

(Published in the Topeka Metro News September 2, 2013)

**ORDINANCE NO. 19843**

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code Sections 18.30.010, 18.35.010, 18.35.040 and 18.35.220 and specifically repealing said original sections, all concerning the administrative minor plat approval process.

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

Section 1. That section 18.30.010, Definitions, 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.

“Lot Line Adjustment” means a relocation of existing lot lines.

“Lot Split” means a lot that is divided into two lots.

“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" means 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

75 for the control of the height, area, bulk, location, use and intensity of use of buildings  
76 and premises.

77 “Minor plat approval” means a plan or map of an area prepared in accordance  
78 with the provisions of this division and those of any other ordinance which requires only  
79 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  
81 serve 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  
84 three-mile jurisdiction which is suitable for development and growth by the provision of  
85 municipal services including but not limited to municipal water, stormwater and sanitary  
86 sewer. Said municipal service area may from time to time be altered by resolution of the  
87 city council to provide for additional orderly growth; provided, however, that said  
88 municipal service area shall not extend beyond the city’s three-mile extraterritorial  
89 jurisdiction.

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

92 “Planning commission” means the city of Topeka 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  
95 based on an accurate or detailed final survey of the property.

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

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

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

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

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

114           Section 2. That section 18.35.010, Administrative minor plat approval process,  
115 of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

116           **Administrative minor plat approval process; Lot line adjustments and**  
117 **splits.**

118           (a) Minor plat approval. The following plats or replats may be approved  
119 administratively upon the joint approval of the planning director and the public works  
120 director without submission to or approval by the planning commission or city council;

provided, that all of the following criteria are met:

(a1) ~~No new street r~~Right-of-way shall befor new streets is not proposed or required to serve the lots or tracts ~~resulting from~~in the subdivision;

(b2) The subdivision includes the total contiguous tract of land owned, or under control of, the ~~subdivider(s)~~applicant;

(c3) ~~A drainage study has been completed and approved for the proposed plat~~The applicant has complied with any applicable stormwater management requirements;

(d4) ~~The plat includes n~~No more than five lots or tracts of land are added;

(e5) ~~No d~~Dedication of land for public purposes is not required ~~including but not limited to public parks, open spaces or rights-of-way~~;

(f6) ~~All n~~New lots or tracts front onto or are accessible from an existing street right-of-way ~~which is improved~~, except for non-buildable lots or tracts, conforms to city specifications;

(g7) ~~No e~~Extensions of water or sewer mains are not required to serve ~~these~~the additional lots or tracts;

(h8) ~~Existing e~~Easements for utilities are not vacated, altered, removed or realigned unless ~~expressly agreed to in writing by the utility~~ consents in writing and the planning director determines that vacation will not adversely impact adjoining property owners or the public health and welfare; and

(i9) The plat is consistent with the ~~city of Topeka~~comprehensive

metropolitan plan; and

(10) Real estate taxes and special assessments on the property proposed to be platted or replatted are not delinquent.

(b) Lot line adjustments. Lot line adjustments may be approved administratively upon the joint approval of the planning director and the public works director; provided all of the following criteria are met:

(1) The lots are either platted or are exempt from platting;

(2) Each lot meets the minimum lot size standards for the applicable zoning district and all structures meet applicable building height, size, and setback requirements;

(3) No additional lots are created; and

(4) No easements are added, relocated, or removed.

(c) Lot splits. Lot splits may be approved administratively upon the joint approval of the planning director and the public works director; provided all of the following criteria are met:

(1) The lots are either platted or are exempt from platting;

(2) Each lot meets the minimum lot size standards for the applicable zoning district and all structures meet applicable building height, size, and setback requirements;

(3) No easements are added, relocated, or removed;

(4) Water and sewer services will not be adversely impacted;

(5) Existing and proposed septic systems and wells meet all setback and area requirements;

(6) No public infrastructure improvements are necessary to serve the lots; and

(7) The lot(s) has not been the subject of a previous split.

Section 3. That section 18.35.040, Filing fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Filing fees.**

~~Administrative minor plat approval~~The fee for minor plat approval, lot splits and lot line adjustments shall be 50 percent of the fee for a major plat.

Section 4. That section 18.35.220, Supplementary documents and information, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Supplementary documents and information.**

(a) Two three-line profile prints of streets to be dedicated, indicating the grades thereon, may be required on final plats.

(b) A certificate from both the city and county stating that all taxes and encumbrances have been satisfied of record on the land to be dedicated as streets, alleys or other public purposes is required on final plats.

(c) If private restrictions are to be filed affecting the subdivision or any part thereof, two copies shall be filed with the final plat.

(d) Documentation shall be provided showing that all real estate taxes and special assessments on the property being platted are not delinquent.



Section 5. That original § 18.30.010, § 18.35.010, § 18.35.040 and § 18.35.220 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

Section 6. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 7. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 8. 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 on August 27, 2013.

CITY OF TOPEKA, KANSAS

**Larry E. Wolgast, Mayor**

ATTEST:

Brenda Younger, City Clerk