ORDINANCE NO. 18558

AN ORDINANCE introduced by City Manager Neil Dobler amending City of Topeka Code Chapter 134, Article II, Division 1, and §§ 134-1, 134-42, 134-43, 134-44, 134-45, 134-46, and 134-47, establishing procedures for administrative plat approval, and specifically repealing said original sections.

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 Plat Approval means a plan or map prepared in accordance with the provisions of this chapter and those of any other City ordinance which requires the approval of the Planning Commission and the City Council.

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 plat approval* means a plan or map of an area within the City prepared in
accordance with the provisions of this chapter and those of any other ordinance which
requires only the joint approval of the Planning Director and Public Works Director.

*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 City of 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 Chapter 134, Article II, Division 1, Generally, is hereby amended to read as follows:

Generally Administrative Minor Plat Approval Process.

Section 3. That City of Topeka Code § 134-42, Reserved, is hereby amended by the addition of the following language:

Administrative Minor Plat Approval Process.
The following plats or replats may be approved administratively upon the Joint
approval of the Planning Director and the Public Works Director without submission to or
approval by the Planning Commission or City Council, provided that all of the following
criteria are met:

1. No new street right-of-way shall be proposed or required to serve the
lots or tracts resulting from subdivision;

2. The subdivision includes the total contiguous tract of land owned, or
under control of, the subdivider(s);

3. A drainage study has been completed and approved for the proposed
plat;

4. The plat includes no more than five (5) lots or tracts of land;

5. No dedication of land for public purposes is required including but not
limited to public parks, open spaces or rights-of-way;

6. All new lots or tracts front onto existing street right-of-way which is
improved to City specifications;

7. No extensions of water or sewer mains are required to serve those lots
or tracts; and

8. Existing easements for utilities are not altered, removed or realigned
unless expressly agreed to in writing by the Utility.

9. The plat is consistent with the City of Topeka Metropolitan Plan.

Section 4. That City of Topeka Code § 134-43, Reserved, is hereby amended by
the addition of the following language:

Administrative Minor Plat Rules and Regulations.
The Planning Director, with the consent of the City Manager, shall adopt such administrative rules and regulations as necessary to govern the procedure, submission requirements and contents of minor plats. Such administrative rules and procedures may be amended from time to time, and as copy of the current administrative plat approval rules and procedures shall be available for inspection at the planning department.

Section 5. That City of Topeka Code § 134-44, Reserved, is hereby amended by the addition of the following language:

Submission/Contents.

After the proposed plat has been determined to meet the requirements for administrative minor plat approval as provided in Section 134-42, the applicant shall submit the required number of copies of the proposed plat, as specified in the Planning Department's administrative procedures, including the required documents, and the appropriate filing fee. The submission requirements and contents of minor plats shall be determined by the Planning Department's administrative procedures. The design standards of Section 134 shall apply to minor plats.

Section 6. That City of Topeka Code § 134-45, Reserved, is hereby amended by the addition of the following language:

Filing fees.

Administrative minor plat approval fee for minor plat approval shall be fifty percent (50%) of the fee for a major plat.

Section 7. That City of Topeka Code § 134-46, Reserved, is hereby amended by the addition of the following language:

Action by the Planning and Public Works Directors.
The Planning Director and the Public Works Director, shall administratively approve,
approve with conditions, or disapprove the minor plat within thirty (30) days after the
completed application has been submitted, including the necessary documents and fee. If
the Planning Director and the Public Works Director find that the application for the
proposed plat does not meet the requirements of this division, the Planning Director shall
advise the applicant in writing stating the reasons for such determination. If the plat is not
eligible for administrative minor plat approval because it does not meet all the requirements
provided in City of Topeka Code § 134-42, it may be resubmitted as a major plat, in
accordance with this chapter and upon payment of the balance of the application fee for a
major plat.

Section 8. That City of Topeka Code § 134-47, Reserved, is hereby amended by
the addition of the following language:

Recording.

The number of copies of the administratively approved recorded minor plat, as
specified in the Planning Department's administrative procedures, shall be submitted to the
Planning Director within ten (10) days after the plat has been recorded with the Register of
Deeds. The Planning Director will distribute the recorded copies to the various government
agencies and local utility companies. No building permit shall be issued by the City until the
recorded copies of the approved minor plat are on file with the Planning Director.

Section 9. That City of Topeka Code Chapter 134, Article II, Division 1, and §§
134-1, 134-42, 134-43, 134-44, 134-45, 134-46, and 134-47, are hereby specifically
repealed.
Section 10. 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 JAN 24 2006

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 11/6/06 BY BLC
TO BE CODIFIED X
NOT TO BE CODIFIED