ORDINANCE NO. 19904

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code Sections 18.240.010, 18.240.020 and 18.240.040 and specifically repealing said original sections all concerning bike parking. (ACZR 13/02)

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

Section 1. That section 18.240.010, Scope and application, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Scope and application.

In any zoning district, all structures built and all uses established after the effective date of the ordinance codified in this chapter, and when an existing structure is expanded February 25, 1992, off-street parking shall be provided in accordance with the following regulations.

(a) Scope of Regulations.

(1) New Construction and New Uses. For all buildings and structures erected, and all uses of land established after the effective date of the ordinance codified in this chapter February 25, 1992, accessory off-street parking facilities shall be provided in accordance with the provisions contained herein. However, where a building permit has been issued prior to the effective date of the ordinance codified in this chapter; and provided, that construction has commenced within six months of such effective date and diligently prosecuted to completion, parking facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this chapter.
(2) Expansion of a Building or Use. When the intensity of use of any building, structure, or premises shall be increased, additional parking facilities shall be provided as follows:

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

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

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

(3) Change of Use. Whenever a use existing prior to the effective date of the ordinance codified in this chapter, February 25, 1992, shall be changed to a new use, parking facilities shall be provided as required for such new use.
(4) Exempt District. Notwithstanding any other provision of this chapter, no parking facilities shall be required for any building or use as permitted in the C-5 commercial district.

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

(c) Permissive Parking Facilities. Nothing in this chapter shall be deemed to prevent the establishment of additional off-street parking facilities to serve any existing building or use; provided, that all regulations herein governing the location, design, and operation of such facilities are satisfied.

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

Section 2. That section 18.240.020, Off street parking requirements, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Off-street parking requirements.

(a) General Requirements. The following requirements shall govern in the design, location and number of off-street parking and stacking spaces.
(1) Computation. When determination of the number of off-street parking and stacking spaces results in a requirement of a fractional space, the fraction of one-half or less may be disregarded, and a fraction in excess of one-half shall be counted as one space.

(2) Utilization. Off-street parking and stacking facilities provided for the uses hereinafter listed shall be reserved exclusively for the parking of bicycles and motor passenger vehicles, in operating condition, of patrons, occupants, visitors or employees of such uses.

(3) Computing Off-Street Parking. In computing the floor area to determine the requirement for off-street parking, such computations for a structure shall exclude:

(i) The exterior wall width of the structure;
(ii) Elevator shafts;
(iii) Common courts or lobby areas;
(iv) Mechanical equipment rooms;
(v) Stairways;
(vi) Restrooms;
(vii) Basements, except those portions not used exclusively for service to the structure;
(viii) Balconies;
(ix) Incidental storage areas including but not limited to janitorial rooms, supply rooms, etc.
The appropriate city or county building official shall determine the net floor area of the structure and shall require off-street parking as specified for the use set forth in the applicable district regulations.

(4) Shared Parking Provisions. In the case of mixed uses, the off-street parking and stacking spaces required shall equal the sum of the requirements of the various uses computed separately, provided all regulations governing the location of accessory off-street parking and stacking spaces in relation to the uses served are adhered to.

(b) Specific Requirements.

(1) Open and Enclosed Parking. Accessory off-street parking and stacking spaces may be open to the sky or enclosed within a garage.

(2) Surfacing. All off-street parking and stacking spaces, aisles and drives shall be surfaced in accordance with the standards and specifications of the city or county.

(3) Location. Off-street parking, and stacking spaces, aisles and drives shall be located as follows:

(i) General.

(A) All required bicycle parking, off-street parking and stacking spaces, aisles and drives shall be located on the same zoning lot as the use served.

(B) Protective curbs shall be required to be installed three feet from public sidewalks to protect pedestrians a minimum of two feet from adjacent property lines, and at other places on the parking
lot as may be required by the code enforcement director or Shawnee County zoning administrator, or the applicable city or county engineer to protect the adjacent property.

