SHAWNEE COUNTY RESOLUTION NO. 2002-272

CITY OF TOPEKA ORDINANCE NO. 17913

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE
introduced by Mayor Felker relating to Site Plans, amending the
Comprehensive Zoning Regulations of the City of Topeka and
unincorporated areas of Shawnee County, and specifically repealing Topeka
City Code §§ 26-121 and 122.

BE IT RESOLVED by the Board of County Commissioners of the County of
Shawnee, Kansas, on this 21st day of November, 2002.

BE IT ORDAINED by the Council of the City of Topeka, Kansas, on this 5th day
of November, 2002, as follows:

Section 1. City of Topeka Code Chapter 48, Comprehensive Zoning Regulations,
is amended by the addition of the following language:

General provisions.

Site plan review shall be required, and an approved site plan is required before
building permits or certificates of occupancy may be issued. The following regulations shall
apply generally to all uses contained within the Comprehensive Zoning Regulations which
require site plan review.

Section 2. City of Topeka Code Chapter 48, Comprehensive Zoning Regulations,
is amended by the addition of the following language:

Intent; purpose.

(a) Intent. The intent of these site plan regulations is to promote orderly
growth and development in the City of Topeka and unincorporated Shawnee
County; to ensure that development is done in a manner harmonious with
surrounding properties, consistent with the general public welfare and with
the policies in the Comprehensive Metropolitan Plan; and the requirements
of the Comprehensive Zoning Regulations.

The site plan should address the following community goals; reduction
in crime; promotion of architectural compatibility; neighborhood stabilization;
blight prevention; conservation of historic and landmark properties;
encourage economic development and conservation of value of property;
secure safety from fire and other dangers; avoid undue concentration of
population; improve the appearance of the metropolitan area; facilitate the
provisions of transportation, water, sewers, schools, parks and open space,
and other community and public improvements.

(b) Purpose. The purpose of these site plan regulations is to provide for
a review of individual project site plans addressing;

(1) The project’s compatibility with its environment and with other
land uses and buildings in the surrounding area, including historic
structures and landmarks and the character of proposed open space
and landscape improvements.

(2) The project’s proposed traffic circulation and parking system to
provide for the convenient and safe internal and external movement
of vehicles and pedestrians.

(3) The character and type of the project’s proposed community
facilities where required.
(4) The location and adequacy of the project's provision for 
drainage and utilities.

(5) The appropriate design and effective use of construction in 
order to reduce incidence of crime, and an improvement in the quality 
of life.

Section 3. City of Topeka Code Chapter 48, Comprehensive Zoning Regulations, 
is amended by the addition of the following language:

Applicability.

An approved site plan shall be required prior to the issuance of a building permit, in 
the following instances:

(a) New construction. For any new construction of a principal structure which 
requires a building permit in any zoning district except single-family, two-family, and 
tri-plex units which are expressly exempted; or,

(b) Alteration. For any building alteration over fifteen thousand (15,000) square 
feet to an existing structure on improved real estate as set forth in subsection (a) 
above; or

(c) Accessory uses and structures. Site plan review shall not be required for 
accessory uses and accessory structures. However, such accessory uses and/or 
structures uses may be reviewed in conjunction with the review of principal 
structures when such accessory structures are shown on the site plan; or,

(d) General provisions. A site plan is required whenever a specific reference 
is made to these regulations in any other part of the Code of the City of Topeka or 
in the regulations of Shawnee County.
Section 4. City of Topeka Code Chapter 48, Comprehensive Zoning Regulations, is amended by the addition of the following language:

(a) Procedures for site plan review; applications.

(1) Plans required. The applicant shall submit ten (10) copies of legible and complete site plans. The review period for a site plan shall be no greater than twenty-one (21) calendar days from the date of submission. Deadlines set by the Planning Department shall not be altered, reduced or varied except under unusual circumstances. If a decision regarding the site plan is not rendered by the Planning Director within the twenty-one (21) day review period, the site plan shall be deemed approved. Revised site plans shall be received from the applicant within fourteen (14) calendar days of receiving review comments or the site plan shall be considered withdrawn. Based upon the extent of revisions, a longer period may be granted by the Planning Director for the submission of revised plans.

(2) Fees. Every site plan submitted for review shall be accompanied by a filing fee as established in the Comprehensive Zoning Regulations. If a site plan is withdrawn or denied, the review fee is not refundable.

