AN ORDINANCE introduced by Mayor James A. McClinton relating to subdivisions, amending City of Topeka Code Chapter 134 and §§ 134-96, 134-99, 134-141, 134-142, and 134-166, and repealing the original sections.

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

Section 1. Topeka City Code § 134-96, Submission, is hereby amended to read as follows:

Submission.

(a) After approval of the preliminary plat, the subdivider shall submit a final plat for recording purposes to the secretary of the planning commission. Such final plat shall be prepared by a registered engineer or surveyor.

(b) The original of the final plat, which shall be drafted on tracing cloth or drafting film, and ten (10) copies thereof shall be submitted to the secretary of the planning commission at least fifteen (15) days prior to the date of the public hearing at which the planning commission shall review the plat. An electronic image file of the plat, submitted as either a tag image file format (*.tif; .tiff) or JPEG file interchange format (.jpg; *.jpeg), shall accompany the final plat.

Section 2. Topeka City Code § 134-99, Contents, is hereby amended to read as follows:

Contents.

The final plat shall show and contain the following information:
(1) Name of subdivision (not to duplicate or closely resemble the name of any existing subdivision).

(2) Location of section, township, range, county and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must mathematically close; the allowable area of closure on any portion of the plat shall be one (1) foot in five thousand (5,000).

(3) The locations of monuments shall be shown and described on the final plat; locations of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including the true angles and distances to such reference points or monuments.

(4) The location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii or area of all curves, and with all other information necessary to reproduce the plat on the ground; dimensions shall be shown from all angle points and points of curve to lot lines.

(5) Lots shall be clearly designated by number or letter; the area of each lot shall be indicated in terms of square footage either in tabular form or within the lot boundaries on the plat.

(6) Blocks shall be lettered clearly in the center of the block.

(7) The exact location, width and name of all streets to be dedicated.

(8) Location and width of all easements to be dedicated.

(9) Boundary lines and description of the boundary lines of any area, other
than streets and alleys, which are to be dedicated or reserved for public use.

(10) Building setback lines on the front and side streets with dimensions.

(11) Name and address of the developer and the surveyor or engineer making the plat.

(121) Scale of plat (scale to be shown graphically and in feet per inch), date and north point.

(132) Formal dedication for all easements.

(143) Formal dedication of all streets, alleys and all other public areas not previously dedicated.

(154) The names and signatures of the owners of the property, duly acknowledged and notarized, shall appear on the original and copies submitted.

**Section 3.** Topeka City Code § 134-141, Lot dimensions, is hereby amended to read as follows:

**Lot dimensions.**

(a) The minimum width of lots at the building line in subdivisions shall be fifty (50) feet.

(b) The minimum depth of lots in subdivisions shall be one hundred ten (110) feet.

(c) The minimum area of lots shall be subject to the district zoning regulations in which the subdivision is located.

(d) All side lot lines shall be at right angles to straight street lines, or radial to curved street lines in subdivisions.
(e) All corner lots in subdivisions shall have a minimum building setback of thirty (30) feet to both streets, unless certain conditions such as topography, street alignment or adjacent setbacks warrant a deviation in this requirement.

(f) Double frontage lots in a subdivision shall be avoided unless, in the opinion of the planning commission, variation to this rule will give better street alignment and lot arrangement.

(g) Every lot in a subdivision shall have a frontage upon a street.

(h) Building or setback lines shall be shown on the preliminary and final plat for all lots in the subdivision and shall not be less than the setback required by the zoning ordinance or any ordinance adopted by the council, or any order adopted by the board of county commissioners, relating to setback lines along major streets, highways and railroad rights-of-way only when determined to be necessary by the planning director due to unusual lot design, configuration, or special circumstances where setback lines need to be delineated to specify the appropriate setback.

(i) In subdivisions where a septic tank or other individual sewage disposal devices are to be installed, the size of all lots included in the subdivision shall be subject to regulations in section City of Topeka Code § 134-133.

(j) In subdivisions served by private water supply, well or other means, the size of all lots included in the subdivision shall be subject to regulations in sections City of Topeka Code §§ 134-2 and 134-132(c).

Section 4. Topeka City Code § 134-142, Easements required, is hereby amended to read as follows:
Easements required.

(a) Where alleys are not provided in subdivisions, permanent easements of not less than six (6) feet in width shall be provided on each side of all rear lot lines, and on side lot lines where necessary for drainage, utility poles, wires, conduits, gas, water and heat mains and other public utilities. Such easements shall provide for a continuous right-of-way at least twelve (12) feet in width. Where sanitary or storm sewers are installed in the permanent easements, they shall be not less than eight (8) feet in width and shall be provided on each side of all lot lines. Such easements shall provide for a continuous right-of-way at least sixteen (16) feet in width. Where the rear lot line or the side lot line is also the boundary line of the subdivision, the entire sixteen (16) feet in width shall be provided within the proposed development if an easement is not provided on the adjacent property.

(b) Twelve- (12) foot temporary construction easements shall be provided on each side of the permanent easement, for the initial construction of water and sewer lines and other utilities in the subdivision. These temporary easements shall be automatically vacated upon installation of all appropriate utilities.

(c) Any private utility company desiring to install utility lines in a permanent easement shall submit plans to the city engineer's office showing the location of the proposed utility. Utility poles, meters and other aboveground obstructions shall be installed no more than four (4) feet from the edge of the easement, to allow access and egress of maintenance vehicles and equipment.

(d) Property owners shall be admonished from placing any permanent or
semipermanent obstruction in permanent sewer or utility easements. This includes, but is not limited to, trees, shrubs, fences, retaining walls, buildings or other miscellaneous obstructions that interfere with access and egress of maintenance vehicles and equipment for the operation and maintenance of the utilities or pipe lines located in the easement. Any permanent or semipermanent obstruction located in the permanent sewer easement may be removed by personnel representing the city, to provide for the proper operation and maintenance of that utility line, without cost or obligation for replacement. Cost of removal or replacement shall be the responsibility of the property owner.

Section 5. Topeka City Code § 134-166, Required, is hereby amended to read as follows:

Required.

(a) The subdivider or developer of any subdivision approved in accordance with this chapter shall be obligated to install all public improvements, as set forth in this chapter, in conjunction with building development in the subdivision. Such improvements shall be provided by one (1) of the following methods:

(1) Construction and development as a developer project, paid for entirely by the subdivider or developer.

(2) Construction and development under contract with the council in accordance with a benefit or special assessment district as provided by law.

(3) Posting a satisfactory bond or cash deposit securing to and insuring that such improvements will be completed within a specified time period.
(b) All building permits issued in the subdivision shall be conditioned upon such satisfactory assurances of completion of such public improvements. Fractional or partial public improvements shall be permitted upon the approval of the council planning director and public works director.

Section 6. Topeka City Code Chapter 134, Subdivisions, is hereby amended by the addition of the following article:

Article V. Design Standards

Section 7. Adopted Plans

Subdivisions shall meet the design standards and development policies contained in the adopted elements of the comprehensive plan for the City of Topeka, including, but not limited to the Land Use & Growth Management Plan, the Transportation Plan, and the neighborhood plan elements adopted for the various areas of the City of Topeka.

Section 8. That original City of Topeka Code Chapter 134 and §§ 134-96, 134-99, 134-141, 134-142, and 134-166 are hereby specifically repealed.

Section 3. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

PASSED AND APPROVED by the Council of the City of Topeka JUN 15 2004

ATTEST: James A. McClinton, Mayor
Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY DATE 5/15/04 BY BSC
TO BE CODIFIED X
NOT TO BE CODIFIED