

(Published in the Topeka Metro News February 24, 2014)

ORDINANCE NO. 19888

AN ORDINANCE introduced by City Manager Jim Colson, concerning the elimination of zoning designation E multiple-family dwelling district, amending City of Topeka Code § 18.50.030 and specifically repealing said original section as well as Chapter 18.115 in its entirety.

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

Section 1. That Chapter 18.115, E MULTIPLE FAMILY DWELLING DISTRICT, § 18.115.010 through § 18.115.070, of The Code of the City of Topeka, Kansas, is hereby repealed in its entirety.

Section 2. That section 18.50.030, Conversion of existing districts, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Conversion of existing districts.

The existing districts and boundaries thereof shall be reclassified in accordance with the following:

(a) ~~RA-1 rural agriculture district (Shawnee County) shall convert to RA-1 rural agricultural district.~~

(b) ~~R-1 residential dwelling district (Shawnee County) shall convert to RR-1 residential reserve district.~~

(c) A single-family dwelling district (city of Topeka) shall convert to R-1 single-family dwelling district.

(d) B single-family dwelling district (city of Topeka) shall convert to R-2 single-family dwelling district.

(e) C two-family dwelling district (city of Topeka); and M-1 two-family dwelling district (Shawnee County) shall convert to M-1 two-family dwelling district.

(fd) ~~D multiple-family dwelling district (city of Topeka); and M-2 multiple-family dwelling district (Shawnee County)~~ shall converts to M-2 multiple-family dwelling district.

(ge) All remaining property classified E multiple-family dwelling district shall converts to either M-3 multiple-family dwelling district, or O&I-2 office and institutional district as follows:

(1) ~~Developed property shall be determined from county records and assigned the appropriate classification based on existing land use, accordingly.~~

(2) ~~Undeveloped property shall be converted to the appropriate classification based on land usage of a requested building permit at the time of issuance of a permit to build within a period of 10 years following the date of adoption of the ordinance codified in this division. During the interim period all undeveloped property shall be contained in the E multiple-family dwelling district.~~

(3) ~~Property which has been approved by resolution of intent to the E multiple-family dwelling district shall convert to the appropriate classification based on proposed land usage pursuant to the provisions established in subsection (t) of this section.~~

(hf) ~~E-1 high-rise multiple-family dwelling district (city of Topeka)~~ shall converts to M-4 multiple-family dwelling district.

(ig) ~~D&O multiple-family dwelling and office district (city of Topeka)~~ shall converts to either M-2 multiple-family dwelling district or O&I-1 office and institutional district, as follows:

(1) ~~Developed property shall be determined from county records and assigned the appropriate classification based on existing land use, accordingly.~~

~~(2) Undeveloped property shall be converted to the appropriate classification based on land usage of a requested building permit at the time of issuance of a permit to build with a period of 10 years following the date of adoption of the ordinance codified in this division. During the interim period all undeveloped property shall be contained in D&O multiple-family dwelling and office district.~~

~~(3) Property which has been approved by resolution of intent to the D&O multiple-family dwelling and office district shall convert to the appropriate classification based on proposed land usage pursuant to the provisions established in subsection (t) of this section.~~

~~(j) O&I office and institutional district (Shawnee County) shall convert to O&I-2 office and institutional district.~~

~~(kh) F neighborhood shopping district (city of Topeka); and C-1 local shopping district (Shawnee County) shall converts to C-2 commercial district.~~

~~(li) G commercial district (city of Topeka); and C-2 commercial district (Shawnee County) shall converts to C-4 commercial district.~~

~~(mi) H business district (city of Topeka) shall converts to C-5 commercial district.~~

~~(nk) I light industrial district (city of Topeka); and I-1 light industrial district (Shawnee County) shall converts to I-1 light industrial district.~~

~~(ol) J heavy industrial district (city of Topeka); and I-2 heavy industrial district (Shawnee County) shall converts to I-2 heavy industrial district.~~

~~(pm) U-1 university district (city of Topeka) shall converts to U-1 university district.~~

(en) U-2 university community district ~~(city of Topeka)~~ shall converts to M-3 multiple-family dwelling district.

(fo) A, B, C, D, and E single-, two-family and multiple-family dwelling districts and community unit plan district, D&OP multiple-family dwelling and office park district, G commercial and shopping center unit district; G commercial and planned business center district, I-P industrial park district ~~(all city of Topeka)~~; and planned unit development ~~as provided hereunder by the Shawnee County zoning regulations, general regulations,~~ shall converts to the PUD planned unit development district.

Those developments heretofore assigned a planned unit district in conjunction with another district as set forth above, and assigned the PUD district upon the adoption of these regulations, shall be restricted to the use, dimensional, and general provisions of the conversion district of the classification in which said property was heretofore assigned.

(sp) U-3 university service district, and conditional use permits (all city of Topeka); and special use permits (as issued by either the city of Topeka or Shawnee County) shall cease as classifications and as permit eligible uses effective with the conversion date of these regulations; and all existing uses as heretofore provided for by the district and/or by the aforementioned permits of record, may continue pursuant to the provisions of TMC 18.50.040; and further, any conditions, limitations, stipulations and/or other provisions set forth within the resolution granting a site specific conditional or special use permit, shall continue to apply and remain in effect with the adoption of these regulations.

~~(t) Resolution of Intent. Except as otherwise set forth in this chapter, the proposed zoning district as established by a resolution of intent shall be assigned to a~~

~~property in accordance with an ordinance as adopted by the governing body pursuant to the provisions of this section upon application of applicable development permits. Further, all conditions as set forth by a resolution of intent shall be complied with prior to the adoption of an ordinance.~~

(q) Where newly created district classifications are provided herein, the boundary of such districts shall be established by ordinance within the city of Topeka, Kansas, or resolution within unincorporated Shawnee County, Kansas, all in accordance with Chapter 18.245 TMC.

Section 3. That original § 18.50.030, of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

Section 4. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 5. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 6. 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 February 18, 2014.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk