

## **Chapter 18.200**

### **D DOWNTOWN DISTRICTS**

Sections:

- 18.200.010 Purpose and regulations.
- 18.200.020 Downtown district classifications.
- 18.200.030 Principal, special and conditional uses.
- 18.200.040 *Repealed.*
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- 18.200.080 Legal nonconforming uses.
- 18.200.090 Design guidelines and sign standards.

#### **18.200.010 Purpose and regulations.**

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

(b) Regulations. The regulations set forth in this chapter or set forth elsewhere in this division are the district regulations for the D downtown districts. (Ord. 20062 § 25, 4-18-17.)

#### **18.200.020 Downtown district classifications.**

There are three classifications of downtown districts as follows:

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

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

(c) D-3 District. The purpose of this district is to reestablish and expand the linkage between downtown and the industrial uses along the Kansas River, and through intensive redevelopment of the area north of Crane Street to the Kansas River. The district includes higher density housing, commercial, ~~and office~~ and light industrial uses that emphasize the relationship between downtown and the Kansas River, as well as expand cultural opportunities in the greater downtown area. (Ord. 17661 § 2, 8-20-01. Code 1995 § 48-24b.00.)

#### **18.200.030 Principal, special and conditional uses.**

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

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

(c) Conditional uses identified in the use matrix table in TMC 18.60.010 may be allowed in accordance with Chapter 18.215 TMC if approved by the governing body. (Ord. 20062 § 26, 4-18-17.)

#### **18.200.040 Use regulations for D-2 district.**

*Repealed by Ord. 20062.* (Ord. 19311 § 29, 9-22-09. Code 1995 § 48-24b.02.)

#### **18.200.050 Use regulations for D-3 district.**

*Repealed by Ord. 20062. (Ord. 19311 § 30, 9-22-09. Code 1995 § 48-24b.03.)*  
Topeka Municipal Code

**18.200.060 Dimensional and performance standards.**

All development shall comply with the density and dimensional standards in TMC 18.60.020. (Ord. 20062 § 29, 4-18-17.)

**18.200.070 Parking.**

- (a) No off-street parking requirements for the D-1, ~~and~~ D-3 use districts.
- (b) Minimum off-street parking requirements for the D-2 use districts shall be consistent with the following:
  - (1) Residential dwellings: one space per dwelling unit.
  - (2) Private clubs, drinking establishments, and restaurants: one space per four occupants permitted.
  - (3) Retail and office uses: one space per 500 square feet of usable retail or office floor area.
  - (4) All other uses not specified shall be consistent with Chapter 18.240 TMC.
- (c) A maximum number of off-street parking spaces for a particular use may be required by the planning director to conserve open space, prevent unnecessary demolition of buildings and damage to the historic integrity of a district, or to remain consistent with adopted development performance standards. (Ord. 17661 § 7, 8-20-01. Code 1995 § 48-24b.05.)

**Cross References:** Planning department, TMC 2.30.090.

**18.200.080 Legal nonconforming uses.**

- (a) Any use which is not listed as a permitted use in these downtown zoning districts but which was permitted for a specific parcel of property pursuant to zoning district regulations in effect for such parcel and which physically existed upon such parcel prior to the enactment of the districts shall be permitted as a legal nonconforming use in accordance with Chapter 18.220 TMC.
- (b) Expansion of legal nonconforming uses and/or structures is prohibited unless a determination of “no adverse impact” by the planning director is obtained based on the following:
  - (1) The use intensity on the site of the proposed expansion will not increase by more than 10 percent cumulatively; and
  - (2) The expansion will not result in a reduction of acceptable levels of off-street parking, lot coverage ratio, landscaping by more than five percent; and
  - (3) The expansion will not result in an increase of noise, odor, traffic, light, or dust incompatible with the surrounding neighborhood and/or uses; and
  - (4) The expansion is consistent with any adopted neighborhood, area, or redevelopment plan; and
  - (5) The expansion is consistent with the development performance standards of these districts. (Ord. 17661 § 8, 8-20-01. Code 1995 § 48-24b.06.)

**Cross References:** Planning department, TMC 2.30.090.

~~**18.200.090 Design guidelines and sign standards.**~~

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

18.200.090 Design Standards

Downtown design standards are located within the Downtown Master Plan must be used for all new development within the D-1, D-2, and D-3 districts.