

### **18.50.030 Conversion of existing districts.**

The districts and boundaries thereof are reclassified in accordance with the following:

- (a) A single-family dwelling district converts to R-1 single-family dwelling district.
- (b) B single-family dwelling district converts to R-2 single-family dwelling district.
- (c) C two-family dwelling district converts to M-1 two-family dwelling district.
- (d) D multiple-family dwelling district converts to M-2 multiple-family dwelling district.
- (e) All remaining property classified E multiple-family dwelling district converts to M-3 multiple-family dwelling district.
- (f) E-1 high-rise multiple-family dwelling district converts to M-4 multiple-family dwelling district. M-4 multiple – family dwelling district converts to M-3 multiple-family dwelling district.
- (g) D&O multiple-family dwelling and office district converts to either M-2 multiple-family dwelling district or O&I-1 office and institutional district.
- (h) F neighborhood shopping district converts to C-2 commercial district.
- (i) G commercial district converts to C-4 commercial district.
- (j) H business district converts to C-5 commercial district. C-5 commercial district converts to D-1 downtown district
- (k) I light industrial district converts to I-1 light industrial district.
- (l) J heavy industrial district converts to I-2 heavy industrial district.
- (m) U-1 university district converts to U-1 university district.
- (n) U-2 university community district converts to M-3 multiple-family dwelling district.

**Chapter 18.160**  
**~~C-5 COMMERCIAL DISTRICT~~**

Sections:

~~[18.160.010](#)—Purpose—Intent.~~

~~[18.160.020](#)—Repealed.~~

~~[18.160.030](#)—Principal, special, and conditional uses.~~

~~[18.160.040](#)—Density and dimensional requirements.~~

~~[18.160.050](#)—Other regulations.~~

~~[18.160.060](#)—Repealed.~~

**~~18.160.010 Purpose—Intent.~~**

~~This district is established to provide for a wide range of commercial activities which are contained in the central business or core area of the community. The extent and range of uses permitted are to provide for high efficiency of land use and to encourage a broad mix of commercial, office and residential uses. (Code 1995 § 48-19.00.)~~

**~~18.160.020 Regulations generally.~~**

~~Repealed by Ord. 19921. (Code 1995 § 48-19.01.)~~

**~~18.160.030 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. 19921 § 107, 9-23-14.)~~

~~—Cross References: City council—mayor, Chapter [2.15](#) TMC.~~

**~~18.160.040 Density and dimensional requirements.~~**

~~All development shall comply with the density and dimensional standards in TMC [18.60.020](#). (Ord. 19921 § 108, 9-23-14.)~~

### **~~18.160.050 Other regulations.~~**

All principal and accessory uses permitted within this zone are subject to the following requirements:

- ~~(a) Permitted Accessory Uses and Requirements. See Chapter [18.210](#) TMC.~~
- ~~(b) Off-Street Parking Requirements. See Chapter [18.240](#) TMC.~~
- ~~(c) Sign Regulations. See Chapter [18.20](#) TMC.~~
- ~~(d) Dimensional Requirements. See Chapter [18.230](#) TMC.~~
- ~~(e) Nonconforming Uses. See Chapter [18.220](#) TMC.~~
- ~~(f) Site Plan Regulations. See Chapter [18.260](#) TMC.~~
- ~~(g) Landscaping Requirements. See Chapter [18.235](#) TMC.~~
- ~~(h) Subdivision Regulations. See Chapters [18.30](#) through [18.45](#) TMC. (Ord. 19921 § 109, 9-23-14.)~~

### **~~18.160.060 Development alternatives.~~**

~~Repealed by Ord. 19921. (Code 1995 § 48-19.05.)~~

## **Chapter 18.200**

### **D DOWNTOWN DISTRICTS**

Sections:

- [18.200.010](#) Purpose and regulations.
- [18.200.020](#) Downtown district classifications.
- [18.200.030](#) Use regulations for D-1 district.
- [18.200.040](#) Use regulations for D-2 district.
- [18.200.050](#) Use regulations for D-3 district.
- [18.200.060](#) Dimensional and performance standards.
- [18.200.070](#) Parking.
- [18.200.080](#) Legal nonconforming uses.
- [18.200.090](#) Design and appearance guidelines.

