

## FAQs – Downtown Rezoning

**Why is my property being rezoned?** The City of Topeka is currently changing the zoning of several areas located within the boundaries outlined in the [Downtown Master Plan](#) to implement the goals and objectives of the Plan.

**What this rezoning is.** The rezoning is intended to allow your property to fall into one of three overarching categories.

- D-1 – Is a mixed-use district intended to facilitate a compatible mixed-use activity center within the core of Downtown.
- D-2 – Is a mixed-use district intended for new and renovated moderate to high-density residential neighborhoods.
- D-3 – Is a mixed-use district incorporating industrial uses with less intrusive office, commercial, and residential uses, as well.

\* Note: These generally allows for a larger number of land uses and a mix of uses on the property to create a cohesive Downtown Topeka.

**What is the re-zoning process? And what methods of community outreach is the Planning Department undertaking to effectively communicate with District property owners?** Planning Staff have carefully analyzed all existing uses within Downtown Topeka to ensure minimal conflict with the proposed D-District re-classification. In addition, staff notified all affected property owners for information meetings prior to officially starting this process. The first step in the official process is for the Planning Commission to initiate the rezoning cases. If that happens, the next step is for the Planning Commission to hold a public hearing and make a recommendation. Mailed notice of these meetings will be sent to property owners. The Topeka Governing Body has the final action on the rezoning proposals, and all property owners are invited to attend this meeting.

**Legal Non-Conforming (Grandfathered) Uses** 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](#). See Section [18.200.080 of the Topeka Municipal Code](#) for more information on expansion of legal non-conforming uses or structures.

**How widespread are the D-Districts zoning across Downtown Topeka?** All D-Districts were created in 2006, and have been partially implemented since that time. All properties previously zoned C-5 Downtown District were rezoned to the D-1 District in 2017. D-2 and D-3 have not yet been widely implemented, but exist in certain areas such as the Mill Block within the River South District to accommodate residential development.

**How do the D-Districts affect the construction of new buildings?** All D-Districts have design standards for new construction that ensure the compatibility of the use of that building with its adjacent neighboring properties. Applicable standards focus on the use of materials, form, massing, and scale of the building. The design standards also focus on the location of parking in relation to the building and the street.

**How is the Polk-Quincy Viaduct involved in this action to re-classify D-Districts?** The Polk-Quincy Viaduct is unrelated to the re-classification of D-Districts. The Downtown Master Plan was developed to incorporate the Polk-Quincy Viaduct within its scope and development objectives, but its construction is a separate process that is controlled by a separate government entity.

**Are there other elements to this rezoning project?** Yes. There are also text changes being made to the development code.

1. [The Use Tables Matrix – Section 18.60.010](#) – has been updated to better reflect the mixed use nature of the D Districts. A number of uses are proposed to be permitted that aren't currently.
2. Section 18.225.010 – Special Use Requirements – is also being updated. The standards for contractor yards is being revised and there are new standards for Warehouse, Storage, and Distribution Facilities.
3. Section 18.200 – D Downtown Districts – is being revised to update the purpose statements for the D Districts and to delete the design guidelines.
4. The Downtown Topeka Urban Design Standards, which were approved as part of the Downtown Master Plan, will be adopted by reference as part of the development code.

**Some allowed uses include** - for a complete list please visit [Chapter 18.60 Use Tables](#)

D-1	D-2	D-3
Multiple-family dwellings, mixed use developments, government services, indoor recreation, brew pubs, drinking establishments, offices, personal services, restaurants, retail services and sales, and theatres.	Single-family, two-family, three/four-family, multiple-family residential, government services, indoor recreation type I, outdoor recreation, brew pubs, offices, personal services, and retail sales.	Multiple-family dwellings, outdoor recreation, artisan manufacturing, auto service stations, medical equipment, personal services, retail services and sales, bottling works, contractor yards, machinery and equipment repair and restoration, manufacturing and processing, research labs, self-storage type I, bus terminals, and welding, tin-smithing and machine shop.

\*Note: Some of the uses allowed above require specific use requirements

**Density and Dimensional Comparison**

Density and Dimensional Standards - All Other Districts		I-1 Light Industrial District	I-2 Heavy Industrial District	U University District	MS-1 Medical Services District	XI Mixed Use District	X2 Mixed Use District	X3 Mixed Use District	D1 Downtown District * See #17	D2 Downtown District	D3 Downtown District
		Districts									
Standards	Notes										
Lot Standards											
Minimum Lot Area (sq. ft.)	New lots	10,000	10,000	None	None	None	None	None	None	None	None
Maximum Density	Dwelling units/acre	-	-	-	15	12	12	29	-	-	-
Maximum Building Coverage	% of lot area	85	85	-	80	75	75	100	100	75	100
Minimum Lot Width (ft.)		50	50	-	50	50	50	25	25	50	50
Setbacks (ft.) [1,2,7,10]	Front [5]	0	0	-	25	0 - 15	0 - 25	0 - 10	0	0	0
	Side [4,7,10]	0	0	-	5;10	0 - 8	10	0	0	0	0
	Rear [4,10]	0	0	-	25	0 - 25	25	10	0	0	0
Maximum Height (ft.) [3,6,8, 16]		70	None	-	160	40	50	50	see #16	50	60

**Will re-zoning to a D-District affect the property owner’s ability to utilize the Neighborhood Revitalization Plan (NRP) Property Tax Rebate program?** No. The re-zoning of a property to any of the D-Districts will not affect the utilization and participation in the NRP tax rebate program.

**Will reclassification to a D-District affect the standing of properties within the Business Improvement District (BID)?** No. The BID is established through geographical location, and not zoning classification.