

ARTICLE 17
CITY OF EUDORA SUBDIVISION REGULATIONS

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[Pages Reserved]

SECTION 1: GENERAL PROVISIONS

17-101. SUBDIVISION REGULATIONS: PURPOSE

- (a) The purpose of these subdivision and development regulations is to assure that the subdivision of land, which is an initial step in urbanization, will be in the public interest and for the general welfare. Since the allocation and arrangement of parcels of land for both private uses (agricultural, residential, commercial, industrial) and public uses (utilities, schools, parks, streets, and others) help to influence the health, safety, economy, livability and amenities of an area, these regulations are intended to:
 - (1) Provide for the harmonious and orderly development of the City of Eudora by making provisions for adequate open space, traffic, recreation, drainage, utilities, light and air, and other public needs;
 - (2) Contribute to conditions conducive to health, safety, aesthetics, convenience, prosperity and efficiency; and
 - (3) Provide for the conservation and protection of human and natural resources.
- (b) These regulations are designed, intended, and should be administered in a manner:
 - (1) To ensure that the development of the city shall conform substantially with the comprehensive plans of the city, the zoning laws enacted in accordance with those plans and any adopted major streets and road plans.
 - (2) To provide for the conservation of existing neighborhoods, to encourage the concept of neighborhood planning in new developments and to prevent the development of slums and blighted areas.
 - (3) To coordinate the development of each parcel of land with the existing community, and to facilitate the proper development of adjoining land.
 - (4) To encourage the best possible use of each parcel of land through the application of urban design principles.
 - (5) To provide adequate and accurate records of all land subdivision.
 - (6) To provide that the cost of improvements which benefit primarily the tract of land being developed be borne primarily by the owners or developers of the tract, and that the cost of improvements which benefit primarily the whole community be shared by the developer and the community.

- (7) To ensure that each subdivision lot provides a building site safe from damage by the 100-year flood where the 100-year flood line has been designated.

17-102. AUTHORITY These subdivision and development regulations and minimum standards for land development are adopted by the Eudora Planning Commission and approved by the city council under powers conferred by Article 12, Section 5 of the Kansas Constitution and K.S.A. 12-705 and 12-749 et sec. after notice and hearing as provided by law.

17-103. JURISDICTION

- (a) These regulations shall apply to all land within the City of Eudora, Kansas.
- (b) These regulations shall apply to all land within the following unincorporated territory of Douglas County, Kansas:

Township 13 S. Range 21 E.

- Section 3 Section 19
- Section 4 Section 20
- Section 5 Section 21
- Section 6 Section 22
- Section 7 Section 27
- Section 8 Section 28
- Section 9 Section 29
- Section 10 Section 30
- Section 15 Section 31
- Section 16 Section 32
- Section 17 Section 33
- Section 18 Section 34

Township 13 S. Range 20 E.

- Section 1 Section 15
- Section 2 Section 22
- Section 3 Section 23
- Section 10 Section 24
- Section 11 Section 25
- Section 12 Section 26
- Section 13 Section 36
- Section 14

Township 12 S. Range 21 E.

- Section 27 Section 32
- Section 28 Section 33
- Section 31 Section 34

Township 12 S. Range 20 E.

- Section 24 Section 36
- Section 35

The City of Eudora and Douglas County will undertake the following process to create a joint subdivision committee:

- (1) Immediately upon the effective date of Ordinance No. - the governing body shall certify to the Douglas County Board of County Commissioners that the city wishes to adopt subdivision regulations covering all or part of the unincorporated area of Douglas County described in this section.
- (2) Within 60 days after the date of the certification by the governing body, there shall be established by joint resolution of the governing body and the Douglas County board of county commissioners a joint committee for

subdivision regulation for the unincorporated area previously designated in the certified resolution.

- (3) Such committee shall be composed of seven members as follows: three members of the Lawrence/Douglas County Planning Commission appointed by the board of county commissioners of Douglas County, Kansas; three members of the Eudora Planning Commission appointed by the mayor of the City of Eudora with the consent of the Eudora city council; and one member selected by the other members of the joint committee.
- (4) Subdivision regulations promulgated by Douglas County shall be in effect in the unincorporated area previously designated in the certified resolution for the lesser time period of the following:
 - (a) Twelve months from and after the date of the certified resolution; or
 - (b) Until new regulations have been adopted by the committee consistent with K.S.A. 12-749(c).

17-104. APPLICABILITY After the effective date of these regulations any owner (or owners) subdividing land or establishing any alley, street, or other property intended for public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting on or adjacent thereto, shall cause a subdivision plat to be made in accordance with these regulations unless exempted under Section 3-105. The register of deeds of Douglas County shall not record any plat of any subdivision until such plat bears the endorsement of the Planning Commission and the land dedicated for public purposes has been accepted by the council.

17-105. EXEMPTIONS Notwithstanding the requirements of Section 3-104 these regulations shall not apply to the following:

- (a) Any transfer by testamentary disposition.
- (b) The subdividing of any land used exclusively for cemetery purposes and accessory uses associated therewith.
- (c) The vacation of land impressed with a public use.

17-106. FEES The subdivider shall pay the following fees or costs to the city for which he or she shall be issued a written receipt:

- (a) A subdivision review fee which must be paid prior to any consideration by the planning department of a preliminary plat, lot split or small subdivision. The fee shall be as follows:
 - (1) A subdivision into five or fewer lots, tracts, or parcels shall be charged a fee of \$10.

- (2) A subdivision into more than five lots, tracts, or parcels shall be charged a fee of \$20, plus \$.50 for each platted lot in the subdivision, except that in no case shall the maximum review fee exceed \$50. No fee shall be refunded.
- (b) A filing fee sufficient to cover the cost of filing the final plat with the register of deeds. This fee shall be paid at the time the final plat is approved by the appropriate governing body.
- (c) Any other incidental costs associated with legal publication and recordings of documents or plats.

SECTION 2: ADMINISTRATION

- 17-201. ADMINISTRATION The administration of these regulations is vested in the Eudora Planning Commission and the city council.
- (a) The city office shall:
 - (1) Maintain permanent and current records with respect to these regulations, including amendments thereto;
 - (2) Receive and file, on behalf of the Planning Commission, all pre-application plans, preliminary plats, and final plats together with other necessary information;
 - (3) Distribute copies of preliminary plats to other appropriate governmental agencies and departments for their review and recommendations;
 - (4) File approved final plats with the Register of Deeds of Douglas County, Kansas.
 - (b) The Planning Commission shall:
 - (1) Review all pre-application plans and data, preliminary plats and small area subdivisions for compliance with these regulations;
 - (2) Review final plats for compliance with the approved preliminary plat and with the final plat provisions of these regulations;
 - (3) Review and approve, conditionally approve, or disapprove preliminary plats;
 - (4) Review and approve, conditionally approve, or disapprove final plats and, unless disapproved, transmit the same to the city council for acceptance of dedication of streets, alleys and other public ways and sites;
 - (5) Make such other determinations and decisions as may from time to time be required by these regulations, or by applicable sections of the Kansas Statutes Annotated.
- 17-202. AGENDA A plat submitted for preliminary or final approval shall be placed on the agenda of the Planning Commission only if the Planning Commission certifies the application for plat approval is complete (if applicable) and affixes the date of acceptance on the preliminary plat.
- 17-203. AMENDMENT PROCEDURE Before amending any subdivision regulations, the Planning Commission shall call and hold a hearing on such amendments. Notice of such hearing shall be published at least once in the official city newspaper. Such notice shall be published at least 20 days prior to the hearing. Such notice

shall fix the time and place for such hearing and shall describe such proposal in general terms. The hearing may be adjourned from time to time and at the conclusion of the same, the Planning Commission shall prepare its recommendations and by an affirmative vote of a majority of the entire membership of the commission adopt the same in the form of proposed subdivision regulations and shall submit the same, together with the written summary of the hearing thereon, to the city council. The city council either may:

- (1) Approve such recommendations by ordinance;
- (2) Override the Planning Commissions recommendation by a 2/3 majority vote; or
- (3) May return the same to the Planning Commission for further consideration, together with a statement specifying the basis for the city council's failure to approve or disapprove. If the city council returns the Planning Commission's recommendations the Planning Commission, after considering the same, may resubmit its original recommendations giving the reasons therefore or submit new and amended recommendations. Upon the receipt of such recommendations, the city council, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendations by the respective ordinance or resolution; or it need take no further action thereon. If the Planning Commissions next regular meeting after receipt of the city council report, the city council shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendations and proceed accordingly. The proposed subdivision amendments shall become effective upon publication of the adopting ordinance.