#### **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 Topeka redevelopment plan, which is part of the city of Topeka's comprehensive ~~metropolitan~~ 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. (Code 1995 Appx. C, Art. XXIVb.)

#### **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 predominately 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 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 the linkage between downtown and the Kansas River through intensive redevelopment of the area north of Crane Street to the Kansas River. The

district includes housing, commercial and office uses that emphasize the relationship between downtown and the river, as well as expand cultural opportunities in the general downtown area. (Ord. 17661 § 2, 8-20-01. Code 1995 § 48-24b.00.)

**18.200.030 Use regulations 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. 19921 § 107, 9-23-14.)

~~(a) Permitted Principal Uses:~~

~~(1) Permitted uses in the C-3 commercial district.~~

~~(2) Single and two family dwellings.~~

~~(3) Three and four family dwellings.~~

~~(4) Multifamily dwellings.~~

~~(5) Group homes.~~

~~(6) Dwelling units as primary or accessory use.~~

~~(7) Residential design manufactured home.~~

~~(8) Amusement indoor establishments, including dance, pool, and billiard halls; archery ranges, shooting galleries, pinball, electronic and video game arcades; taverns and similar establishments licensed by the city to sell and dispense cereal malt beverages for drink on premises.~~

~~(9) Churches, places of worship or assembly.~~

~~(10) Schools.~~

~~(11) Community facilities.~~

~~(12) Conference/convention center.~~

~~(13) Cultural facility.~~

~~(14) Public use facilities.~~

~~(15) Parks, recreation, and open space.~~

- (16) Amusement parks.
- (17) Camera and film shop, photography and artist studio, frame shop.
- (18) Automobile service station, type I and type II.
- (19) Bed and breakfast establishments.
- (20) Child care centers.
- (21) Clubs and lodges.
- (22) Farmer's markets.
- (23) Funeral homes.
- (24) Health clubs.
- (25) Hotel, motel.
- (26) Theater, nonadult.
- (27) Offices for conducting affairs of business, profession, service, industry or government, including financial institutions and human health care clinics which may contain a pharmacy.
- (28) Orthopedic, medical appliance, and prosthesis stores, optician and the sale of eyeglasses; hearing aid evaluations, fitting and sales.
- (29) Pet shops/small animal clinics.
- (30) Commercial recreational facilities which are used primarily for physical exercise, recreation, and/or health maintenance including fitness centers, spas, suntanning salons, skating rinks, swimming pools, gymnasiums, game courts, golf courses, golf driving ranges, pitch and putt, miniature golf courses and similar activities, including locker and training areas.
- (31) Personal service shops.
- (32) Parking lot and/or multistory parking garage.
- (33) Communication towers or telecommunication equipment attached to a building and which must meet the criteria of Chapter [18.250](#) TMC.
- (34) Boarding and lodging houses.
- (35) Crisis centers.
- (36) Residential care facility, type I.

~~(37) Residential care facility, type II.~~

~~(38) Child care centers.~~

~~(39) Parking lots/garages (principal use).~~

~~(b) Uses Permitted by Conditional Use Permit.~~

~~(1) Private or public utility structures facilitating the transmission, distribution and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.~~

~~(2) Freestanding communication towers or telecommunication equipment which must meet the criteria of Chapter [18.250](#) TMC.~~

~~(3) Billboards and panel posters not exceeding 300 square feet per single face area and which do not exceed a height of 55 feet above grade.~~

~~(4) Automobile service station, type III.~~

~~(5) Nonresidential small wind energy system, subject to Chapter [18.265](#) TMC. (Ord. 19311 § 28, 9-22-09; Code 1995 § 48-24b.01.)~~

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

~~(a) Permitted Principal Uses.~~

~~(1) Single and two-family dwellings.~~

~~(2) Multifamily dwellings.~~

~~(3) Group homes.~~

~~(4) Residential design manufactured home.~~

~~(5) Churches, places of worship or assembly.~~

~~(6) Schools.~~

~~(7) Personal service shop less than 10,000 square feet.~~

~~(8) Community facilities.~~

~~(9) Public use facilities.~~

~~(10) Parks, recreation, and open space.~~

~~(11) Amusement parks.~~

~~(12) Camera and film shop, photography and artist studio, frame shop.~~

~~(13) Bed and breakfast establishments.~~

~~(14) Retail uses less than 10,000 gross square feet.~~

~~(15) Dwelling units as accessory use.~~

~~(b) Uses Permitted by Conditional Use Permit.~~

~~(1) Private or public utility structures facilitating the transmission, distribution and/or collection systems, including substations, distribution stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.~~

~~(2) Communication towers or telecommunication equipment which must meet the criteria of Chapter [18.250](#) TMC with the exception that all towers must be attached to an existing building or structure, and may exceed 20 feet in height.~~

~~(3) Boarding and lodging houses.~~

~~(4) Crisis centers.~~

~~(5) Conference/convention center.~~

~~(6) Cultural facility.~~

~~(7) Residential care facility, type I.~~

~~(8) Residential care facility, type II.~~

~~(9) Amusement indoor establishments, including dance, pool, and billiard halls; archery ranges, shooting galleries, pinball, electronic and video games arcade; taverns and similar establishments licensed by the city to sell and dispense cereal malt beverages for drink on premises.~~

~~(10) Child care centers.~~

~~(11) Farmer's markets.~~

~~(12) Funeral homes.~~

~~(13) Health clubs.~~

~~(14) Hotel, motel.~~

~~(15) Offices for conducting affairs of business, profession, service, industry or government, including financial institutions and human health care clinics which may contain a pharmacy.~~

~~(16) Parking lots/garages as a principal use.~~

~~(17) Recreation, indoor.~~

~~(18) Restaurants.~~

~~(19) Retail establishments greater than 10,000 gross square feet.~~

~~(20) Personal service shop greater than 10,000 gross square feet.~~

~~(21) Automobile service station, type I.~~

~~(22) Clubs and lodges.~~

~~(23) Entertainment facilities/theaters (nonadult).~~

~~(24) Small animal clinics.~~

~~(25) Nonresidential small wind energy system, subject to Chapter [18.265](#) TMC. (Ord. 19311 § 29, 9-22-09. Code 1995 § 48-24b.02.)~~

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

~~(a) Permitted Principal Uses.~~

~~(1) Single and two-family dwellings.~~

~~(2) Three and four-family dwellings.~~

~~(3) Multifamily dwellings.~~

~~(4) Group homes.~~

~~(5) Dwelling units as an accessory use.~~

~~(6) Parks, recreation, and open space.~~

~~(7) Amusement indoor establishments, including dance, pool, and billiard halls; archery ranges, shooting galleries, pinball, electronic and video game arcades; taverns and similar establishments licensed by the city to sell and dispense cereal malt beverages for drink on premises.~~

~~(8) Amusement parks.~~

~~(9) Camera and film shop, photography and artist studio, frame shop.~~

~~(10) Automobile service station, type II.~~

~~(11) Cultural facility.~~

~~(12) Entertainment facilities/theaters.~~

~~(13) Offices for conducting affairs of business, profession, service, industry or government, including financial institutions and human health care clinics which may contain a pharmacy.~~

~~(14) Manufacture, processing, storage and/or warehousing of any product, equipment, or material; except any activities involving the following:~~

~~(i) Acetylene, gas manufacture or storage.~~

~~(ii) Acid, alcohol, ammonia, bleaching powder, chlorine, cement, lime, gypsum, plaster of paris, disinfectant, dyestuff, glue, fertilizer, size, gelatin, oilcloth, linoleum, oiled rubber goods, paint, oil, shellac, turpentine, varnish, paper, pulp, shoe polish, soap (other than liquid), tallow grease, lard, refining of animal fat, tar distillation, tar roofing, waterproofing products, vinegar and yeast manufacture.~~

~~(iii) Arsenal, high explosives (other than armory).~~

~~(iv) Asphalt, cement or other paving materials manufacture or central mixing plant.~~

~~(v) Vehicular wrecking or dismantling for salvage purposes.~~

~~(vi) Blast furnace, coke oven, boiler works, forge plant, ore reduction, smelting of tin, copper, zinc or iron ores, iron, steel, brass or copper foundry or fabrication plant.~~

