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ORDINANCE NO. 19942

AN ORDINANCE introduced by City Manager Jim Colson, concerning subdivision and minor plat process, amending City of Topeka Code § 18.30.010, § 18.30.020, and § 18.35.010 and repealing original sections.

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.

“Comprehensive plan” means the comprehensive metropolitan plan described in Chapter 18.05.

“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.

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

54 “Major plat approval” means a plan or map prepared in accordance with the
55 provisions of this division and those of any other city ordinance which requires the
56 approval of the planning commission and the city council.

57 Major Traffic Thoroughfares.

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

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

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

69 “Master plan” means the comprehensive plan made and adopted by the planning
70 commission for the physical development of the metropolitan area and its environs
71 indicating the general location, character and extent of streets, alleys, sewers, ways,
72 viaducts, bridges, subways, parkways, parks, playgrounds, waterways, waterfronts,
73 boulevards, squares, aviation fields and other public ways, grounds and open spaces,
74 the general location of public buildings and other public property, and the general
75 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 prepared in accordance with the provisions of this division 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-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-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 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.

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

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

104 “Street” means a right-of-way dedicated to the public use, or a private right-of-
105 way serving more than one owner, which provides principal vehicular and pedestrian
106 access to adjacent properties.

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

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

117 “Urban growth area” means the area identified in the Land Use & Growth
118 Management Plan which is an element of the comprehensive plan.

119 Section 2. That section 18.30.020, Scope, of The Code of the City of Topeka,
120 Kansas, is hereby amended to read as follows:

121 **Scope.**

(a) The regulations contained in the division shall apply to the following:

(1) ~~All plans, p~~Plats or replats of land laid out in building lots to be made for eachin subdivisions or each part thereof lying within the city or within three miles of the ~~nearest point on the~~city boundary ~~of the city shall be prepared, presented and recorded as prescribed in this division.~~

(2) ~~The regulations contained in this division shall apply to the s~~Subdivision of a lot, tract or parcel of land into two or more lots, tracts or other division of land for the purpose of sale or of building development, whether immediate or future, including the resubdivision or replatting of land or lots.

(3) Subdivisions which require dedication of new streets.

(4) An ordinance requires that property be platted.

(b) Notwithstanding subsection (a), platting is not required in any of the following circumstances:

(1) Division of land for agricultural purposes into parcels or tracts of land of three acres or more, and not ~~involving any~~requiring the dedication of new streets.

(2) ~~or the d~~Division of land outside the urban growth area into parcels or tracts of land containing three acres or more with a minimum frontage dimension of ~~200~~300 contiguous feet and with a lot width/depth ratio no greater than 1:2, on an existing public road or way where the use is ~~to be for non-agricultural purposes other than agricultural, shall be exempt from the requirements of this division.~~

(3) Division of land within the urban growth area into parcels or tracts of land containing twenty acres or more with a minimum frontage dimension of 300 contiguous feet and with a lot width/depth ratio no greater than 1:2, on an existing public road or way where the use is to be for non-agricultural purposes.

(4) Existing legal lots of record created in accordance with the subdivision regulations in effect at the time of creation.

(c) Lots shall comply with the minimum lot sizes in the zoning code unless the comprehensive plan provides otherwise.

Section 3. That section 18.35.010, Administrative minor plat approval process – Lot line adjustments and splits, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Administrative ~~minor plat~~ approval process – Minor plats, Lot line adjustments and splits.

(a) Minor Plat Approval. 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) Right-of-way for new streets is not proposed or required to serve the lots or tracts in the subdivision;

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

(3) The applicant has complied with any applicable stormwater management requirements;

167 (4) No more than five lots or tracts are added;

168 (5) Except as provided in subsection (a)(1), Dedication of land for

169 public purposes is not required right-of-way or easements for public purposes are

170 allowed but no dedication of any ownership interest in land resulting in

171 acquisition of fee simple title;

172 (6) New lots or tracts front onto or are accessible from an existing

173 street right-of-way which, except for nonbuildable lots or tracts, conforms to city

174 specifications;

175 (7) Extensions of water or sewer mains are not required to serve the

176 additional lots or tracts;

177 (8) Easements for utilities are not vacated, altered, removed or

178 realigned unless the utility consents in writing and the planning director

179 determines that vacation will not adversely impact adjoining property owners or

180 the public health and welfare;

181 (9) The plat is consistent with the comprehensive metropolitan plan;

182 and

183 (10) Real estate taxes and special assessments on the property

184 proposed to be platted or replatted are not delinquent.

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

188 (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~~ required to be platted;

(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) Lot splits comply with the comprehensive plan; and

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

Section 4. That original § 18.30.010, § 18.30.020, and § 18.35.010 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 5. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 6. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 7. 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 March 10, 2015.

CITY OF TOPEKA, KANSAS

ATTEST:

Larry E. Wolgast, Mayor

Brenda Younger, City Clerk