A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE
introduced by Mayor Felker relating to minimum lot size requirements,
providing for an administrative waiver amending City of Topeka § 48-27.01,
and specifically repealing said original section.

BE IT RESOLVED by the Board of County Commissioners of the County of
Shawnee, Kansas, on this 21st day of November, 2002.

BE IT ORDAINED by the Council of the City of Topeka, Kansas, on this 5th day
of November, 2002, as follows:

Section 1. City of Topeka Code § 48-27.01, General lot requirements, is hereby
amended by the addition of the following language:

General lot requirements.

(a) Existing lots of record: An individual lot (platted or unplatted) of record in
the office of the Shawnee County register of deeds on the effective date of this chapter
which has less than the minimum required lot area, lot width, or lot depth, and where no
adjoining undeveloped land fronting on the same street was under the same ownership on
said effective date, may be occupied according to the permitted uses of the district on
which the lot is located, provided, all front, side and rear yard requirements are met and all
other requirements of this chapter are complied with.

(b) Street frontage and access required: No lot shall hereafter be created nor
shall any principal building be constructed or placed on any lot unless such lot has frontage
on either a public street or on a private street which has been approved as part of a
planned unit development. In order to be approved such street shall provide permanent
and unobstructed vehicular access, have a roadway of adequate width and surface, and meet all other applicable standards and requirements established by the applicable city or county engineer.

(c) Number of structures per zoning lot: Every building or structure hereafter erected, enlarged or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one principal building or structure located upon such lot or zoning lot except as may be provided herein.

(d) Lots held in common ownership: Where two or more contiguous substandard recorded lots are in common ownership and are of a size as together constitute at least one conforming zoning lot, such lots or portions thereof shall be joined, developed, and used for the purpose of forming an effective and conforming zoning lot or lots.

(e) Public improvement projects: Where a public improvement project results in the creation of a setback, yard or other deviation from the requirements of this chapter, the same shall be deemed to be in accordance with the requirements of this chapter.

(f) Administrative variances to minimum lot size requirements: An individual lot (platted or unplatted) of record in the office of the Shawnee County Register of Deeds, for which application for zoning reclassification of said lot has been filed with the Topeka Shawnee County Metropolitan Planning Department and which does not comply with the minimum lot size requirements as set forth for the desired zoning classification may be granted an administrative variance by the Director of the Planning Department provided that:
(1) The individual lot of record comprises 90 percent or greater of the minimum lot size requirement of the desired zoning district;

(2) The use group of the desired zoning district will be comparable to that of surrounding properties in the neighborhood;

(3) The proposed zoning reclassification of the individual lot does not conflict with, or alternatively, promotes the policies or objectives as stated in the adopted Metropolitan Comprehensive Plan.

Section 2. Original City of Topeka Code § 48-27.01 is hereby specifically repealed.

Section 3. If any section or provision or part thereof of this resolution/ordinance shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of the resolution/ordinance as a whole or any section, provision or portion thereof not adjudged invalid or unconstitutional.

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

PASSED and APPROVED by the City Council NOV 05 2002

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 11/6/02 BY 3
TO BE CODIFIED
NOT TO BE CODIFIED
PASSED and APPROVED by the Board of County Commissioners, Shawnee County, Kansas November 21, 2002.

BOARD OF COUNTY COMMISSIONERS
Shawnee County, Kansas

Theodore D. Ensley, Chairman

Vic Miller, Vice Chair

Marnie J. Kane, Member
Signed 12-11-02

Cynthia Beck, County Clerk