



CITY OF TOPEKA

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MEMORANDUM

To: Governing Body

From: Bill Fiander, AICP, Planning Director

Re: Zoning Code Updates (Downtown “D-1” and Miscellaneous Amendments)

Date: March 9, 2017

The attached amendments to the zoning regulations are submitted for your consideration. The Planning Department is recommending these code changes as part of our bi-annual review which includes many suggestions received from the public and development community to make the zoning code 1) more user friendly 2) more modern and relevant to today’s needs, and 3) better align with goals of the Land Use and Growth Management Plan to encourage mixed use, infill development, and greater aesthetic quality.

Downtown “D-1” District Conversion

Downtown is the community’s focal point. It is seeing increased investment in its historic character after the addition of two new historic districts and a major public-private partnership to completely upgrade the streetscape and infrastructure on Kansas Avenue.

This has all led to renewed investment opportunities in the buildings and land inside and outside the historic districts some of which are not currently protected with appropriate design standards. Currently, design guidelines adopted by the Topeka Landmarks Commission in 2016 cover properties in the historic district only. Also, properties inside and outside the historic districts have outdated signs standards not written for Downtowns or historic contexts.

Therefore, we recommend updated building design and sign standards inside/outside of the historic districts to better protect investments for Downtown. This is accomplished by the following:

- **Convert “C-5” Commercial District to “D-1” Downtown District** (Exhibit 1)
 - All 223 properties zoned C-5 would now be D-1 and have design guidelines.
- **Refreshed “D-1” Design Guidelines and Land Use Matrix** (Exhibits 3 and 8)
 - Emphasizes mixed-use, pedestrian needs, and “street wall” building form.
- **Context-Based Sign Standards** (Exhibits 2 and 9)
 - Proportionate to building and lot width.
 - Reflects downtown types (e.g., ground, awning, projection, marquee, mural, roof)
 - Allows grand-fathered signs

Other Miscellaneous Amendments (Exhibits 7 and 8)

- **Site and Landscape Ordinances:** Sync up minimum thresholds for site plan review and landscape plan applications reduce landscape requirements for some industrial uses; add standards for screening trash dumpsters for commercial uses. (pg. 7-1 through 7-4))
- **Refresh Use Categories, Definitions and Land Use Matrix.** New use categories are needed in order for the City to respond to the type and nature of development we are encountering now and in the future.
 - **Artisan Manufacturing.** New use in commercial and mixed use districts for small-scale, handcraft manufacturing businesses currently relegated to “I” districts. (pg. 7-5)
 - **Microbreweries, Micro-distilleries, etc.** Provide greater clarity, incorporate alcohol distilleries, and add specific use requirements. (pgs. 7-6, 7-7)
 - **Mobile Retail Vendors.** New use allowing food trucks and other mobile retail sales in any district. (pg. 7-8)
 - **Outdoor Concert Venues.** Clarify as a use under *recreation, outdoor type III*. (pg. 7-9)
 - **Truck Stops, etc.** Add use requiring a CUP in “C-3” and “C-4”. (pg. 8-4).
 - **Wood and Yard Waste Recycling.** Include in definition of “landfill, demolition” which requires a CUP in “I-1” and is subject to specific use requirements in “I-2”. (pg. 7-10)
- **Cargo Containers.** Allow cargo containers as an accessory use but with screening requirements in some commercial districts. Only allow small containers in residential areas for moving purposes. (pgs. 7-12 through 7-15)
- **Setbacks for Uncovered Horizontal Structures (decks, patios, stoops, stair landings, and accessibility ramps).** The proposed amendment adds clarity and greater flexibility regarding placement of porches, decks and other unroofed structures typically associated with residential land use. (pgs. 7-16, 7-17)
- **Fences.** The proposed amendment adds a diagram to clarify setback and height standards and clarifies acceptable fence construction materials. (pgs. 7-18 through 7-21)
- **Mixed Use Zoning Districts.** The proposed amendment provides for the use of “X” Mixed Use districts in areas outside of neighborhood plan areas. (pgs. 7-22, 7-23)
- **Free Little Libraries.** These “libraries” have become familiar in Topeka neighborhoods. The proposed amendment allows for their use and provides modest standards to control size. (pgs. 7-24 through 7-26)
- **Condition of Signs.** Clarifies what constitutes signs that are not in good condition and thus subject to repair or removal to help enforcement. (pg. 7-27)
- **Accessory Dwellings.** New use to clarify that detached accessory dwellings are allowed in districts where duplexes and multiple family dwellings are already permitted. (pg. 7-28)
- **Park.** Definition revised to clarify it is open to the public but not necessarily owned by a governmental entity. (pg. 7-30)

Process

Significant outreach efforts were led by Planning staff (Dan Warner and Mike Hall) including meeting regularly with a group of design professionals, sign industry representatives, and downtown stakeholders during 2015 and 2016. All property owners in the C-5 zoning district were notified of two public meetings (November, 2016 and January, 2017).

The Landmarks Commission approved the changes on January 12, 2017. The Planning Commission discussed all related amendments throughout 2016 and held a public hearing on January 23, 2017 before approving the amendments unanimously on February 20, 2017.

Attachments:

- Documents related to the C-5 to D-1 Conversion (Exhibits 1-6)
- D-1 Sign Standard Handbook (Exhibit 9)
- Other Miscellaneous Amendments (Exhibit 7)
- Amended Land Use Matrix (Exhibit 8)
- Ordinance