17-204. PENALTY Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed \$500, or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each transfer, or offer for sale of a lot or parcel of land in violation of these regulations, shall be considered a separate offense.

- (a) The provisions of these regulations are cumulative and are additional limitations upon other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter in the provisions of these regulations.

SECTION 3: RULES OF INTERPRETATION AND DEFINITIONS

- 17-301. DEFINITIONS Any word or phrase which is defined in this section shall have the meaning assigned to it by this section whenever the word or phrase is used in these regulations:
- (1) Agricultural Purposes. The growing of crops and the raising of livestock and poultry for profit on a tract of land of 10 acres or more. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use.
 - (2) Alley. A minor right-of-way dedicated to public use which gives a secondary means of vehicular access to the rear or side of properties otherwise abutting a street and which may be used for public utility purposes.
 - (3) Arterial Street. A street serving major traffic movements, designed primarily as a traffic carrier between, around, and across cities, and between various sections of the county and which forms part of the through-street network. The designed function is to move traffic safely, efficiently, and quickly; to protect this function direct access is prohibited where practical. Such streets are subject to various and necessary control of entrances, exits, and curb uses.
 - (4) Block. A parcel of land used or intended to be used for urban purposes and entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural land or drainage channels or a combination thereof.
 - (5) Building Line or Setback Line (Front). A line nearest the front of and across a lot or parcel of land establishing the minimum open space to be provided between the front line of a building or structure and the line of the fronting street right-of-way.
 - (6) Collector Street. A street which is designed to serve traffic needs between arterial and local streets and not generally intended to provide access to abutting properties.
 - (7) Comprehensive Plan. The comprehensive development plan for the city officially approved or adopted to provide long-range development policies, and which may include, among other things, the plan for land use, land subdivision, circulation, and community facilities.
 - (8) Cul-de-sac. A street that has one outlet and is permanently terminated by a vehicle turn-around at the other end.
 - (9) Design Standards or Design Requirements. All requirements and regulations that relate to design and layout of subdivision.
 - (10) Double Frontage Lot. A lot with two opposite lot lines abutting upon streets which are substantially parallel.

- (11) Engineer. A professional engineer or land surveyor licensed by the State of Kansas or licensed to practice in the State of Kansas.
- (12) Final Plat. A map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications, restrictions, and acceptances, and with complete bearing and dimensions of all lines defining lots and blocks, streets, alleys, public areas and other dimensions of land.
- (13) Fire Department Access Road. A road designed and maintained to support the imposed loads of fire apparatus (70,000 pounds gross vehicle weight) and provided with a surface so as to provide all-weather driving capabilities. Such road shall be marked with proper signage. Where curbs are required, the curbs shall be painted to indicate a fire lane.
- (13) Governing Body. The Eudora City Council.
- (14) Half-Street. A street bordering one or more property lines of a subdivision tract to which the subdivider has allocated only a portion of the required street width.
- (15) Local Street. A street or road which provides primarily for direct access to adjoining properties and is designed to serve minor traffic needs.
- (16) Lot. The smallest basic portion of a subdivision or other tract of land, normally intended to be developed and transferred individually.
- (17) Lot Depth. The mean horizontal distance between the front lot line and the rear lot line.
- (18) Lot Width. The mean horizontal distance between the side lot lines.
- (19) Marginal Access Street (Frontage Road). A local street which is parallel with and adjacent to a limited access arterial street, road or highway and is designed to provide direct access to adjacent property.
- (20) Neighborhood Development Plan. A general design plan for a designated neighborhood or planning area showing proposed collector streets, frontage roads, and concepts of local streets, school and park sites, and general land use areas for the neighborhood.
- (21) One-Hundred Year Flood. A flood having a chance occurrence in any one year of one percent. A 10-year flood is a flood having a chance occurrence in any one year of 10%.
- (22) Owner. Any person or persons, firm or firms, corporation or corporations, or any other legal entity having title to land.
- (23) Pedestrian-way. A strip of land dedicated for public use which is reserved across a block for the purpose of providing pedestrian access to adjacent area.
- (24) Planning Commission. The Eudora Commission.

- (25) Preliminary Plat. A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate its suitability for the proposed subdivision.
- (26) (Reserved)
- (27) Private Street or Road. A nondedicated way which forms the principal vehicular access to property.
- (28) Public Improvements. All public facilities constructed or erected by a subdivider within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, business, or manufacturing purpose.
- (29) Public Water. Water supplied for domestic purposes by a municipality or county and approved by the Kansas State Department of Health.
- (30) Re-subdivision. The further subdivision of a tract of land which previously had been lawfully subdivided and for which a plat of such prior subdivision has been duly recorded.
- (31) Road or Roadway: The paved or improved area of a street right-of-way, exclusive of sidewalks, driveways, or related uses.
- (32) (Reserved)
- (33) Street. The dedicated right-of-way or easement, whether public or private.
- (34) Street Width. The distance measured perpendicular to the centerline of the paved portion of the right-of-way; either to the back of the curb, where a curb exists, or to the edge of the pavement where no curb exists.
- (35) Subdivider. A person, firm, corporation, partnership, or association subdividing land.
- (36) Subdivision. The voluntary division of a lot parcel, or tract of land into two or more parts for the purpose, whether immediate or future, of sale or building development, including re-subdivision.
- (37) (Reserved)
- (38) (Reserved)
- (39) (Reserved)
- (40) (Reserved)
- (41) Minimum Elevation for Building The finished floor elevation of the lowest floor.

17-302. INTERPRETATION AND CONSTRUCTION

- (a) Where the conditions imposed by the provisions of this article are either more restrictive than comparable conditions imposed by any other provisions of any other applicable law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- (b) The provisions of these regulations are not intended to abrogate any easement, covenant, or other private agreement: provided, that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement, the requirements of these regulations shall govern.
- (c) A subdivision of land which was not lawful at the time of the adoption of these regulations shall not become or be made lawful solely by reason or adoption of these regulations.
- (d) The provisions of these regulations are cumulative and are additional limitations upon other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter in the provisions of these regulations.

