SUBDIVISION REGULATIONS

OF THE

CITY OF KECHI, KANSAS

OFFICIAL COPY AS INCORPORATED BY ORDINANCE NO. 376

PREPARED BY THE

KECHI CITY PLANNING COMMISSION

Technical Assistance by

Foster & Associates
Planning Consultants
Wichita, Kansas

and

City Subdivision Administrator

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SUBDIVISION REGULATIONS

of the

CITY OF KECHI, KANSAS

ARTICLE 1. TITLE, PURPOSE, AUTHORITY, JURISDICTION, APPLICABILITY AND EXEMPTIONS

100 Title. These regulation shall be known and may be cited as the "Subdivision Regulations of the City of Kechi, Kansas", and shall hereinafter be referred to as "these regulations."

101 Purpose. Responsible land subdivision is the initial step in the process of orderly community development. Once land has been divided into streets, lots and blocks and publicly recorded, the correction of defects is difficult and costly. These regulations are designed and intended to serve the following purposes:

A. To provide for the harmonious development of the City of Kechi.

B. To provide for (1) desirable lot layouts, (2) efficient and orderly location of streets and the extent and manner in which they shall be improved, and (3) provision made for storm drainage;

C. To provide for adequate water supply, sewage disposal, various utility services and other improvements to protect public health, safety and general welfare;

D. To provide for and secure to the proper governmental agencies the actual construction of all such necessary on-site and off-site public improvements including the reservation or dedication of land for park and recreational purposes;

E. To provide protection from periodic flooding conditions;

F. To reserve or dedicate land for open space to preserve natural areas for watercourses, drainage ways, woodland, rugged topography, wildlife habitat, and for water quality and quantity, and to protect land from soil erosion;

G. To avoid water and air pollution and the congestion of population and traffic;

H. To facilitate safety by adequate access for fire fighting equipment and police protection;

I. To coordinate the subdividing of land with applicable zoning regulations, various construction codes and other City regulations which also affect the development of the land;

J. To establish administrative procedures necessary to assure a fair and uniform basis for a working relationship with subdividers, utility providers and various governmental agencies, all of whom are contributing to the development of the community; and

K. To realize the goals, policies and planning proposals as contained in the adopted Comprehensive Development Plan.

102 Authority. These regulations are adopted under authority established by K.S.A., 12-741 et seq. as amended, 12-742, 12-749, 12-751 and 12-752, 12-760 and 12-761, 12-764, 12-766, 12-3009 through 12-3012, and 12-3301 and 12-3302.

103 Jurisdiction. These regulations shall apply to all subdivisions of land within the corporate limits of the City of Kechi as presently exists or are hereinafter established in Sedgwick County, Kansas. All such land is included in the Planning Area for the Comprehensive Development Plan.

104 Applicability. The owner(s) of any land within the jurisdiction of these regulations desiring to vacate rights-of-way, easements, other public reservations or recorded plats or to:

A. Divide or further divide land into two or more lots or parcels; or

B. Otherwise alter the boundaries of lots or parcels of land; or

C. Establish land for use as streets, alleys or other property intended for public use or for the use of a purchaser or owner(s) of lots or parcels;

shall cause a plat to be made in accordance with the provisions of these regulations, unless exempted under Section 1-105.

105 Exemptions. Notwithstanding the requirements of Sections 1-103 and 104, these regulations shall not apply in the following instances or transactions:

A. Whenever any lot, parcel or tract of land located within the area governed by these regulations has been legally subdivided, resubdivided or replatted and recorded prior to the effective date of these regulations.

B. A transaction between owners of adjoining land which involves only a change in the boundary between the land owned by such persons and which does not create an additional lot or which does not result in the creation of a substandard lot by either owner according to any applicable zoning regulations.

C. A conveyance or dedication of land or interest therein for use as a street, highway, road or railroad right-of-way, a drainage easement or public utilities subject to local, state or federal regulation, where no new street or easement of access is created.

D. The layout of burial lots in cemeteries; however, the actual cemetery tract is not exempt.

E. Any lot split in industrially zoned areas divided in accordance with the provisions of Section 9-102 of these regulations.

F. Any transfer by operation of law.

Any request made in writing for a determination as to qualifications for being exempt from these regulations shall be answered by the Subdivision Administrator either in the affirmative or negative within 30 days of filing such a request containing all relevant information.

ARTICLE 2. INTERPRETATION, CONSTRUCTION AND DEFINITIONS

100 Rules of Interpretation.

A. Overlapping or Contradictory Regulations. Where the conditions imposed by the provisions of these regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provision 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. Private Agreements. The provisions of these regulations are not intended to abrogate any lawful and valid easement, deed restriction, covenant or other private agreement of legal relationship; provided, that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such private agreements, the requirements of these regulations shall govern. The City does not have the responsibility to enforce such private agreements.

C. Cumulative Limitations. The provisions of these regulations are cumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter set forth in the provisions of these regulations.

D. Unlawful Subdivisions. A subdivision of land which was not lawfully existing at the time of the adoption of these regulations shall not become or be made lawful solely by reason of the adoption of these regulations.

