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ORDINANCE NO. 18450

AN ORDINANCE introduced by Councilmember Brett Blackburn amending City of Topeka Code § 134-1 to establish a city municipal service area within the City's three (3) mile extraterritorial jurisdiction, and specifically repealing said original section.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That City of Topeka Code § 134-1, Definitions, is hereby amended to read as follows:

Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means a public thoroughfare which affords only a secondary means of access to abutting property.

Block means a piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way, parks, etc., or a combination thereof.

Collector streets:

(1) Primary. This class of street serves the internal traffic movement within an area of the city such as a subdivision and connects this area with the arterial system. It is intended to equally serve abutting property while at the same time serving traffic movements for commercial and transit vehicles, and is normally spaced at one-half intervals between the major traffic thoroughfares in the normal gridiron system.
(2) **Secondary.** This class of street serves the internal traffic movement within an area of the city such as a subdivision and connects this area with the primary and arterial system. It is intended to serve abutting property while at the same time serving traffic movements excluding commercial and transit vehicles.

**Cul-de-sac** means a street having one end open to traffic and being permanently terminated by a vehicle turnaround at the closed end.

**Design** means the location of streets, alignment of streets, grades and widths of streets, alignment and widths of easements and rights-of-way for drainage and sanitary sewers, and the designation of minimum lot area and width.

**Easement** means a grant by the property owner to a person or to the public of the right to the use of a strip of land for specific purposes.

**Final plat** means a plan or map prepared in accordance with the provisions of this chapter and those of any other applicable city ordinances, which plat is prepared to be placed on record in the office of the county register of deeds for counties in which the subdivision is located.

**Improvements** means any improvement and all street work, utilities, trafficways and drainage facilities that are to be installed, or which the subdivider agrees to install on the land for public or private streets, highways, ways and easements as are necessary for the general use of the lot owners in the subdivision and local neighborhood.

**Lot** means a portion of land in a subdivision, or other parcel of land, intended as a unit for the purposes of transfer of ownership or development.
Major traffic thoroughfares:

(1) Primary means a street or road of great continuity with either a single roadway or a dual roadway which serves or is intended to serve major traffic flow, and is designated in the master plan or is otherwise designated as a limited access highway or freeway, highway, boulevard, parkway or other equivalent term, to identify those streets comprising the basic street system of the city.

(2) Secondary means a street or road of considerable continuity which serves or is intended to serve principal traffic flow between separated areas or districts and which is the main means of access to the residential street or roadway system.

Marginal access streets or frontage roads mean a minor street which is generally parallel to or adjacent to a major traffic thoroughfare highway or railroad right-of-way and provides access to abutting properties.

Master plan means the comprehensive plan made and adopted by the planning commission for the physical development of the metropolitan area and its environs indicating the general location, character and extent of streets, alleys, sewers, ways, viaducts, bridges, subways, parkways, parks, playgrounds, waterways, waterfronts, boulevards, squares, aviation fields and other public ways, grounds and open spaces, the general location of public buildings and other public property, and the general location and extent of public utilities and terminals; also the removal, location, widening, narrowing, vacating, abandonment, change of use, or extension of any public ways, grounds, open spaces, buildings, property, utilities or terminals, as well as a zoning plan for the control of the height, area, bulk, location, use and intensity of use of buildings and premises.
Minor street means a street of limited continuity, which serves or is intended to serve the local needs of a neighborhood.

Municipal service area is that area established by resolution of the City Council which is located outside of the corporate boundaries of the city but within the city's three (3) mile jurisdiction which is suitable for development and growth by the provision of municipal services including but not limited to municipal water, stormwater and sanitary sewer. Said municipal service area may from time to time be altered by resolution of the City Council to provide for additional orderly growth. Provided, however, that said municipal service area shall not extend beyond the city's three (3) mile extraterritorial jurisdiction.

Pedestrian way means a right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

Planning commission means the Topeka-Shawnee County metropolitan planning commission.

Preliminary plat means a map made for the purpose of showing the design of a proposed subdivision and existing conditions in and around it; the map need not be based on an accurate or detailed final survey of the property.

Public water company means any person who has a written permit from the state to supply water for domestic purposes to the public.

Setback line or building line means a line on a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected or altered.
Street means a right-of-way dedicated to the public use, or a private right-of-way serving more than one ownership, which provides principal vehicular and pedestrian access to adjacent properties.

Subdivider means any person who causes land to be divided into a subdivision, for themselves or for others.

Subdivision means the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land; provided, the division of land for agricultural purposes into lots or parcels each of which is three acres or more and not involving a new street or the division of land into parcels or tracts of land containing three acres or more with a minimum frontage dimension of 200 feet on a public road or way where the use is to be for purposes other than agricultural shall not be deemed a subdivision.

Section 2. That City of Topeka Code § 134-1 is hereby specifically repealed.

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

PASSED and APPROVED by the City Council JUN 07 2005.

ATTEST:

William W. Bunten, Mayor

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 5/18/05 BY BL
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