

1 (Published in the Topeka Metro News August 29, 2011)

2
3 **ORDINANCE NO. 19626**

4
5 AN ORDINANCE introduced by Acting City Manager Daniel R. Stanley, amending
6 City of Topeka Code § 18.35.150, 18.35.200, 18.260.050, and
7 18.260.060 concerning plats and site plans and specifically
8 repealing said original section.
9

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

11
12 Section 1. That section 18.35.150, Contents, of The Code of the City of
13 Topeka, Kansas, is hereby amended to read as follows:

14 **Contents.**

15 The contents of the preliminary plat shall include the following:

- 16 (a) Vicinity map showing geographical location of the proposed subdivision.
- 17 (b) The proposed name of the subdivision (the name shall not duplicate or
18 closely resemble the name or names of any existing subdivision).
- 19 (c) The location of the boundary lines in relation to the quarter section corner.
- 20 (d) The names and addresses of the developer, surveyor, landscape architect
21 or architect who prepared the plat.
- 22 (e) The scale of the plat shall be one inch equals 200 feet or larger.
- 23 (f) Date of preparation and north point.
- 24 (g) Location, width and name of platted streets or other public ways, railroads
25 and utility rights-of-way, parks and other public open spaces and permanent buildings
26 within or adjacent to the proposed subdivision.
- 27 (h) All existing sewers, water mains, gas mains, culverts or other underground
28 installations within the proposed subdivision or immediately adjacent thereto, showing
29 pipe size, grades and location.

30 (i) Names of adjacent subdivisions, and owners of adjacent parcels of
31 unsubdivided land.

32 (j) Topography with contour intervals of not more than five feet (referred to
33 USGS datum), also location of watercourses, bridges, wooded areas, lakes, ravines,
34 approximate acreage and such other features as may be pertinent to the subdivision.

35 (k) The location and width of proposed streets, roadways, highways,
36 pedestrian ways and easements.

37 (l) The location and character of all proposed utility lines, including sewers
38 (storm and sanitary), water, gas, telephone and power lines. Where new public streets
39 or rights-of-way are proposed, a preliminary street plan which shall have cross-section
40 and profile data of the existing conditions and of the proposed improvements. The
41 preliminary street plan shall be reviewed by the city or county engineer for compliance
42 with the uniform standards. The reviewing engineer shall submit a statement to the
43 secretary of the planning commission prior to the public hearing, indicating that the
44 preliminary street plan meets with uniform standards or setting forth the provisions
45 necessary to meet the uniform standards. If a sewage treatment plant or other type of
46 individual or community sewage disposal system is to be installed or constructed to
47 serve all or certain portions of the proposed subdivision, the general plan for such
48 community type sewage treatment or disposal system shall be shown and so identified
49 on the proposed plat.

50 (m) Layout, numbers and approximate dimensions of all lots, and the number
51 or letter of each block.

52 (n) Location and size of proposed parks, playgrounds, churches or school
53 sites, or other special uses of land to be considered for dedication to public use or

54 reservation by deed of covenant for the use of all property owners in the subdivision and
55 the conditions of such dedication or reservation.

56 (o) Building setback lines with dimensions.

57 (p) Indication of any lots for which uses other than residential are proposed by
58 the subdivider.

59 (q) A statement, on the plat, as to how lots will be sewerred.

60 (r) Any stream buffer easements as required by this title.

61 (s) A drainage report, including a stormwater management plan if required by
62 Chapter 13.35.

63 Section 2. That section 18.35.200, Contents, of The Code of the City of
64 Topeka, Kansas, is hereby amended to read as follows:

65 **Contents.**

66 The final plat shall show and contain the following information:

67 (a) Name of subdivision (not to duplicate or closely resemble the name of any
68 existing subdivision).

69 (b) Location of section, township, range, county and state, including the
70 descriptive boundaries of the subdivision based on an accurate traverse, giving angular
71 and linear dimensions which must mathematically close; the allowable area of closure
72 on any portion of the plat shall be one foot in 5,000.

73 (c) The locations of monuments shall be shown and described on the final
74 plat; locations of such monuments shall be shown in reference to existing official
75 monuments or the nearest established street lines, including the true angles and
76 distances to such reference points or monuments.

77 (d) The location of lots, streets, public highways, alleys, parks and other
78 features, with accurate dimensions in feet and decimals of feet, with the length of radii
79 or area of all curves, and with all other information necessary to reproduce the plat on
80 the ground; dimensions shall be shown from all angle points and points of curve to lot
81 lines.

82 (e) Lots shall be clearly designated by number or letter; the area of each lot
83 shall be indicated in terms of square footage either in tabular form or within the lot
84 boundaries on the plat.

85 (f) Blocks shall be lettered clearly in the center of the block.