E. Vesting of Development Rights. For the purpose of single-family residential developments according to K.S.A. 12-764, as amended, development rights in such land use shall vest upon recording of a final plat of such land after January 1, 1992. If construction of a principle structure is not commenced on such land within five years of recording a final plat, the development rights in such land shall expire and, thus, all revisions to zoning or subdivision regulations becoming effective during the period vested shall thereafter apply to such platted land. Deleted see A-9

101 Rules of Construction.

A. The language set forth in these regulations shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and the plural the singular;

2. The present tense includes the past and future tenses and the future the present;

3. The word "shall" is mandatory while the word "may" is permissive; and

4. The word **"City"** means the City of Kechi, Kansas.

5. The word **"County"** means Sedgwick County, Kansas.

6. The word **"Clerk"** means the City Clerk of the City of Kechi, Kansas.

7. The words **"Planning Commission"** mean the Kechi City Planning Commission.

8. The words **"Governing Body"** mean the Mayor and City Council of the City of Kechi, Kansas.

9. The words **"Planning Area"** mean the City plus a perimeter area outside of and around the city limits all within Sedgwick County designated by the City in their comprehensive development plan as the official study area for planning purposes.

10. The words **"Comprehensive Plan"** mean the Comprehensive Development Plan for the Kechi Planning Area of Sedgwick County, Kansas, which has been adopted by the Planning Commission, approved by the Governing Body and includes, among other elements, plans for land use, transportation, utilities and community facilities.

11. The words **"subdivision jurisdiction"** mean the area as described in **Section 1-103** for which the jurisdiction of these regulations is applicable for purposes of subdividing land. Such jurisdiction cannot exceed the boundary of the Planning Area.

B. Any word or phrase which is defined in this Article or elsewhere in these regulations shall have the meaning as so defined whenever used in these regulations, unless such definition is expressly limited in its meaning or scope.

C. Words or terms not herein defined shall have their ordinary meaning in relation to the context as defined in a dictionary or by state statute.

102 <u>Definitions</u>. The following definitions shall be used in the interpretation and construction of these regulations:

<u>ACCELERATION LANE</u>: An added roadway lane which permits integration and merging of slower moving vehicles into the main vehicular stream of traffic.

<u>ACCESS CONTROL</u>: The limitation of public access rights to and from properties abutting streets or highways. Access control is used on major streets and highways, when necessary, to preserve high-quality traffic service and to improve safety.

APPLICANT: A person submitting an application for approval of a preliminary and/or final plat or a lot split.

BENCH MARK: Surveying mark made in some object which is permanently fixed in the ground showing the height of that point in relation to sea level.

BLOCK: A series of lots or tract of land bounded by streets, public parks, cemeteries, railway rights-of-ways, waterways, city limits or a combination thereof.

BUILDING SETBACK LINE: A line on a lot or other parcel of land indicating the limit beyond which buildings or structures may not be erected or altered and establishing the minimum open space to be provided. Such line may be more, but not less restrictive than applicable zoning or other regulations.

CURB CUT: The opening along a curb line at which point vehicles may enter or leave a roadway.

DECELERATION LANE: An added roadway lane that permits vehicles to slow down and leave the main vehicular stream of traffic.

DEDICATION: A gift or donation of property by the owner to a governmental unit. The transfer is conveyed by a plat or a written separate instrument. The act of dedicating is completed with a formal acceptance by the governing body.

DESIGN STANDARDS: The basic land planning principles established as guides or requirements for the design and layout of subdivisions as described in these regulations.

DETENTION POND: A storage facility for the temporary storage of storm water runoff. The storm water may be released by gravity or by mechanical means at such time as downstream facilities can handle the flow.

EASEMENT: A public dedication or private grant by a property owner of the specific use of a strip of land or portion of land by others.

ENGINEER: A professional engineer licensed by the State of Kansas or licensed to practice in the State of Kansas who designs or engineers and inspects public improvements in connection with the approval of plats and construction of related improvements. (See LAND PLANNER and LAND SURVEYOR.)

FLAG LOT: A lot, tract or parcel of land that provides minimum frontage to a road or street by a narrow strip of land for a driveway and whose main body of land lies to the rear of the property which is adjacent to the road or street. When such lots are permitted, a building setback line must be shown on the recorded plat which is not less than that required by applicable zoning regulations. (See Section 6-106 for Access.)

FRONTAGE: The property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street; or with a dead-end street, all property abutting one side of such street measured from the nearest intersecting street and the end of the dead-end street.

IMPROVEMENTS, PUBLIC: Any street, roadway, alley, sidewalk, planting strip, cross walkway, off-street parking area, sanitary sewer, storm sewer, drainage ditch, water main or other facility for which a governing body may ultimately assume the responsibility for maintenance and/or operation.

LAND PLANNER: A professional architect, engineer, landscape architect or surveyor licensed by the State of Kansas or licensed to practice in the State of Kansas who is responsible for the design and preparation of a preliminary plat. (See ENGINEER and LAND SURVEYOR.)

LAND SURVEYOR: A licensed land surveyor registered by the State of Kansas or licensed to practice in the State of Kansas who is responsible for the survey and preparation of the final plat. (See ENGINEER and LAND PLANNER.)

