

**75-3620. Same; changes in zoning; variance; consideration by capitol area plaza authority.** (a) The capitol area plaza authority shall make a study of the physical development of zoning in the state zoning area. The following shall be submitted to the authority for its consideration and approval or rejection: All changes in zoning, in height or setback restrictions and the granting of variances or exceptions within the state zoning area acted upon (1) by the board of zoning appeals subject to the provisions of subsection (b), or (2) by the governing body of the city of Topeka. Before any change of zoning or change in height or setback restrictions on, or the granting of any variance or exception or any tract or piece of land within the state zoning area shall become effective, notice of such proposed change shall be submitted to the secretary of the authority personally or by registered mail by the city clerk, and the authority shall approve or disapprove such change not later than sixty (60) days after receipt of such notice. If the authority does not approve or disapprove the proposed change within the sixty-day period, the proposed change shall be deemed and considered approved. If the authority disapproves of any proposed change, the same shall not become effective. In the event the authority approves any proposed change the change shall become effective upon publication of the ordinance of the governing body of the city of Topeka approving such change.

(b) When the board of zoning appeals grants a zoning variance within the state zoning area with regard to a proposed building project which will also require approval of other zoning matters by the governing body of the city of Topeka before construction of the proposed building project may be commenced, the capitol area plaza authority shall not act upon such zoning variance until the governing body of the city of Topeka has approved the other zoning matters that are required prior to commencing construction of the proposed building project. The purpose of this subsection is to avoid having the capitol area plaza authority consider zoning matters that may be subject to subsequent disapproval by local officials.

**History:** L. 1955, ch. 377, § 2; L. 1963, ch. 430, § 1; L. 1965, ch. 469, § 8; L. 1967, ch. 458, § 1; L. 1972, ch. 333, § 7; L. 1973, ch. 351, § 2; L. 1980, ch. 273, § 1; July 1.