(C) Aisles and drives shall not be considered in determining whether off-street parking and stacking requirements have been met except in the instance of single-family dwellings and duplexes.

(ii) Bicycle parking. Bicycle parking shall be located in designated areas which minimize pedestrian and vehicle conflict. Bicycle parking shall be located within 120 feet of a main building entrance in an area that is visible and well-lighted. Well-lighted means a brightness level of at least one foot-candle. Where multiple buildings exist, bicycle parking shall be distributed in a manner that serves all of the buildings in areas that are visible and well-lighted.

(4) Design. Except for single-family dwellings and duplexes, all bicycle parking, off-street parking, and stacking spaces, aisles and drives shall comply with the following prescribed standards:

(i) Area. Off-street vehicular parking and stacking spaces shall comply with the minimum dimensions illustrated in Figure I.

(ii) Access. (a) Vehicular. Each off-street vehicular parking space shall open directly upon an aisle of such width and design as illustrated in Figure I. The greatest aisle width shown in Figure I shall be provided when combining different parking space configurations on the
same aisle. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement; and all such points of access must be approved by the city or county public works department as appropriate. Aisles designed for two-way traffic shall have a minimum width of 24 feet.

(b) Bicycle. Each bicycle parking space shall comply with the minimum dimensions as illustrated in Figure 2.

(iii) Exiting a Parking Facility. No off-street parking facility shall be designed in such a manner that when exiting a parking facility it would require backing into a public street.

(iv) Curbing. Protective curbing shall be installed a minimum of three feet from a public sidewalk and two feet from adjacent property lines.

(v) Markings. The parking spaces in all off-street parking areas shall be visibly delineated on the surface by painted or marked stripes.

(vi) Bicycle rack design. Examples of approved bicycle racks are illustrated in Figure 3. Bicycle parking racks shall meet all of the following requirements:

(A) Located on paved, impervious, or approved pervious surfaces and securely anchored to the ground;

(B) Support the bicycle in at least two places;

(C) Enable the frame and at least one wheel to be secured; and
(D) Installed according to the manufacturer's specifications.

(vii) Public right-of-way. Bicycle racks may be installed on public rights-of-way where there are no setbacks and the public works director has determined that interference with pedestrian traffic is minimal.

(5) Screening. All open, off-street parking facilities containing eight or more parking spaces shall be effectively screened on each side adjoining residential property (including single-family, duplex and multiple-family) or institutional property with a continuous, view-reducing wood fence, masonry wall, compact evergreen hedge or other landscape screening material which, when planted, will constitute an immediate view-reducing barrier. Such view-reducing screen shall be at least four feet but not more than eight feet in height. The requirement for screening may be waived with written approval from the adjacent property owner.

(6) Lighting. Any lighting used to illuminate off-street parking facilities shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three foot candles measured at the lot line.

(7) Drainage. All stormwater runoff shall be collected, transported and disposed of in a manner as approved by the city or county engineer as appropriate.

(8) Accessible Parking. Where a use is required to provide accessibility for persons with disabilities, the required parking spaces shall be located and
designed in accordance with standards as set by the Americans with Disabilities Act (ADA).

(9) Bicycle Parking. New off-street parking constructed after June 1, 2014, shall include additional parking for bicycles. The additional parking area shall be equivalent to 5% of the number of vehicular parking spaces required in TMC 18.240.030, with a minimum of two. Parking facilities that are expanded after June 1, 2014, shall include additional parking for bicycles in the expanded area that is equal to 5% of the number of vehicular parking spaces required in TMC 18.240.030 in the expanded area, with a minimum of two.

(910) Modification of Parking Requirements.