(3) Review and appeals. After the site plan, related materials, and fees have been submitted, they shall be reviewed by the Planning Department which shall coordinate the review with other affected City/County departments and divisions for conformity to these regulations and other applicable regulations. Based upon the recommendations of the reviewing agencies, the Planning Director may approve a site plan, and if approved,
shall state the conditions of such approval, if any. If the site plan is 

disapproved, the reasons therefore shall be communicated in writing to the 

applicant. The Planning Director’s approval or disapproval of a site plan may 

be appealed to the Zoning and Platting Committee. The appeal shall be filed 

with the Planning Department within ten (10) calendar days of such action. 

Such appeal will be considered at the next regularly scheduled meeting of 

the committee. 

(4) **Revised plans.** If approved, the applicant shall make the necessary 

revisions, if any, and submit a final set of ten (10) site plans. 

(5) **Building permits.** A copy of the approved site plan shall be retained 

in the records of the Planning Department and all regulatory and occupancy 

permits shall conform to the provisions of said site plans. 

(6) **Amendments.** Amendments or modifications to approved site plans 

shall be submitted to the Planning Department. Such amendments shall be 

required only when the amendment substantially changes the character and 

impact of the originally approved site plan. Such modifications shall be 

submitted in accordance with the procedures and requirements of these 

regulations and shall be distributed to the appropriate department for review. 

(7) **Time limitation.** An approved site plan shall become void unless a 

regulatory permit has been issued or use of the land has commenced within 

one (1) year from the date of approval of this site plan. Upon request, 

revalidation of the site plan may be granted for an additional six (6) months 

if all factors of the original site plan review are the same; provided, however,
a written request for revalidation must be received by the Planning Director prior to expiration of the original one (1) year period.

(8) **Penalties for non-compliance.** A stop work order shall be issued if any of the improvements required by the approved site plan are not constructed or installed during the development of the project. Certificates of occupancy will not be issued until the development is in full compliance with the approved site plan. A temporary certificate of occupancy may be issued where due to weather conditions required improvements cannot be constructed or installed. A temporary certificate of occupancy shall be issued for a period not to exceed six (6) months.

(9) **Pre-submittal meeting.** Before filing an application for approval of a site plan, the developer is encouraged to confer with the Planning Department. Such action does not require formal application fees, or filing of a site plan or landscape plan, and is not to be construed as an application for formal approval.

**Section 5.** City of Topeka Code Chapter 48, Comprehensive Zoning Regulations, is amended by the addition of the following language:

**Contents of site plan.**

(a) A site plan shall:

(1) Be prepared by an architect, engineer, landscape architect, or other qualified professional at a scale appropriate to the magnitude of the project which will permit notation of all required data. A signature
block of the person preparing the site plan shall be included along with
the person's address and phone number;
(2) Contain a project title centered across the top of the plan sheet;
(3) Be prepared on plan sheets measuring at least twenty-four (24) inch
by thirty-six (36) inch in size;
(4) Be arranged so that the top of the plan represents north, or if
otherwise oriented, is clearly and distinctly marked along with the date
of preparation and a vicinity map identifying the location of the subject
property;
(5) Be accompanied by an electronic submittal of the site plan;
(6) Show boundaries and dimensions graphically, and contain a written
legal description of the property; and show a written and graphic
scale;
(7) Show the present and proposed topography of the area by contour
lines at an interval of not more that two (2) feet; and spot elevations
of completed 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 one hundred (100) year flood plain 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; and

(24) Include a drainage report as required by the applicable Department of Public Works.

(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 6. City of Topeka Code Chapter 48, Comprehensive Zoning Regulations, is amended by the addition of the following language:

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 and policies.

(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 devices 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 signs 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 eighteen (18) inches in width or diameter shall be located lower than nine (9) 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 one hundred (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.** Measures taken for erosion and sedimentation control shall conform to applicable City and County standards. Where and erosion and sedimentation control permit is required, the necessary plans and data shall be submitted, reviewed, and approved concurrently with the site plan.
Section 7. If any section or provision or part thereof of this resolution/ordinance shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of the resolution/ordinance as a whole or any section, provision or portion thereof not adjudged invalid or unconstitutional.

Section 8. Original City of Topeka Code §§ 26-121 and 26-122 is hereby specifically repealed.

Section 9. This resolution/ordinance shall take effect and be in force from and after its passage, approval and publication in the official County and City newspaper.

PASSED and APPROVED by the Board of County Commissioners, Shawnee County, Kansas November 21, 2002.

Theodore D. Ensley, Chairman
Vic Miller, Vice Chair
Maries A. Kane, Member

ATTEST:
Cynthia Beck, County Clerk

PASSED and APPROVED by the City Council
November 5, 2002

Harry Felker, Mayor

APPROVED AS TO FORM AND LEGALITY
DATE 10/05/01 BY
TO BE CODIFIED X
NOT TO BE CODIFIED ____________________________

JBORD/SITEPLAN 10/05/01
Iris E. Walker, City Clerk