SECTION 4: APPLICATIONS, PROCEDURES, AND CONSIDERATIONS

17-401. PRE-APPLICATION PLANS AND DATA Within the time prescribed by the City prior to the filing of a preliminary plat, the subdivider shall present to the Codes Administrator the following information:

- (a) A general description of the existing conditions of the site and the suitability of the site for the proposed development. This information should include data on existing land and soil characteristics, existing covenants and agreements, availability of utilities and other public facilities, proposed use of each portion of the subdivision, proposed lot sizes and building sizes and other pertinent data as may be needed to supplement the sketches required in subsections (b) and (c) of this section.
- (b) A general location map drawn to an appropriate scale showing the proposed subdivision and its relationship to existing utilities, schools, parks, traffic arteries, and other features (such as hospitals, churches, airports, railroad, shopping centers or other business areas) located on land adjacent to the subdivision that might affect and influence the subdivision.
- (c) A drawing prepared to an appropriate scale showing approximate topography, natural features, proposed street layout, lots, and other planning features.
- (d) The relationship of the proposed subdivision to surrounding developed and undeveloped land when such information is considered relevant by the Planning Commission.

17-402. PLAT APPLICATION PROCEDURES

- (a) Preliminary Plat The subdivider shall file a preliminary plat with the Planning Commission in accordance with the following provisions:
 - (1) The subdivider shall submit 15 copies of the preliminary plat of the proposed subdivision, together with any supplementary data specified by these regulations, in a time frame compliant with the currently adopted Planning Commission schedule.
 - (2) The required subdivision fee shall be paid by the subdivider before the preliminary plat is accepted for Planning Commission review and consideration.
 - (3) The contents of the preliminary plat shall be as set forth in Section 17-403
 - (4) The city office shall cause a notice to be published in an officially designated newspaper giving the name of the subdivision, the owner, a brief description of the subdivision, and the approximate acreage. The notice shall first be published at least seven days prior to a regular meeting of the Planning Commission at which the preliminary plat is to be

considered initially. The city office shall also notify all adjoining property owners by mail according to a certified list of such property owners provided by the subdivider.

- (5) The Planning Commission shall satisfy itself that the plat's proposed street pattern and land use will conform to the Eudora comprehensive plan as well as the zoning regulations.
 - (6) The Planning Commission shall review the preliminary plat and other material submitted with it to determine conformity with these regulations and it shall act upon the plat within 60 days after acceptance of a complete application stating its approval, conditional approval (stating conditions) or disapproval (stating reason), unless the subdivider shall waiver or consent to an extension of the 60 day period. If the Planning Commission does not determine that the preliminary plat is in conformance with the subdivision regulations within 60 days, it shall be deemed approved unless the Planning Commission votes disapproval within that time period.
 - (7) Approval of the preliminary plat shall not constitute approval of the final plat.
 - (8) The city office shall give written notice to the subdivider of the action of the Planning Commission. If the preliminary plat has been disapproved, or conditionally approved, the notice shall specifically state the ways in which the preliminary plat fails to conform with these regulations.
 - (9) Approval of a preliminary plat by the Planning Commission shall be effective for no more than one year from the date approval was granted, unless upon application by the subdivider the Planning Commission grants an extension of the time beyond such period. If a final plat has not been submitted, approved, and filed within such one year period, or within an extension period, a preliminary plat must be re-submitted to the Planning Commission.
 - (10) Upon authorization by the Planning Commission, a final plat may cover only part of the area included in the preliminary plat; provided that the area represented by the final plat of any part of the entire subdivision is of sufficient size to permit the economical installation of public improvements and the proposed improvements are consistent with those proposed in the preliminary plat.
- (b) Final Plat Following approval of the preliminary plat, the final plat may be submitted to the Planning Commission for review; however, no final plat shall be considered for final approval or acceptance unless all provisions of this article have been met, including compliance with conditions set forth by the Planning Commission on the preliminary plat, and no final plat shall be considered if it differs materially from the preliminary plat as previously approved by the Planning Commission. The following procedure shall be followed:

- (1) The subdivider shall submit the original drawing on linen, mylar, vellum or equivalent, and 15 reproductions thereof, together with all supplementary data specified by these regulations, to the planning department in a time frame compliant with the currently approved Planning Commission schedule.
 - (2) The Planning Commission shall act upon the final plat within 60 days of submission of the complete information as required by this article. If the Planning Commission does not determine that the final plat is in conformance with the subdivision regulations within 60 days, it shall be deemed approved unless the Planning Commission votes disapproval within that time period.
 - (3) The city office shall give the subdivider written notice of the Planning Commission's action whether approval, conditional approval (stating conditions), or disapproval (stating reason). In the case of approval, the chairperson of the Planning Commission shall date and endorse the original final plat.
 - (4) A final plat that has been approved by the Planning Commission shall be submitted to the governing body for its acceptance of the dedication of streets and other public ways, service, and utility easements and any land dedicated for public use. The city council shall accept or refuse the dedication within 30 days after the first meeting of the city council following the date of the submission of the plat to the city clerk. The city council may defer action for an additional 30 days for the purpose of allowing for modifications to comply with the requirements established by the city council. No additional fees shall be assessed during that period. Failure of the governing body to execute an acceptance of dedication shown on the plat shall be deemed to be a refusal of the proposed dedication. If the city council defers or refuses such dedication, it shall advise the Planning Commission of the reasons for its action.
 - (5) The original of any final plat shall be filed with the register of deeds by the city office only after approval as required by these regulations.
 - (6) If a building permit for substantial construction has not been applied for and issued for any portion of a subdivision within five years of filing with the Douglas County register of deeds the final plat shall be null and void.
- (c) Concurrent Submission of Preliminary and Final Plats Nothing contained in Sections 17-401:402 shall be construed to prohibit the concurrent submission of preliminary and final plats, so long as they contain all the information that would be required by these regulations if such preliminary and final plats were submitted separately. If the above conditions are met, preliminary and final plats may be submitted concurrently at the discretion of staff.
- (d) Small Subdivision Plat

- (1) Whenever a subdivision or re-subdivision consists of one, two, three, or four lots, staff may waive the requirements for submission of pre-application plans and data and the preliminary plat. Such waiver shall permit the subdivider to file with the Planning Commission a small subdivision final plat which shall:
 - (a) Be discussed with the city superintendent before submission;
 - (b) Be submitted to the city office in a time frame compliant with the currently approved Planning Commission Schedule;
 - (c) Contain the required information for final plats as outlined in Section 17-403;
 - (d) Be accompanied by the required filing fee.
- (2) The approval of small subdivision final plats shall be subject to the provisions of Section 17-402, except that submission to the governing body shall not be required if there is no need for dedication of streets or easements in whole or in part.
- (3) A series of two lot, three lot, or four lot subdivisions, which create a unified development, shall not constitute a small subdivision within the meaning of this section.

17-403. PLAT REQUIREMENTS AND CONTENTS

(a) Preliminary Plat

- (1) The preliminary plat shall be drawn to a scale of one inch equals 100 feet or less. However, areas over 100 acres may be drawn to a scale of one inch equals 200 feet.
- (2) The preliminary plat shall:
 - (A) State the name of the proposed subdivision;
 - (B) List names and addresses of the subdivider, the land planner or subdivision designer (if any) and the licensed engineer or surveyor;
 - (C) Show date of preparation, North arrow and graphic scale;
 - (D) Identify the plat as a preliminary plat;
 - (E) Give a legal description of the proposed subdivision complete with section, township, range, principal meridian, county, and acreage;

- (F) Show names of adjoining subdivision or, in the case of unplatted land, the names of the owner or owners of adjoining property;
 - (G) Show topography (contour interval not greater than five feet). Where available, contours may be taken from recent aerial photographic maps of the area, or where such map is not available, interpolation from seven and one-half minute quadrangle United States Geological Survey map, if of sufficient accuracy;
 - (H) Be accompanied by the general location map and plan.
- (3) The preliminary plat shall also show the following existing conditions:
- (A) Location of any area zoned "floodplain," location and direction of flow of all water courses; and water surface elevation of the 100-year flood (if known) at water course entrances to and exits from the proposed subdivision;
 - (B) Location of section lines, private or public streets, alleys, easements, and city boundaries within and immediately adjacent to the proposed subdivision;
 - (C) Location of natural features such as rock outcroppings, unique topographic features, lakes, tree masses, isolated preservable trees, and insofar as can reasonably be shown, natural features to be removed;
 - (D) Existing use of the property, including the location of all existing buildings, indicating those that will be removed and those that will remain on the property after the final plat is recorded;
 - (E) Horizontal location and vertical elevation (if available) of existing water mains, underground wiring, pipelines, and gas lines;
 - (F) Zoning of all land within and adjacent to the tract;
 - (G) Location, description, and elevation of all bench marks established or source used for vertical control;
 - (H) Type of soil, depth to bedrock, and water table information (if available) when requested by the Planning Commission.
- (4) The preliminary plat shall further show the following:
- (A) Proposed streets (including location, width, names, approximate grades), and their relation to platted streets or roads onto proposed streets or roads as shown on any adopted general development plan of adjacent property;

- (B) Easements, showing width and general purpose;
 - (C) Blocks and lots, showing approximate dimensions and proposed block and lot numbers;
 - (D) Sites proposed to be designated for purposes other than single-family dwellings;
 - (E) Sites proposed for dedication as drainageway, park, school, or other public purpose;
 - (F) Proposed street lighting with the subdivider making necessary arrangements with the governing body and public service company involved.
 - (G) Proposed storm drainage facilities with design specifications.
- (5) The following supplementary data and information shall be submitted with the preliminary plat or be included thereon:
- (A) A summary of site characteristics as follows: gross acreage of the subdivision; acreage within the various land use districts; acreage dedicated for streets and other public uses; total number of building lots; maximum, minimum, and average lot size dimensions;
 - (B) A statement as to the general nature and type of public improvements proposed for the subdivision, and the manner by which the subdivider intends to provide for their installation, as, for example, by petition, actual construction, escrow deposit, or performance bond. If other than by petition, the approximate time for completion of such improvements should be indicated.
- (b) Final Plat
- (1) The final plat shall be prepared by a licensed professional engineer or licensed land surveyor on tracing cloth, mylar, vellum, or other permanent material. All drawings and signatures of certification shall be in waterproof ink. The overall sheet size shall be 24 inches by 36 inches. The scale shall be one inch equals 100 feet or less.
 - (2) The final plat shall show the following:
 - (A) Name under which the subdivision is to be recorded;
 - (B) Any information required on the preliminary plat as set forth in Section 17-403.
 - (C) Accurate dimensions for all lines, angles, and curves used to describe boundaries, streets, alleys, easements, and areas to be

reserved for public use. Boundary survey of the subdivision shall have an error of closure of not greater than one in 5,000. Data for all curves shall include radius, arc length, chord length, and central angle;

- (D) The minimum area and associated minimum elevation for the building on each lot planned as a building site when requested by the Planning Commission; provided that the Planning Commission shall request such information for all areas in floodplains;
 - (E) A letter from the city engineer submitted concurrently with the plat stating his or her opinion or recommendation of the plat;
 - (F) A certificate signed, sealed, and dated by the licensed engineer or licensed and surveyor responsible for the survey and final plat;
 - (G) Acknowledged certificates as listed below (may be combined where appropriate):
 - (1) A certificate signed by all parties having any record title or interest of record in the land subdivided, showing their consent to the preparation and recording of the plat;
 - (2) A certificate, signed by the owner or owners, dedicating all parcels of land which are intended for public use.
 - (H) The endorsement of the Planning Commission as evidenced by the signature of its chairperson;
 - (I) Acceptance of dedication by the governing body;
 - (J) A certificate submitted concurrently with the plat that all taxes and special assessments due and payable have been paid.
- (3) Prior to filing of the final plat with the Register of Deeds, the licensed engineer or licensed land surveyor responsible for the survey and final plat shall certify to the city officer that all lots shown have been pinned.
 - (4) Prior to filing of the final plat with the Register of Deeds, the applicant shall submit Home Owners Association documents to the Codes Administrator for review by the City attorney.
 - (5) Prior to filing of the final plat with the Register of Deeds, construction plans shall be submitted to the Codes Administrator and approved by the City Engineer and City Superintendent.

(c) Small Subdivision

- (1) *Minor subdivisions.* A minor subdivision application may be submitted to the Codes Administrator if the proposed subdivision meets the following criteria:

- (A) The proposed subdivision contains not more than four (4) lots.
 - (B) Each lot meets the design and development standards of these regulations.
 - (C) The proposed subdivision is not in conflict with the comprehensive plan, major thoroughfare plan, zoning ordinance, or other sections of these regulations.
 - (D) Any required dedications of public rights-of-way and easements, if any, are made and accepted by the City Council.
 - (E) Minor subdivision surveys shall contain all graphical submittal data as required in Section 17-403 for final plats, except that each parcel of land created through this process shall be designated as a "Tract" with an accompanying metes and bounds description.
- (2) *Lot line adjustments.* An application for a lot line adjustment may be submitted to the Codes Administrator for consideration by the Planning Commission if the proposed adjustment meets the following criteria:
- (A) The proposed lot line adjustment between owners of adjoining properties is solely for the purpose of adjustments in boundaries, or for the purpose of adjusting building lines.
 - (B) Additional lots are not created.
 - (C) No lot remaining after such lot line adjustment is less than the minimum lot sizes, setback and other lot standards required in the zoning ordinance.
 - (D) Lot line adjustment surveys shall contain all graphical submittal data as required in section 17-403 for final plats.
- (3) *Lot consolidations.* An application for a lot consolidation may be submitted to the Codes Administrator for consideration by the Planning Commission if the proposed consolidation meets the following criteria:
- (A) The proposed consolidation is of lots under a single ownership.
 - (B) Lot consolidation surveys shall contain all graphical submittal data as required in Section 17-403 for final plats.
- (4) *Lot Splits.* An application for a lot split may be submitted to the Codes Administrator, if the proposed split meets the following criteria:
- (A) An existing lot may be divided by a lot split into not more than two lots; provided that the new lots shall not thereafter be further divided without re-platting. The resulting lots may be of any size so long as they are in conformance with the applicable zoning

ordinance and with this article. Lots zoned for industrial purposes may be divided into two or more tracts without replatting such tracts.

- (B) No new street or alley may be proposed
- (C) No vacation of streets, alleys, setback lines, access control or easements may be proposed.
- (D) The proposed lot split may not result in a significant increase in service requirements (e.g., utilities, schools, traffic control, streets, etc.); or may not interfere with maintaining existing service levels (e.g., additional curb cuts, repaving, etc.).
- (E) All easement requirements shall have been satisfied.
- (F) The split does not create a tract or lot without direct access to a street.

The Codes Administrator may make such additional recommendations as deemed necessary to carry out the intent and purpose of existing land development regulations and governing body policy. Requirements may include, but not be limited to, installation of public facilities, dedication of rights-of-way and easements, and submission of covenants for the protection of other landowners in the original subdivision.

Lot Splits shall be forwarded to the Planning Commission for final action. No Lot Split shall be recorded with the Douglas County Register of Deeds without the Codes Administrator's signature.

- (5) A written application for a lot split shall be made to the Codes Administrator. Each application shall be submitted with 15 copies of a plot plan at a scale of one inch to 50 feet or less and shall contain the following information:
 - (A) Location of the existing lot within the subdivision (if any) as related to the nearest existing streets.
 - (B) Location of existing easements and utilities;
 - (C) Dimensions of the divided portions;
 - (D) Location and width of access ways, existing and proposed;
 - (E) Dimensions of all existing structures and their locations with respect to the existing lot lines.
 - (F) A signature block for the Planning Commission chair person's and Codes Administrator signatures.
 - (G) Accompanied by a certificate stating that any taxes or special assessments due or payable have been paid.
- (6) Upon receipt of the application the city office shall place the request on the Planning Commission agenda, per the approved Planning Commission schedule. The Planning Commission will review the application and lot split plan for compliance with these regulations and take appropriate action. Application for lot splits are not subject to public hearings and do not require publication in the official newspaper.
- (7) The division of lots pursuant to this regulation shall comply with the comprehensive plans, any major street and road plans, applicable zoning

laws, these regulations and all other applicable regulations. No lot split shall be ratified if:

- (A) A new street or alley is needed or proposed;
 - (B) There is less street or road right-of-way than required by these regulations;
 - (C) Any easement requirements have not been satisfied;
 - (D) The lot split will result in a tract without direct access to a street or road;
 - (E) A lot or parcel of substandard size will be created;
 - (F) Approval will result in a substantial increase in service requirements (e.g. utilities, schools, traffic control, streets, etc.) and will constitute a significant deviation from the criteria upon which approval of any original plat was granted.
- (8) No building permit shall be issued for any site which contains a division of a platted lot of record, unless such division has been approved in the manner provided by these regulations.

17-404. PLAT CONSIDERATIONS

- (a) Building and Occupancy Permits Building and occupancy permits in subdivisions shall not be issued by the official charged with issuing such permits until:
- (1) A recorded plat of the subdivision or an approval for a lot split is made available for his or her examination;
 - (2) Required public improvements have been substantially completed to provide for adequate occupancy of the subdivision or for that part of the subdivision being developed;
 - (3) There has been compliance with these regulations and the conditions of plat approval;
 - (4) Upon receipt of the building permit application and certification by the official charged with issuing such permits that the application is complete, the official shall offer the date of acceptance on the application. The official shall issue or refuse to issue the building permit within 30 business days after acceptance of the complete application. If disapproved, the applicant shall have the right to perfect an appeal to the Board of Appeals within 30 business days.
- (b) Access
- (1) All lots within a subdivision and parts of lot splits shall have at least one boundary adjacent to a public street or road except that private streets may be permitted as part of a planned unit development.

- (2) Direct access to structures from arterial streets is prohibited, except where no other access exists.
 - (3) Direct access to structures from collector streets shall be permitted only when, in the opinion of the city superintendent, the property in question has no other reasonable access to the general street system and the street system in question can safely accommodate the access point.
 - (4) Direct access to structures shall be from streets which are constructed to city standards, to the maximum extent possible.
- (c) Open Space, Parks, Playgrounds, Public Facilities The reservation of 10% of a development shall be required for usable common open space, including parks, playgrounds, and other recreational facilities, to be maintained by the Home Owners Association. The Planning Commission has the authority to waive this requirement and accept payment in lieu of the dedication of usable open space.

Usable open space shall be defined as follows:

- (1) The common open space shall be aggregated into meaningful, quality open spaces. Clustering of buildings is encouraged to minimize small, narrow, unassigned strips in front of and between buildings. Open space areas shall be clearly identified on the final plat. Such designated common open space shall be in a natural, undisturbed state, or may be landscaped for more formal courtyards or plazas, or may be developed for active or passive recreation.
- (2) The following shall not count toward common open space requirements:
 - (A) Private lots, yards, balconies and patios dedicated for use by a specific unit;
 - (B) Public right-of-way or private streets and drives;
 - (C) Open parking areas and driveways for dwellings;
 - (D) Land covered by structures except for ancillary structures associated with the use of the open space such as gazebos and picnic shelters;
 - (E) Designated outdoor storage areas;
 - (F) Land areas between buildings of less than 40 feet;
 - (G) Land areas between buildings and parking lots or driveways of less than 40 feet;
 - (H) Required perimeter setbacks; and
 - (I) Detention/retention facilities, including drainage swales, except that detention or retention areas and stormwater management structures or facilities may be used to meet up to one-hundred percent (100%) of the required common open space amount provided such areas or facilities are accessible and useable, as determined by the city, as year-round community amenities by the residents of the development (e.g., picnic areas, passive recreation areas, playgrounds, ponds for fishing and/or boating, etc.)

- (3) To the maximum extent practicable, common open space shall be organized to create integrated systems of open space that connect with the following types of lands located within or adjacent to the development:
 - (A) Dedicated public park or greenway lands;
 - (B) Dedicated school sites;
 - (C) Other dedicated open spaces;
 - (D) Common open space located adjacent to the development;
 - (E) Portions of the regional trail and open space system;
 - (F) Neighborhood shopping and activity centers; and
 - (G) Adjacent employment centers.

- (4) To the maximum extent practicable, common open space land shall be compact and contiguous unless the land is used as a continuation of an existing greenway, trail, or other linear park, or unless specific topographic features require a different configuration. An example of such topographic features would be the provision of open space along a scenic creek.

- (5) Common open space shall be reasonably accessible to all of the residents of the development:
 - (A) At a minimum, pedestrian access to common open space shall occur every five-hundred feet (500') of linear length of common open space.
 - (B) Pedestrian access to common open space shall occur within five hundred feet (500') of every dwelling unit in the development.
 - (C) The city may require access to be restricted if it would degrade, destroy, or adversely interfere with sensitive environmental or natural areas or with significant historic or cultural resources.
 - (D) Where provided, access to common open space shall be a minimum of twenty-five feet (25') wide and shall be located where such access is visible to dwelling units and shall not be isolated by walls, screening, landscaping, or any other kind of barrier that would prevent resident surveillance of the open space.

- (6) If an applicant constructs recreational facilities in the common open space as a community amenity, such recreational facilities shall be constructed in accordance with applicable city standards regarding, but not limited to, size, siting, use, materials, and similar matters.

- (7) Common open spaces, other than those preserved as natural features or areas, should include gardens, courtyards, recreation, or play areas and shall contain at least three of the following features:
 - (A) Seasonal planting areas.
 - (B) Large, flowering trees.
 - (C) Seating.
 - (D) Pedestrian-scaled lighting.
 - (E) Gazebos or other decorative shelters.
 - (F) Play structures for children.
 - (G) On-site Community Recreation amenities.

- (8) Where common open space is bordered by private rear or side yards, opaque fences and walls shall not be erected in such yards bordering the open space. Open style fences, with a maximum fifty percent (50%) opacity for each one-hundred feet (100') of fence length (e.g., post and rail), shall be allowed on the perimeter of open space.
- (d) Land Subject to Floodplain Zoning No land in a floodplain zone shall be subdivided for any use not permitted by the appropriate zoning law. In general, the primary drainage system must have capacity for a 100-year flood, but the structures in a subdivision must be essentially flood-damage-free from a 100-year flood.
- (e) Community Assets Proposed subdivision plans shall give due regard to such natural features as watercourses and topography, and to the preservation of natural vegetation, existing structures, historical sites and other community assets that, when preserved, would benefit the environment.
- (f) Streets, Layout, Design
- (1) The arrangement of arterial and collector streets shall conform to any adopted major streets and roads plan of the city.
 - (2) The street layout shall conform to an approved neighborhood development plan or, in the absence of such development plan, to the street layout standards of this section.
 - (3) Any existing or platted street that terminates at the boundary line of a proposed subdivision shall be continued into the subdivision in such a manner as to provide reasonable vehicular movement.
 - (4) The subdivision shall provide a logical street layout in relation to topographical conditions, public convenience, safety, and the proposed use of the land to be served by such streets.
 - (5) Local streets shall not intersect arterial streets.
 - (6) The local street layout shall be such that it will discourage use by non-local traffic.
 - (7) Four-way intersection design is preferred. However, local streets intersecting opposite sides of another local or collector street that do not align to create a four-way intersection shall be offset 125 feet or more.
 - (8) Collector streets intersecting the same side of an arterial street shall be spaced at intervals of 1,000 feet or more.
 - (9) Streets shall intersect as nearly as possible at right angles.

SECTION 4 – APPLICATIONS, PROCEDURES, AND CONSIDERATIONS

- (10) Streets shall provide for street openings to adjacent undeveloped land as required, in the opinion of the Planning Commission, to avoid land-locked property.
- (11) A cul-de-sac shall be no more than 550 feet in length unless topography or other facts justify a greater distance.
- (12) Streets longer than one lot which dead-end against property boundaries of undeveloped land shall provide an improved temporary turn-around.
- (13) Not more than two streets shall intersect at anyone point.
- (14) Wherever the proposed subdivision contains or is adjacent to a limited or partial access road, an arterial street, or a railroad right-of-way, the Planning Commission may require the following for the protection of the integrity and subsequent safety, efficiency and economy of the access, arterial, or railroad right- of-way:
 - (A) A street approximately parallel to and on each side (where applicable) of such limited or partial access road, arterial street, or railroad right-of- way at a distance suitable for the appropriate use of the land between such streets;
 - (B) Reverse frontage lots with access control provisions along the rear property line;
 - (C) Deep lots with minor collector streets, or any other treatment as may be necessary;
 - (D) Adequate distance between such parallel roads and the arterial, limited access road, or railroad so as to provide for proper approach grades and future grade separation.
- (15) Street right-of-way shall be dedicated in conformity with any adopted major streets and roads plan element of the comprehensive plan and shall be as follows:
 - (A) Urban Area: All subdivisions lying within the city:

	<u>MINIMUM RIGHT-OF-WAY FOR STREET</u>
Primary arterial with median (includes limited access routes)	120 feet
Primary arterial without median	100 feet
Collector	80 feet
Local	60 feet
Marginal access or frontage road	50 feet
Cul-de-sacs bulbs	60 feet.
- (16) The grades of streets shall not exceed the following:

Arterial	<u>Grade</u> 5%
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Collector	10%
Marginal access or frontage road	10%
Local	10%

(unless a variance is granted by the Planning Commission)

- (17) The finished grade for all streets and roads designed to provide for ingress, egress and circulation within a subdivision located in the floodplain shall be such that the flood depth for the 100-year flood (if known) will not exceed the following:

<u>Depth</u>	
Arterial	1.0 foot
Collector	2.0 feet
Marginal access or frontage road	2.0 feet
Local	2.0 feet

A variance may be granted by the Planning Commission, subject to review in accordance with K.S.A. 12-734.

- (18) The radius of curvature of the centerline of all street rights-of-way shall be not less than the following, except that in the case of unusual physical conditions the appropriate governing body may approve a variance:

	<u>Radius, Minimum</u>
Primary	500 feet
Secondary arterial	300 feet
Collector	300 feet
Local, marginal access and frontage	100 feet

Any reverse curve on primary arterials shall be joined by a tangent of at least 100 feet in length.

- (19) Half-streets are prohibited, except where essential to the reasonable development of the subdivision in conformity with the other provisions of these regulations, provided that the Planning Commission finds that it will be practical to obtain the dedication of the other half of the street right-of-way when the adjoining property is subdivided. Whenever a half street, or portion thereof, is existing and adjacent to a tract to be subdivided, the other half of the street, or portion thereof, shall comply with the right-of-way requirements of these regulations and shall be platted within each tract.
- (20) Any new construction shall meet the design and construction requirements of the city as provided in these regulations.
- (21) No street names shall be used which will duplicate or be confused with the names of existing streets. Existing street names shall be used where the street to be named is, or would be, a logical extension of an existing street even though separated by undeveloped land, natural physical

barriers or man-made obstructions. Street names shall be proposed by the subdivider and approved by the appropriate governing body.

- (22) The street pattern shall be so designed that the side lines of lots abut collector streets wherever land shapes and topography permit and lots shall face on residential streets.

(g) Alleys

- (1) Alleys shall be provided in commercial and industrial districts, except that the governing body may waive this requirement where other definite or assured provisions are made for service access, off-street loading and unloading and parking spaces consistent with and adequate for the uses proposed.
- (2) Alleys designed to service commercial and industrial area shall have a right-of-way width of not less than 30 feet.
- (3) Alleys shall comply with the construction standards of the city, as provided in these regulations.
- (4) Alleys shall not be permitted in residential areas.
- (5) Intersecting alleys should be avoided. Where such intersections are necessary, a turning radius shall be provided to permit safe vehicular movement.
- (6) Dead-end-alleys should be avoided. Where such alleys are necessary they shall be provided with adequate turn-around facilities.

(h) Easements

- (1) Utility easements shall be provided where necessary to serve the subdivision. They shall be centered on rear or side lot lines and shall be a minimum of 10 feet either side of the property line, except that easements for street lighting purposes only shall not exceed 10 feet.
- (2) Drainage easement for watercourses, drainage channels or streams which traverse a subdivision may be required. Upon the request of the Planning Commission, the city engineer shall make a study and report his or her recommendation to the Planning Commission as to the desired width of such easement. Such study and report shall be based on the 100-year (1%) storm.
- (3) Pedestrian-way easement for pedestrian use may be required when a block exceeds 800 feet in length. Such easement shall extend entirely across the width of the block at approximately its midpoint. It shall have a minimum width of 10 feet.

(i) Blocks

- (1) The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - (A) Limitations and opportunities of topography;
 - (B) Provisions of building sites adequate for the special needs of the type of use contemplated;
 - (C) Zoning requirements as to lot sizes and dimensions;
 - (D) Need for convenient access, circulation, and control of street traffic for safety.
 - (2) A block shall not exceed 1,320 feet in length (centerline to centerline of roads or streets) unless such blocks are adjacent to a limited highway or arterial street, or unless previous adjacent layout or topographical conditions justify a variation from this requirement.
 - (3) Blocks planned for residential purposes should be of sufficient width to allow for two tiers of lots of appropriate depth.
 - (4) Blocks may be irregular in shape provided their design meets the requirements of lot standards, traffic flow, and control consideration and may be applicable to neighborhood development plan if one has been approved for that area.
- (j) Lots
- (1) The size, width, depth, shape and orientation of each lot in a subdivision should take into consideration location, topography physical features, type of use contemplated and the appropriate zoning laws, as well as effect on adjacent lots.
 - (2) Lots for commercial and industrial use should be of appropriate size and arrangement to allow for adequate off-street parking and loading facilities.
 - (3) The boundary of a residential lot abutting any street shall be not less than 35 feet, and the length of the front building line shall be not less than allowed by the appropriate zoning law or resolution.
 - (4) Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 10 feet shall be provided along the portion of the lots abutting such an arterial street if required by the Planning Commission.
 - (5) Corner lots shall be wider than interior lots to allow for appropriate building setback and sufficient yard space.

- (6) Whenever an area is divided into lots containing one or more acres, and there is a possibility that such lots may eventually be re-subdivided into smaller lots, consideration must be given to the highway, street, and lot arrangement of the original subdivision so that additional minor streets can be opened later to permit a logical arrangement of the smaller lots. Provision for easements for the future opening and extension of such streets may, upon recommendation of the Planning Commission and the approval of the governing body, be made a requirement of the plat.
- (7) Lots shall not face on primary arterial streets. The number of lots facing on collector streets shall be kept to a minimum in each subdivision.
- (8) Lots shall face on residential city streets to the maximum extent possible.

17-405. BUSINESS, COMMERCIAL, INDUSTRIAL SUBDIVISIONS

- (a) Right-of-way width of streets adjacent to an area designed, proposed or zoned for business, commercial, or industrial use may be increased by the Planning Commission to such extent as the commission may deem necessary to assure the free flow of through traffic without interference from parked or parking vehicles.
- (b) Blocks. Blocks intended for business, commercial, or industrial use shall be designed specifically for such purpose, with adequate space set aside for off-street parking and loading.
- (c) Marginal Street Access. When blocks or lots in a proposed business, commercial or industrial subdivision front on any limited access highway or arterial street, the subdivider may be required to dedicate a marginal access street to provide ingress and egress to and from such blocks or lots.
- (d) Industrial cul-de-sac. Where necessary to provide a turn-around for fire apparatus, industrial cul-de-sacs shall provide a 96-foot turning radius.

17-406. PLANNED UNIT DEVELOPMENT. A planned unit development may be approved by the Planning Commission even though the design of the project does not include standard street, lot, and subdivision arrangements; provided that variation from the standards of this article can be accomplished without destroying the purpose and intent of this article.

17-407. METHOD OF INSURING COMPLETION OF PUBLIC IMPROVEMENTS

- (a) The subdivider shall install or provide for the installation of all or a portion of the following facilities and improvements if required by the development policy of the governing body or the provisions of this section: curbs and gutters, streets, alleys, water systems, sanitary and storm sewer facilities, pedestrian-ways, off-street parking areas, sidewalks and street lighting.

- (b) No plat shall be approved for any subdivision prior to the Planning Commission's endorsement on a plat that such plat conforms to the requirements of this article: provided that the subdivider has presented evidence that one of the following will be submitted to the governing body.
 - (1) A written certification from the city engineer that all required public improvements in that portion of a subdivision authorized for development have been completed;
 - (2) A corporate surety performance bond from a corporation qualified to do business in Kansas, in a form satisfactory to the governing body, in an amount estimated by applicant and verified by the city engineer to be sufficient to assure the governing body of the construction and installation of the incompleted portion of required public improvements in accordance with the applicable improvement standards;
 - (3) A cash escrow deposit in an amount estimated by the city engineer to be sufficient to assure the governing body of the construction and installation of the incompleted portion of the required public improvements in accordance with applicable improvement standards.
- (c) The governing body may, at its discretion, determine which of such methods for ensuring completion of improvements shall be presented by the subdivider.

17-408. ESCROW DEPOSIT

- (a) The amount of the cash escrow deposit determined in accordance with Section 17-407 shall be deposited by the governing body in a special escrow account in the commercial bank in which the funds of the governing body are then deposited. This escrow deposit shall be invested and reinvested by such bank in short term government securities, the interest or discount from which will be paid to the subdivider upon final release of such escrow deposit as hereinafter provided. The improvements shall be made within 20 years from the time cash is placed into escrow. In the event that the improvements are not made within the time stated above, the funds from the escrow account together with the actual accrued interest shall be returned to the developer or his successors in interest. In the event the actual construction costs are less than that estimated by the City Engineer, a proportionate share of the surplus funds shall be returned to the developer or his successors in interest.
- (b) In the event the governing body finds that the completion of the required public improvements would impose an unnecessary hardship upon a subdivider, the governing body may, upon written application from the subdivider, release the cash escrow deposit, in whole or in part, as the governing body may in its discretion determine.

17-409. PERFORMANCE BOND

- (a) In the event a performance bond has been presented for ensuring the completion of public improvements in a subdivision, no occupancy permit shall be issued for any building in the subdivision prior to:
 - (1) The completion of required public improvements in accordance with applicable improvement standards, and
 - (2) A written certification from the city engineer to the governing body that all required public improvements have been completed, and that they are undamaged.
- (b) Upon written certification from the city engineer that all required public improvements have been completed in accordance with applicable improvement standards, the governing body shall release both the principal and surety from the performance bond. Upon written certification from the city engineer that a portion of the required public improvements have been completed in accordance with applicable improvement standards, the governing body shall, if it finds the public improvements have been at least 50 percent completed, reduce the performance bond in the ratio that the public improvements completed bear to the total improvements required.
- (c) In the event the governing body finds that the completion of the required public improvements would impose an unnecessary hardship upon a subdivider, the governing body may, upon application from the subdivider, release the performance bond in whole or in part, as the governing body may in its discretion determine.

17-410. SIDEWALKS AND PEDESTRIAN WAYS

- (a) The installation of sidewalks and pedestrian ways in the city shall be as follows:
 - (1) Public sidewalks shall be installed on both sides of all local residential streets and on both sides of all other streets unless such installation is specifically waived by the governing body, except that a sidewalk shall not be required around the entire bulb of a cul-de-sac, and no sidewalk shall be required on the outer side (that side nearest arterial or collector street) of any frontage road. If frontage roads are contemplated, sidewalks will not be required on the adjacent paralleling arterial or collector street. Sidewalks will be installed on the side of the frontage road away from the adjacent paralleling arterial or collector street when the frontage road is constructed;
 - (2) Sidewalks shall be installed according to specifications adopted by the governing body. Such sidewalks shall extend from curb to curb of intersecting streets, shall be constructed as near as possible to property lines, and shall be at least five feet in width;
 - (3) Sidewalks shall be constructed concurrently with the paving of the adjacent streets and such sidewalks are those which would by virtue of

subsection (a)(1) of this section be required to be constructed within the same right-of-way as the street being paved;

- (4) The Planning Commission may require the installation of an improved pedestrian-way not less than five feet wide in easement space dedicated for that purpose;
- (5) No petitions for street improvements shall be considered by the governing body unless such petitions are accompanied by valid petitions for the construction of sidewalks or pedestrian ways, except where the governing body has specifically waived the installation as provided in subsection (a)(1) of this section. The total cost of all sidewalks or pedestrian-way improvements shall be borne by the property benefited in the improvement district.

17-411. SANITARY SEWERS Septic tanks are prohibited on any land which is platted under this article and is located within the city, except that they may be permitted on lots of at least five (5) acres in size and if the building being served is a single-family dwelling. Additionally, any property located within 250 feet of a sewer main shall be required to attach to the sewer main, and shall be prohibited from operating on a septic system.

17-412. OTHER PUBLIC IMPROVEMENTS

- (a) Construction Drawings and Details for street construction shall be submitted to and approved by the city governing body prior to construction work. No construction work is to begin until a Notice to Proceed is issued in writing by the city. Drawings shall be prepared by a registered professional engineer and shall clearly show horizontal and vertical street alignment, sight distance, vertical curvature, storm drainage facilities, street pavement details and other pertinent information as may be required by the governing body in completing their review of proposed improvements.
 - (1) Excavation Finish and Grading: Excavation shall be carried to the property lines and grades shown on the approved drawings. Any embankment construction within the street right-of-way shall consist of approved materials placed on the ground surface previously stripped of top soil and vegetation in uncompacted layers not exceeding six inches in thickness and shall be compacted by methods approved by the city commission.
 - (2) Prior to construction of concrete curb and gutter, or the first layer of asphalt, the area over which pavement is to be constructed shall be scarified to a minimum depth of nine (9) inches and recompact with Fly Ash at optimum moisture content to 95 percent density. (Standard Proctor.) The subgrade shall conform with city specifications.