(i) Reduction of Parking Spaces. Where it can be demonstrated by the property owner that a specific use has such characteristics that the number of parking or stacking spaces required is too restrictive, the planning director, and appropriate city or county traffic engineer and building official may, upon request, grant up to a 25-percent reduction in the number of required spaces. Such request shall be filed with the city or county building official, as appropriate planning director on forms as may be provided. Should a reduction greater than 25 percent be requested, the applicant may request a variance will need to be granted by from the metro board of zoning appeals in accordance with the procedures set forth in Chapter 2.45 TMC. Where a reduction of 25 percent or less is requested, the applicant shall be required to reserve an area of land on the site of the use served equal in size to the area of land
needed to provide the spaces for which a reduction is granted. Such land
reserved shall be suitable for development of a parking facility and
conform with the parking requirements.

(ii) Bicycle Parking Substitution. In addition to the bicycle
parking required in subsection (b)(9), up to 10% of the number of vehicular
parking spaces required in TMC 18.240.030 may be substituted with
bicycle parking.

(11) Condition of Off-Street Parking Facility. Any parking facility which
does not meet the standards of this division and which shall create a nuisance to
the public from any cause shall meet the requirements as recommended by the
city or county traffic engineer, city or county engineer, planning director and city
or county building official, pertaining to screening, surfacing or entrances or exits.
FIGURE 1

PARKING CONFIGURATIONS and DIMENSIONS

PARALLEL PARKING

30° PARKING

45° PARKING

60° PARKING

90° PARKING
FIGURE 3

INVERTED “U”
One rack element supports two bikes.

“A”
One rack element supports two bikes.

POST AND LOOP
One rack element supports two bikes.

COMB
One rack element is a vertical segment of the rack.

WAVE
One rack element is a vertical segment of the rack.

TOAST
One rack element holds one wheel of a bike.
Section 3. That section 18.240.040, Approval of off-street parking facilities, of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Approval of off-street parking facilities.

The design of all off-street parking facilities shall be subject to the approval of the city or county building official as appropriate prior to issuance of a building and/or parking lot permit, or for any certificate of occupancy where no building permit is required. Before approving any off-street parking plan, the appropriate governmental official shall find the spaces, aisles and drives provided are usable as designed and meet the requirements as set forth herein.

(a) Submission of Site Plan. Any application for a parking lot and/or building permit, or for any certificate of occupancy where no building permit is required, shall include therewith a site plan drawn to scale and fully dimensioned. Said plan shall show the full extent of the area to be used for off-street parking including angle and dimension of vehicular parking and stacking spaces, aisles and drives; type of surfacing; radius of curb return; width of curb opening; identify protective curbing; direction of traffic flow; drainage pattern and method of collection; sidewalks, bicycle parking, and type and height of screening and parking area trees. Bicycle racks may be installed on public rights-of-way where there are no setbacks and the public works director has determined that interference with pedestrian traffic is minimal.

(b) Temporary Permit. Prior to issuance of a certificate of occupancy, all parking and stacking spaces, aisles and drives shall be properly constructed and surfaced; except that the appropriate city or county building official may issue a temporary certificate of occupancy in those instances where the building official finds
that the surfacing cannot reasonably be completed due to adverse weather conditions or settling of land on the site after demolition or filling. A temporary certificate of occupancy shall be effective only to a date specified.

(c) Enforcement. If the applicant fails to construct the parking facility in conformity with the requirements of this chapter or other prescribed requirements, the appropriate governing body may order the removal or replacement of the nonconforming parking facility or portion thereof. The cost of removal or replacement and any necessary reconstruction shall be levied as a special assessment against the property.

(d) Public right-of-way shall not be utilized for internal traffic circulation or stacking for drive-up window facilities and similar such car-service features.

(e) All facilities proposing “drive-in” and/or “carry-out” service features shall be reviewed and considered by the applicable traffic engineer or designee in respect to: ingress/egress to public right-of-way; the impact upon street side parking; adequacy of on-site vehicle storage, parking and traffic patterns; and pedestrian safety. The traffic engineer or designee shall not approve the proposal if the public safety and welfare are negatively impacted.

Section 4. That original § 18.240.010, § 18.240.020 and § 18.240.040 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 5. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 6. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.
Section 7. 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 May 13, 2014.

CITY OF TOPEKA, KANSAS

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Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk