

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

**ORDINANCE NO. 19626**

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

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

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

**Contents.**

The contents of the preliminary plat shall include the following:

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

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

(o) Building setback lines with dimensions.

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

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

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

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

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

**Contents.**

The final plat shall show and contain the following information:

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

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

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

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

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

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

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

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

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

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

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

(l) Formal dedication for all easements.

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

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

(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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**General performance guidelines**

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

(j) Stormwater Drainage, ~~Erosion, and Sedimentation Control~~ and Stream 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 CITY OF TOPEKA, KANSAS  
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262 William W. Buntten, Mayor

263 ATTEST:

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265 Brenda Younger, City Clerk  
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