- (b) Curb and Gutter:

- (1) A reinforced portland cement concrete roll back combination curb and gutter section, 24 inches in minimum width and conforming with details shown in city specifications, shall be constructed on the approved subgrade.
 - (2) Contraction joints, 1 ½ inches in depth, shall be installed at approximately 15 foot intervals. Contraction joints may be sawed, if sawing is completed within eight hours after curb placement.
 - (3) Fiberglass reinforcing with Strux 90/40 is required in all curb and gutter.
 - (4) Concrete for curb and gutter sections shall conform with requirements of the Standard Specifications for State Road and Bridge Construction, Kansas Department of Transportation, latest edition.
 - (5) Curb will be backfilled and slopes roughed in no more than five working days after curb has cured.
- (c) Portland Cement Concrete:
- (1) The minimum cement content shall be not less than six sacks of cement per cubic yard of concrete.
 - (2) The maximum allowable water content shall be six gallons per sack of cement, including surface moisture.
 - (3) The slump at point of delivery shall be two to four inches.
 - (4) The percent of coarse aggregate shall be 48 percent of the weight of the total mix. Any other proportions must be approved by the engineer.
 - (5) When air-entrained is specified, the percent of air by volume shall be six percent plus or minus two percent.
 - (6) Installation of Portland Cement concrete streets shall conform to the relative section in the Standard Specifications for State Road and Bridge Construction, KDOT, latest edition.
- (d) Asphaltic Concrete:
- (1) Aggregate material for base construction shall be BM-2B as specified in the Standard Specifications for State Road and Bridge Construction, latest edition.
 - (2) Asphaltic Cement shall conform to the requirements for grade A-5 as specified for bituminous mixes in the Standard Specifications for State Road and Bridge Construction.
 - (3) Bituminous Base Construction. The plant mix bituminous base shall be constructed as specified in the Standard Specifications for Road and

Bridge Construction. All aggregates shall be coated with bituminous material. The bituminous material shall be six percent to seven percent of the total mixture.

- (4) Base Course shall be placed in lifts of three inches minimum and four inches maximum.
 - (5) Tack Coats between lifts shall consist of five hundredths to one tenth gallons per square yard RC- 70 or SS-1.
 - (6) Plant Mix Surface Course. Aggregate material for the surface course shall be BM-2 as specified in the Standard Specifications for State Road and Bridge Construction.
 - (7) Asphaltic Cement Surface Course. The asphaltic cement shall conform to the requirements for grade AC-5 as specified in bituminous mixes in the Standard Specifications for State Road and Bridge Construction unless otherwise specified by the city commission.
 - (8) Surface Course shall be placed in two inch maximum thickness lifts.
 - (9) Tack Coats between lifts shall consist of five hundredths to one tenth gallons per square yard of RC-70 or SS-1.
 - (10) A Certificate of aggregate gradation and of asphaltic content of the mixes, (base and surface course), shall be furnished by the contractor upon completion of the project.
- (e) Storm Sewers:
- (1) The design of all streets and roadway improvements shall include adequate provisions for surface drainage and shall be approved by the governing body prior to any street or roadway construction. Surface drainage facilities shall be designed and constructed to efficiently handle and convey the 10 year storm or greater.
 - (2) The subdivider or owner shall install culverts, storm sewers, rip-rap slopes, stabilize ditches and other improvements to adequately handle storm water. All improvements shall comply with standard drainage criteria and shall be approved by the city commission prior to construction.
- (f) Driveways – Private driveway entrances connecting to residential streets shall be installed at locations approved by the Codes Administrator and City Superintendent, and shall be constructed of portland cement within the street right-of-way. Driveway construction shall comply with the specifications of the city.

- (g) Street Specifications – Pavement width and construction material for streets constructed within the city:

<u>Type of Streets</u>	<u>Pavement Width</u>
(1) Industrial	27 foot with 6 foot shoulders or 36 foot back to back curbs
(2) Primary Arterial w/median	Two 27 foot lanes with 20 foot median
(3) Primary Arterial without median	54 foot back to back with 2' curb
(4) Collector Street	31 foot back to back with 2' curb
(5) Residential or Local Street	30 foot back to back with 2' curb
(6) Marginal Access	28 foot back to back
(7) Cul de Sac Bulb radius	39 foot to back of curb for local residential streets, 48 foot to back of curb for all other streets

	<u>Pavement Material</u>
(1) Industrial	8" of concrete with wire mesh and 61 shoulders of 6" asphalt or 8" of concrete with wire mesh and 2' curb and gutters
(2) Collector and Arterial	7" concrete with wire mesh and 2' curb and gutters or 10" asphaltic with 2' curb and gutters
(3) Marginal Access/Cul-de-sac/ Fire Department Access Road	6" of concrete with wire mesh Residential or Local Streets and 2' curb and gutters or 8" asphalt with 2' curb and gutters

- (i) Street Lighting – The developer shall provide the necessary lighting for the development and show on the plat or on the site plan, if required, the placement of the lights and poles. The city superintendent shall provide the developer with the city requirements and construction methods.
- (j) Off-Street Parking Areas – All off-street parking areas shall be approved by the Planning Commission and constructed to the standards contained in section 17-412
- (k) New Subdivision – Replatted Property or Platted Property Not Served by Utilities. New subdivisions, replatted property or platted property that is not served by utilities shall be required to install underground electric, telephone, cable television, and any other services at depths specified by the city. The city staff shall determine what areas are served by utilities.

17-413. ELECTRIC SERVICE TO SUBDIVISIONS Upon request by a developer, contractor or owner for the installation of electric services within a subdivision of the city, the following procedure will be followed:

- (a) The city shall determine the total cost of materials, and equipment for the installation of electrical services to the property lines within the new subdivision and the developer shall deposit that amount with the city before materials are ordered or purchased. The amount shall be non-refundable unless otherwise provided below.
- (b) The city shall refund to the developer the deposit required without interest, only should such installation of electric services not be made within three years of the date of deposit.
- (c) Refunds under subsection 17-413 shall be made, upon request by the city, on a quarterly basis, and the city is not obligated to make a refund until such time as funds are available in the electric fund of the city.
- (d) The developer shall provide to the city, free of cost, any utility easement on, under, through, across or over any part of the subdivision as necessary for the location and installation of the electrical system. The developers shall clear the easement of all obstructions, mark all lot corners with permanent stakes and establish grades in the easement of not more than six inches above or below final grades, which shall be completed prior to the construction of the electrical distribution system.
- (e) Ownership of the electrical distribution system in the subdivision shall remain at all times with the city which shall also own all facilities and equipment installed by the city for the delivery and measurement of electricity.

17-414. APPEALS The subdivider of a proposed subdivision may appeal to the governing body decisions made in the enforcement or interpretation of these regulations by the Planning Commission or the city engineer. Any such appeal shall provide a hearing de novo. In the event the governing body sustains such decisions, the prior enforcement or interpretation shall be final, except as otherwise provided by law. If the governing body overrules the Planning Commission, the governing body shall state its decision, and the reasons therefore, in writing, and submit the decision and plat to the Planning Commission, seeking concurrence. In case of nonconcurrence, the decision of the governing body shall be final.

17-415. VARIANCES In cases where there is hardship in carrying out the literal provisions of these regulations (such as design criteria pertaining to lot width, lot, depth, block depth, etc.), the Planning Commission may grant a variance from such provisions.

- (a) The Planning Commission shall not grant a variance unless it finds that:
 - (1) Strict application of these regulations will create an undue hardship upon the subdivider;
 - (2) The proposed variance is in harmony with the intended purpose of these regulations; and

- (3) The public safety and welfare will be protected.

17-416 RESERVED