86 (g) The exact location, width and name of all streets to be dedicated.

87 (h) Location and width of all easements to be dedicated.

88 (i) Boundary lines and description of the boundary lines of any area, other
89 than streets and alleys, which are to be dedicated or reserved for public use.

90 (j) Name and address of the developer and the surveyor or engineer making
91 the plat.

92 (k) Scale of plat (scale to be shown graphically and in feet per inch), date and
93 north point.

94 (l) Formal dedication for all easements.

95 (m) Formal dedication of all streets, alleys and all other public areas not
96 previously dedicated.

97 (n) The names and signatures of the owners of the property, duly
98 acknowledged and notarized, shall appear on the original and copies submitted.

99 (o) Any stream buffer easements as required by this title

100 (p) A drainage report, including a stormwater management plan if required by
101 Chapter 13.35.

102 Section 3. That section 18.260.050, Contents of site plan, of The Code of the
103 City of Topeka, Kansas, is hereby amended to read as follows:

104 **Contents of site plan.**

105 (a) A site plan shall:

106 (1) Be prepared by an architect, engineer, landscape architect, or other
107 qualified professional at a scale appropriate to the magnitude of the project which
108 will permit notation of all required data. A signature block of the person preparing
109 the site plan shall be included along with the person's address and phone
110 number;

111 (2) Contain a project title centered across the top of the plan sheet;

112 (3) Be prepared on plan sheets measuring at least 24-inch by 36-inch
113 in size;

114 (4) Be arranged so that the top of the plan represents north, or if
115 otherwise oriented, is clearly and distinctly marked along with the date of
116 preparation and a vicinity map identifying the location of the subject property;

117 (5) Be accompanied by an electronic submittal of the site plan;

118 (6) Show boundaries and dimensions graphically, and contain a written
119 legal description of the property; and show a written and graphic scale;

120 (7) Show the present and proposed topography of the area by contour
121 lines at an interval of not more than two feet; and spot elevations of completed
122 improvements;

123 (8) Show the location, type and size of existing utilities, culverts, and
124 easements or adjacent to the site;

125 (9) Show, by use of directional arrow, the proposed flow of storm
126 drainage from the site including drainage/retention ponds. Provide the
127 supplemental stormwater information as required by city/county regulations, and
128 provide on the site plan a site summary table which indicates: the area and
129 percentage of the site proposed for development as buildings; development as a
130 paved surface, undeveloped and planted with grass, ground cover, or other
131 similar vegetative surface;

132 (10) Show the location and setback of existing and proposed structures
133 indicating the number of stories, gross floor area, and location of all entrances to
134 all structures. If the site is to be razed, the existing structures may be omitted;

135 (11) Show the location and dimension of existing and proposed curb
136 cuts, curb radii, access aisles, off-street parking (including signage and parking
137 spaces designated for the disabled), loading zones and walkways (including
138 wheelchair ramps);

139 (12) Indicate the location, heights, and material for screening walls and
140 fences;

141 (13) List the type of surfacing and base course proposed for all parking,
142 loading, and walkway areas;

143 (14) Identify names and dimensions of all existing and proposed streets,
144 including rights-of-way extending through or adjacent to the site;

145 (15) Show the location and size, and provide a landscape schedule for
146 all perimeter and interior landscaping including grass, ground cover, trees and
147 shrubs;

148 (16) Identify location, type, height, square footage and illumination of
149 existing and proposed signage;

150 (17) Show and dimension the required number of off-street parking
151 spaces, aisles, medians, and drives;

152 (18) Show the proposed type, location, height, directions, and intensity
153 of illumination of proposed exterior lighting;

154 (19) Show the location, size and method of screening of trash storage
155 areas;

156 (20) Identify any restrictions as shown on a recorded plat of subdivision;

157 (21) Identify boundary of the 100-year floodplain and base flood
158 elevation;

159 (22) Identify location, type, and area of on-site sewage disposal
160 systems;

161 (23) Identify location, dimension, and size of proposed recreations
162 areas, open spaces, and other required amenities and improvements;

163 (24) Include a drainage report as required by the applicable department
164 of public works;

165 (25) Architectural elevations, including a description of the exterior types
166 of building materials and finishes; and

167 (26) Include a stormwater management plan if required by Chapter
168 13.35; and

169 (~~2627~~) Other information, as may be required by the planning director, in
170 order to ensure the intent and purpose of this chapter are met.

171 (b) The planning director may waive any of the above-listed requirements if
172 the requirements are determined to be unnecessary due to the scope and nature of the
173 proposed development.

174 Section 4. That section 18.260.060, General performance guidelines, of The
175 Code of the City of Topeka, Kansas, is hereby amended to read as follows:

176 **General performance guidelines**

177 In considering and acting upon site plans, the planning director shall take into
178 consideration the public health, safety, and welfare, the comfort and convenience of the
179 public in general and the immediate neighborhood in particular. The following guidelines
180 shall be considered in the evaluation of site plans:

181 (a) General Plan Conformity. The planning director shall review all site plans
182 in accordance with the adopted comprehensive metropolitan plan and/or neighborhood
183 plans for conformity with the adopted plans' objectives, policies, and/or design
184 guidelines.

185 (b) Circulation – Driveways, Sidewalks, Off-Street Parking, Loading, Curbs
186 and Gutters. The planning director shall review all site plans for access and circulation
187 features to provide mobility for people and goods to reach the site and circulate through
188 it in a safe and efficient manner. All modes of transportation (pedestrian and
189 automobile) must be considered in the site plan review.

190 (c) Landscaping and Buffers. All site plans shall provide for the landscaping
191 and buffering of all building sites and parking areas. Review of landscaping and
192 buffering is intended to protect and promote the public health, safety, and general

193 welfare by preventing soil erosion; providing shade; protecting from excessive noise,
194 glare, and heat; conserving natural resources of air and water; enhancing the overall
195 appearance of development sites; and facilitating a convenient, attractive, and
196 harmonious streetscape and community. All site plans shall comply with adopted
197 landscape ordinances.

198 (d) Lighting. All site plans shall provide adequate lighting so as to assure
199 safety and security. Lighting installations shall not have an adverse impact on traffic
200 safety or on the surrounding area. Light sources shall be shielded, and there shall be no
201 spillover onto adjacent properties.

202 (e) Public Health and Safety. Applicable emergency service agencies shall
203 review all site plans to determine adequacy of access and other aspects of public
204 safety, including crime prevention through environmental design (CPTED) concepts
205 such as natural surveillance, natural access control, and territorial reinforcement.

206 (f) Signs. The site plan shall conform to adopted sign ordinances and
207 address the following considerations:

208 (1) Traffic Signals. No sign shall be maintained at any location which
209 obstructs, impairs, obscures, interferes with the view of, or is confused with, any
210 traffic control sign or device regardless of whether or not it meets other size,
211 location, and setback requirements of adopted sign codes. Nor shall any sign
212 interfere with, mislead or confuse traffic flow. A sign's position, size, shape,
213 content, color and illumination shall be considered when making such a
214 determination.

215 (2) Sight Distance Triangles. No sign, or any part of a sign other than a
216 supporting pole or brace no greater than 18 inches in width or diameter shall be

217 located lower than nine feet from grade within the area of any sight distance
218 triangle.

219 (3) Landscaping. Signs proposed to be located within a landscaped
220 area shall be located so as not to be obstructed from full-growth of landscaping.
221 All sign base landscaping shall be of the nature and quality so as not to obstruct
222 a motorist's view of other vehicles moving within a parking lot or entering and
223 exiting a driveway.

224 (4) Site Comprehension. Signs shall be designed and located to
225 strengthen overall site comprehension through the use of comprehensive sign
226 packages, where applicable, and the location of signs to clearly define points of
227 access.

228 (g) Utilities. Ground mounted transformers and air conditioning units shall be
229 screened if visible from the street or when adjacent to a structure on adjoining lot(s). All
230 such units shall be located behind the front yard and side street yard setback lines.

231 (h) Floodway. Any development within floodways as identified on flood
232 insurance rate maps (FIRM) shall comply with applicable city and county standards.
233 General development guidelines include: anchorage to prevent flotation, construction
234 with materials resistant to flood damage, flood proof all utility and sanitary facilities, and
235 designed so as to not increase surface elevation of the 100-year flood.

236 (i) Aviation. Any development located within prescribed aviation zones shall
237 comply with applicable city ordinances and county standards. General development
238 guidelines include the evaluation of height, dust, and lighting.

239 (j) Stormwater Drainage, ~~Erosion, and Sedimentation Control~~ and Stream
240 Buffers. Measures taken for erosion, pollutant, and sedimentation control shall conform

241 to applicable city ~~and county~~ standards for stormwater management and stream buffers
242 as required in Titles 13 and 17. ~~Where an erosion and sedimentation control permit is~~
243 ~~required, the necessary plans and data~~ A stormwater management plan, if required by
244 Chapter 13.35, shall be submitted, reviewed, and approved concurrently with the site
245 plan.

246 Section 5. That original §§ 18.35.150, 18.35.200, 18.260.050, and 18.260.060
247 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

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

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

252 Section 8. Should any section, clause or phrase of this ordinance be declared
253 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
254 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

255 PASSED AND APPROVED by the Governing Body August 23, 2011.

256
257 CITY OF TOPEKA, KANSAS

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263 William W. Buntten, Mayor

264 ATTEST:
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268 Brenda Younger, City Clerk