-2" district) nonilluminated on the face of the building which contain the name of the building only. Only one such sign shall be permitted on one building except where the building fronts two principal streets, one such sign may be permitted on each front face of the building.

(5) Nameplate or flat wall sign (in the "M-3" and "M-4" districts) may be permitted where mounted on the face of the building and containing the name of the building only. Such sign may be interior illuminated, limited to a maximum
sign area of 40 square feet.

(b) **Office and commercial districts**: The following types of signs are permitted in the "O&I" and "C" districts:

(1) Church or public building identification sign (in the "O&I-1," "O&I-2," "O&I-3," and "C-1" districts) shall be permitted not to exceed 25 square feet per sign face. Such sign may be lighted only if indirect lighting or shaded lighting is used.

(2) Temporary signs not exceeding six square feet per sign face, appertaining to the lease, hire or sale of a building or premises and providing that said temporary signs shall not be erected closer to the street than the building setback line of vacant lots and on improved lots as close as practicable to the building.

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

(4) Nameplate or flat wall sign where mounted on the face of the building and containing the name of the building only. Such sign may be interior illuminated, limited to a maximum sign area of 40 square feet.

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

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

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

(1) Nameplate or flat wall sign where mounted on the face of the
building and containing the name of the building only. Such signs may be interior
illuminated, limited to a maximum sign area of 40 square feet.

(2) Temporary sign not exceeding six square feet per sign face,
appertaining to the lease, hire or sale of a building or premises and providing that
said temporary signs shall not be erected closer to the street than the building
setback line of vacant lots and on improved lots as close as practicable to the
building.

(3) Monument signs limited to a maximum sign area of two square feet
per foot of lot frontage, not to exceed a total of 100 square feet or 50 square feet
per sign face, and limited to a maximum height of five feet.

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

(d) **University and medical service districts:** The following types of signs are
permitted in the "U-1" and "M-S" districts:

(1) Nameplate or flat wall signs, nonilluminated on the face of the building which contain the name of the building only.

(2) Monument signs limited to a maximum sign area of 40 square feet or 20 square feet per sign face, and limited to a height of five feet.

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

(1) **Permanent Signs**

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

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

(2) **Temporary signs not exceeding six square feet per sign face,** appertaining to the lease, hire or sale of a building or premises and providing that
said temporary signs shall not be erected closer to the street than the building setback line of vacant lots and on improved lots as close as practicable to the building.

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

Section 3. That City of Topeka Code § 48-23a.02, Applicability of mixed use districts, is hereby amended to read as follows:

Applicability of mixed use districts.

1. 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 comprehensive metropolitan plan.

2. The procedure for amending the district map to include X-mixed use districts shall be in accordance with the procedures of City of Topeka Code section 48-33.01 of this Chapter.

3. Properties in the X districts may be allowed more than one principle structure per zoning lot and more than one use per building.
Section 4. That City of Topeka Code § 48-23a.03, Use regulations for X-1 mixed use district, is hereby amended to read as follows:

Use regulations for X-1 mixed use district.

1. Permitted principal uses.
   a. Single and two-family dwellings.
   b. Three and four-family dwellings.
   c. Dwelling units as primary or accessory use.
   d. Residential design manufactured home.
   e. Group home.
   f. Churches, places of worship or assembly.
   g. Schools.
   h. Community facilities.
   i. Parks, recreation, and open space.
   j. Residential care facility, type I.
   k. Artisan and photography galleries, studios.
   l. Automobile service station, type I.
   m. Bed and breakfast establishments.
   n. Child care centers.
   o. Clubs and lodges.
   p. Funeral homes.
   q. Health clubs.
   r. Offices, financial services, medical clinics.
   s. Pet shops/small animal clinics.
t. Indoor recreation facilities.
u. Restaurants.
v. Retail establishments.
x. Service shops--Personal/business.

2. *Uses permitted by conditional use permit.*

a. Multi-family dwellings, more than four units per building and/or more than 12 units per acre.
b. Boarding and lodging houses.
c. Public use facilities.
d. Residential care facility, type II.
e. Indoor amusement.
f. Automobile service station, type II.
g. Automobile service station, type III.
h. Bars and taverns.
i. Entertainment facilities/theatres (non-adult).

j. Farmer's markets.
k. Parking lots/garages (principal use).
l. Motor vehicle sales.
m. Research and development.
n. Group residence limited, subject to article XXVI.
Section 5. That City of Topeka Code § 48-23a.04, Same--X-2 mixed use district, is hereby amended to read as follows:

Same--X-2 mixed use district.

1. Permitted principal uses.
   a. Single and two-family dwellings.
   b. Three and four-family dwellings.
   c. Dwelling units as primary or accessory use.
   d. Residential design manufactured home.
   e. Mobile homes (single).
   f. Schools.
   g. Community facilities.
   h. Parks, recreation, and open space.
   i. Artisan and photography galleries, studios.
   j. Automobile service station, type I.
   k. Automobile service station, type II.
   l. Child care centers.
   m. Clubs and lodges.
   n. Funeral homes.
   o. Health clubs.
   p. Motor vehicle sales (size restrictions).
   q. Offices, financial services, medical clinics.
   r. Indoor recreation facilities.
   s. Restaurants.
2. Uses permitted by conditional use permit.

a. Multi-family dwellings, more than four units per building and/or more than 12 units per acre.

b. Group homes.

c. Boarding and lodging houses.

d. Crisis centers.

e. Churches, places of worship or assembly.

f. Conference/convention center.

g. Public use facilities.

h. Residential care facility, type I.

i. Residential care facility, type II.

j. Amusement parks.

k. Automobile service station, type III.

l. Bars and taverns.

m. Bed and breakfast establishments.
n. Farmer's markets.
o. Hotel, motel.
q. Pet shops/small animal clinics.
r. Unenclosed, outdoor equipment/product storage.
s. Correctional placement residence limited, subject to article XXVI.

Section 6. That City of Topeka Code § 48-23a.06, Dimensional and performance standards, is hereby amended to read as follows:

**Dimensional and performance standards.**

1. Dimensional performance standards are set forth below and are not intended to supercede or undermine adopted design standards within this article:

   a. **Mixed use district X-1 performance standards.**

      1. Maximum building coverage--75 percent.
      2. Front yard setback--Range zero feet--15 feet.
      3. Rear yard setback--Range zero feet--25 feet.
      4. Side yard setback--Range zero feet--eight feet.
      5. Maximum building height--40 feet.
      6. Maximum residential density (net)--Ten 12 units/acre.

   b. **Mixed use district X-2 performance standards.**

      1. Maximum building coverage--75 percent.
      2. Front yard setback range--Zero feet--25 feet minimum.
      3. Minimum rear yard setback--25 feet from residential.
4. Minimum side yard setback--Ten feet from residential.

5. Maximum building height--50 feet.

6. Maximum residential density (net)--Ten 12 units/acre.

c. Mixed use district X-3 performance standards.

1. Maximum building coverage--100 percent.

2. Front yard setback range--Zero feet--ten feet.

3. Minimum rear yard setback--Zero feet.


5. Maximum building height--50 feet.

6. Maximum residential density (net)--29 units/acre.

2. Within the North Crossings and traditional neighborhood areas as designated by the comprehensive metropolitan plan all new development, including permitted commercial, office, institutional, multi-family residential, industrial uses, or combination thereof, or change of uses with exterior modifications shall be consistent with the following applicable design standards:

   a. Comprehensive metropolitan plan--Building design guidelines as adopted within the applicable neighborhood plan of the comprehensive metropolitan plan.

   b. Setbacks, massing, and form--Minimize building setbacks within traditional neighborhood or downtown district settings so as to reflect and align with existing setbacks of buildings on the block or facing block. Massing and form of building shall also be compatible with buildings on block, facing block, or neighborhood.
c. **Building types**—Permitted building types shall include a rear yard building that occupies the front of its lot at full width, a side yard building that occupies one side of the lot at full depth, or a courtyard building that occupies all or most of the edges of its lot while internally defining one or more private spaces.

d. **Parking lots**—Parking lots shall not dominate the frontage of pedestrian-oriented and image streets or conflict with pedestrian crossings. No parking space shall be closer to the primary frontage street than the building.

e. **Facades**—Blank walls in excess of 50 feet shall be avoided. Buildings with multiple storefronts should be unified in character, compatible with any upper floors, and pedestrian-oriented.

f. **Outdoor activity**—Buildings should accommodate outdoor activity with balconies, arcades, terraces, decks and courtyards for patron's, resident's, or workers' interaction to the extent reasonably feasible.

g. **Outdoor cafes**—Restaurants should be encouraged to operate outdoor cafes on sidewalks, within buildings setbacks or courtyards provided; that pedestrian circulation and access to store entrances is not impaired, the space is well-kept, and street furniture/coverings are compatible with architectural character of the building/block.

h. **Pedestrian circulation**—Adequate pedestrian circulation must be maintained at all times. Pedestrian linkages between parking lots, alleys, parks, and the street or building fronts shall be provided for within the public right-of-way or by dedicated easement.
i. Access--Vehicular access shall be consistent with adopted traffic
access management standards and use rear lot access where applicable.

j. Transition yards and landscaping--Where a commercial or industrial
lot abuts a residential use(s), a landscaped yard consisting of, but not limited to,
trees, vegetation, wood fencing, landscaped earthen berm, or other plantings
shall be provided for as a visual buffer that creates spatial separation and meets
Crime Prevention Through Environmental Design principles. Front yard setback
areas shall be landscaped.

k. Open storage--Any open storage visible from the street, adjacent to
residential uses or within image areas designated by the comprehensive
metropolitan plan shall be screened to substantially reduce visual impact by
fencing, landscaping, or other appropriate means.

l. Fences - For all office and commercial uses within the "X-1," "X-2,"
and "X-3" mixed use districts, no fence, hedge or freestanding wall greater than
four feet in height may be constructed within a front yard setback beyond the
front face of a structure on an adjoining lot. Where no structure exists on an
adjoining lot, no fence, hedge or freestanding wall greater than four feet in height
may be constructed within a front yard parallel to the front face of the principle
structure or building. Decorative open fences, constructed of wrought or cast
iron, wood, or masonry, or similar material, greater than four feet in height may
be permitted by the Planning Director upon review of the site and fence plans.
Fences, walls, or hedges may be erected up to a height of eight feet in any side
or rear yard where not in conflict with these regulations. For a corner lot, the
fence height shall not exceed four feet in height beyond the face of a principle
structure on an adjoining lot. Fences in conjunction with all residential,
institutional, and industrial uses shall be allowed consistent with Sec. 48-29.03 of
this Chapter.

3. Within the North Crossings and traditional neighborhood areas as
designated by the comprehensive metropolitan plan, detached single-family, duplex,
and tri-plex unit development shall be consistent with the residential design guidelines
as adopted within the applicable neighborhood plan of the comprehensive metropolitan
plan and "M-1" two-family zoning district minimum yard requirements.

4. The Planning Director may waive any of the above-listed design standards
if he determines it to be unnecessary to the scope and nature of the proposed
development.

5. New development within non-traditional neighborhood areas shall be
consistent with applicable site plan regulations of this Chapter.

6. Any property owner who is adversely impacted by a decision of the
Planning Director regarding compliance or noncompliance with the Dimensional and
Performance standards contained herein, may appeal the Planning Director's decision
to the Zoning and Platting Committee of the Topeka Shawnee County Metropolitan
Topeka Planning Commission.

Section 7. Said City of Topeka Code §§ 48-31.00, 48-31.01, 48-23a.02, 48-
23a.03, 48-23a.04, and 48-23a.06 are hereby specifically repealed.

Section 8. This Ordinance shall take effect and be in force from and after its
passage, approval and publication in the official City newspaper.
PASSED and APPROVED by the City Council JAN 20 2004

James A. McClinton, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 1/21/04 BY
TO BE CODIFIED ✓
NOT TO BE CODIFIED

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