~~(vii) Brick, tile, pottery or terracotta manufacture (other than the manufacture of handcraft products only).~~

~~(viii) Creosote manufacture or treatment.~~

~~(ix) Distillation of bones, coal or wood.~~

~~(x) Explosives or fireworks manufacture or storage.~~

~~(xi) Fat rendering.~~

~~(xii) Garbage, offal or dead animals reduction or disposal.~~

~~(xiii) Junk, iron or rags or paper storage or baling except as provided elsewhere in these regulations.~~

~~(xiv) Petroleum or its products, refining or wholesale storage.~~

~~(xv) Planing mills, rock crusher, rolling mill.~~

~~(xvi) Rubber or gutta-percha manufacture or treatment.~~

~~(xvii) Stockyard or slaughter of animals or fowls.~~

~~(xviii) Stone mill.~~

~~(xix) Tanning, curing or storage of raw hides or skins.~~

~~(xx) Wool pulling or scouring.~~

~~(xxi) And in general, those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas or noise.~~

~~(15) Recreation, indoor.~~

~~(16) Restaurants.~~

~~(17) Retail establishments less than 30,000 gross square feet.~~

~~(18) Theater, nonadult.~~

~~(19) Churches, places of worship or assembly.~~

~~(20) Schools.~~

~~(21) Automobile service station, type I.~~

~~(b) Uses Permitted by Conditional Use Permit.~~

~~(1) Private or public utility structures facilitating the transmission, distribution and/or collection systems, including substations, distributions stations, pump stations, reservoirs, towers, transmission equipment buildings and similar such uses.~~

~~(2) Communication towers or telecommunication equipment which must meet the criteria of Chapter [18.250](#) TMC with the exception that all towers must be attached to an existing building or structure, and may exceed 20 feet in height.~~

~~(3) Billboards and panel posters not exceeding 300 square feet per single face area and which do not exceed a height of 55 feet above grade.~~

~~(4) Community facilities.~~

~~(5) Conference/convention center.~~

~~(6) Public use facilities.~~

~~(7) Automobile service station, type III.~~

~~(8) Bed and breakfast establishments.~~

~~(9) Child care centers.~~

~~(10) Clubs and lodges.~~

~~(11) Farmer's markets.~~

~~(12) Health clubs.~~

~~(13) Hotel, motel.~~

~~(14) Parking lots/garages principal use.~~

~~(15) Pet shops/small animal clinics.~~

~~(16) Retail establishments less than 30,000 square feet.~~

~~(17) Personal service facility.~~

~~(18) Nonresidential small wind energy system, subject to Chapter [18.265](#) TMC. (Ord. 19311 § 30, 9-22-09. Code 1995 § 48-24b.03.)~~

### **18.200.040 Dimensional and performance standards.**

All development shall comply with the density and dimensional standards in TMC [18.60.020](#)

~~Dimensional performance standards are set forth below and are not intended to supersede or undermine adopted design standards within this chapter:~~

~~(a) D-1 District Performance Standards:~~

~~(1) Maximum building coverage: 100 percent.~~

~~(2) Minimum front yard setback: 0 feet.~~

~~(3) Minimum rear yard setback: 0 feet.~~

~~(4) Minimum side yard setback: 0 feet.~~

~~(b) D-2 District Performance Standards:~~

~~(1) Maximum building coverage: 75 percent.~~

~~(2) Minimum front yard setback: 0 feet.~~

~~(3) Minimum rear yard setback: 0 feet.~~

~~(4) Minimum side yard setback: 0 feet.~~

~~(5) Maximum building height: 50 feet.~~

~~(c) D-3 District Performance Standards:~~

~~(1) Maximum building coverage: 100 percent.~~

~~(2) Front yard setback: 0 feet.~~

~~(3) Minimum rear yard setback: 0 feet.~~

~~(4) Minimum side yard setback: 0 feet.~~

~~(5) Maximum building height: 60 feet. (Ord. 17661 § 6, 8-20-01. Code 1995 § 48-24b.04.)~~

#### **18.200.050 Parking.**

(a) No off-street parking requirements for the D-1, 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 [2.25.210](#).

#### **18.200.060 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 [2.25.210](#).