

1 (Published in the Topeka Metro News February 1, 2006)
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4 ORDINANCE NO. 18558
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6 AN ORDINANCE introduced by City Manager Neil Dobler amending City of Topeka
7 Code Chapter 134, Article II, Division 1, and §§ 134-1, 134-42, 134-
8 43, 134-44, 134-45, 134-46, and 134-47, establishing procedures for
9 administrative plat approval, and specifically repealing said original
10 sections.
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12 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

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

15 **Definitions.**

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

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

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

23 *Collector streets:*

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

30 (2) *Secondary.* This class of street serves the internal traffic movement
31 within an area of the city such as a subdivision and connects this area with the
32 primary and arterial system. It is intended to serve abutting property while at the
33 same time serving traffic movements excluding commercial and transit vehicles.

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

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

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

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

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

49 *Lot* means a portion of land in a subdivision, or other parcel of land, intended as a
50 unit for the purposes of transfer of ownership or development.

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

54 *Major traffic thoroughfares:*

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

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

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

67 *Master plan* means the comprehensive plan made and adopted by the planning
68 commission for the physical development of the metropolitan area and its environs
69 indicating the general location, character and extent of streets, alleys, sewers, ways,
70 viaducts, bridges, subways, parkways, parks, playgrounds, waterways, waterfronts,
71 boulevards, squares, aviation fields and other public ways, grounds and open spaces, the
72 general location of public buildings and other public property, and the general location and
73 extent of public utilities and terminals; also the removal, location, widening, narrowing,

74 vacating, abandonment, change of use, or extension of any public ways, grounds, open
75 spaces, buildings, property, utilities or terminals, as well as a zoning plan for the control of
76 the height, area, bulk, location, use and intensity of use of buildings and premises.

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

80 *Minor street* means a street of limited continuity, which serves or is intended to serve
81 the local needs of a neighborhood.

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

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

91 *Planning commission* means the City of Topeka-Shawnee County Metropolitan
92 Planning Commission.

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

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

98 *Setback line* or *building line* means a line on a plat generally parallel to the street
99 right-of-way, indicating the limit beyond which buildings or structures may not be erected or
100 altered.

101 *Street* means a right-of-way dedicated to the public use, or a private right-of-way
102 serving more than one ownership, which provides principal vehicular and pedestrian
103 access to adjacent properties.

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

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

113 Section 2. That City of Topeka Code Chapter 134, Article II, Division 1, Generally,
114 is hereby amended to read as follows:

115 ~~Generally~~ Administrative Minor Plat Approval Process.

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

118 Administrative Minor Plat Approval Process.

119 The following plats or replats may be approved administratively upon the Joint
120 approval of the Planning Director and the Public Works Director without submission to or
121 approval by the Planning Commission or City Council, provided that all of the following
122 criteria are met:

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

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

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

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

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

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

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

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

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

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

141 Administrative Minor Plat Rules and Regulations.

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

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

149 Submission/Contents.

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

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

159 Filing fees.

160 Administrative minor plat approval fee for minor plat approval shall be fifty percent
161 (50%) of the fee for a major plat.

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

164 Action by the Planning and Public Works Directors.

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

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

177 Recording.

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

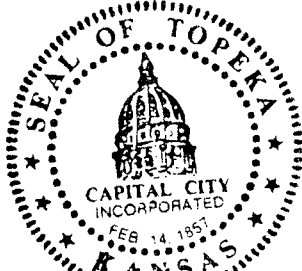
184 Section 9. That City of Topeka Code Chapter 134, Article II, Division 1, and §§
185 134-1, 134-42, 134-43, 134-44, 134-45, 134-46, and 134-47, are hereby specifically
186 repealed.

187 Section 10. This Ordinance shall take effect and be in force after its passage,
188 approval and publication in the official city newspaper.

189 PASSED and APPROVED by the City Council JAN 24 2006

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ATTEST:



Iris E. Walker
Iris E. Walker, City Clerk

William W. Burten
William W. Burten, Mayor

APPROVED AS TO FORM AND LEGALITY
DATE <u>1/26/06</u> BY <u>BBC</u>
TO BE CODIFIED <u>X</u>
NOT TO BE CODIFIED _____