

(Published in the Topeka Metro News October 25, 2010)

**ORDINANCE NO. 19478**

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code § 18.30.010, concerning the definition of minor plat approval and specifically repealing said original section.

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

Section 1. That section 18.30.010, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Definitions.**

The following words, terms and phrases, when used in this division, 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 division 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 division 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.

75           “Minor plat approval” means a plan or map of an area ~~within the city~~ prepared in  
76 accordance with the provisions of this division and those of any other ordinance which  
77 requires only the joint approval of the planning director and public works director.

78           “Minor street” means a street of limited continuity, which serves or is intended to  
79 serve the local needs of a neighborhood.

80           “Municipal service area” is that area established by resolution of the city council  
81 which is located outside of the corporate boundaries of the city but within the city’s  
82 three-mile jurisdiction which is suitable for development and growth by the provision of  
83 municipal services including but not limited to municipal water, stormwater and sanitary  
84 sewer. Said municipal service area may from time to time be altered by resolution of the  
85 city council to provide for additional orderly growth; provided, however, that said  
86 municipal service area shall not extend beyond the city’s three-mile extraterritorial  
87 jurisdiction.

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

90           “Planning commission” means the city of Topeka planning commission.

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

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

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

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

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

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

112           Section 2. That original § 18.30.010 of The Code of the City of Topeka,  
113 Kansas, is hereby specifically repealed.

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

116           Section 4. All ordinances, resolutions or rules, or portions thereof, inconsistent  
117 with the provisions of this ordinance are hereby rescinded or repealed.

Section 5. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body October 19, 2010.

CITY OF TOPEKA, KANSAS

William W. Buntin, Mayor

ATTEST:

Brenda Younger, City Clerk