LOT: A portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for development.

1. **LOT, DOUBLE FRONTAGE**: A lot, two opposite lot lines of which abut upon streets which are more or less parallel.

2. **LOT, REVERSE FRONTAGE**: A lot whose rear lot line also serves as the street line for a limited access highway or street.

LOT DEPTH: The distance between the midpoint of the front lot line and the midpoint of the rear lot line.

LOT LINE: The boundary line of a lot.

LOT SPLIT: The dividing of a lot in a recorded plat or replat of a subdivision into not more than two parcels which creates an additional lot and meets the criteria established within these regulations. A lot split is not created by the transfer or sale of a lot plus a portion of an adjacent lot or the combining of portions of two lots to form a lot which is equal to or larger than the other platted lots in the block so long as an additional lot is not created. (See Article 9 for Procedure for Approval of Lot Splits.)

LOT WIDTH: The distance on a horizontal plane between the side lot lines of a lot, measured at right angles to the line establishing the lot depth at the established building setback line.

MINIMUM PAD ELEVATION: The lowest ground elevation completely surrounding a structure or the lowest flood proofed opening into a structure. This elevation is expressed in city datum or mean sea level.

MONUMENT: A device used to mark and identify the corners in the boundaries of subdivisions, blocks and lots and the points of curves in the street rights-of-way. Usually such devices are made of a metallic bar or tube and may or may not be in concrete.

OWNER: Any individual, firm, association, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

PARKING STRIP: That portion of street right-of-way that is unpaved and which is located between the back of a curb and the street right-of-way line. Such strip provides right-of-way for the installation of public utilities (typically gas and water lines), street signs, street lights, sidewalks, driveways, traffic control devices, fire hydrants, street furniture, street trees and other ancillary uses. The parking strip should not be confused with parking lanes that are often provided for as part of street pavement.

PEDESTRIAN WAY (CROSSWALK): A right-of-way across a block or providing access within a block to be used primarily by pedestrians.

PETITION: A legal instrument which serves as the basis for initiation of a public improvement project. A petition is frequently used during the platting process to guarantee the construction of certain improvements, e.g., street paving, water and sewer lines, drainage, etc. A petition is valid if its signatures are more than 50% either by area within the benefit district or by ownerships. Petitions are also used to initiate the vacation of streets, alleys, easements, other public reservations and plats. (See Section 7-103A for improvement petitions and Section 10-103 for vacation petitions.)

PLAT: A map or drawing on which the subdivider's plan of the subdivision is presented and which he submits for approval and intends in final form to record.

1. **SKETCH PLAN**: A map or plan of a proposed subdivision made prior to the preparation of the preliminary plan to enable the subdivider to save time and expense in reaching tentative general agreements by a discussion of the form and objectives of their regulations.

2. **PRELIMINARY PLAT**: A tentative map or plan of a proposed subdivision of land showing the character and general details of the proposed development.

3. **FINAL PLAT**: A formal document by drawing and writing representing a subdivision which is prepared in accordance with these regulations to be placed on record with the County Register of Deeds.

4. **REPLAT**: A new plat or a revision to a subdivision or portion thereof for which a final plat has previously been recorded. The approval of a replat is processed in the manner as a final plat.

RESERVE: An area of property within a subdivision which is platted for specific uses, e.g., open space, landscaping, entry monuments, recreational facilities, utilities, drainage, floodway, etc. Typically, future ownership and maintenance responsibilities for a reserve is set forth by a restrictive covenant which provides that a homeowners or lot owners association will hold title to the reserve and therefore be responsible for the reserve's maintenance. The restrictive covenant may provide for ownership and maintenance to be tied to the ownership of an adjacent lot. Ownership and maintenance is not assigned to an individual, partnership or corporation except in the case of a reserve platted for possible future sale to a public body for a public facility. (See Section 6-102 for Land for Public Facility Sites and Section 6-103 for Land for Open Space.)

RESTRICTIVE COVENANTS: Contracts entered into between private parties which constitute a restriction on the use of private property within a subdivision for the benefit of property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values. Such restrictions may be set forth in a deed. Restrictions are also placed of record by separate instruments including homeowner association agreements. Restrictive covenants usually run with the land. (See Section 2-100B for Private Agreements.)

RESUBDIVISION: The subdivision of a tract of land which has previously been lawfully subdivided and a plat of such prior subdivision duly recorded. Sometime referred to as a "replat."

RIGHT-OF-WAY: The area between boundary lines of a street or other easement.

ROADWAY: That portion of a street, alley or highway right-of-way which has been graded, surfaced or otherwise improved for use by vehicular traffic, exclusive of sidewalks, driveways and related uses.

SCREENING: Fencing or evergreen vegetation maintained for the purpose of concealing from view the area behind such fencing or vegetation. When fencing is used for screening, it shall be not less than six nor more than eight feet in height, unless otherwise provided. (See Section 6-111E for screening easement.)

SIDEWALK: That portion of a street or pedestrian way, paved or otherwise surfaced, intended for pedestrian use only. (See PEDESTRIAN WAY [CROSSWALK].)

STREET: The entire right-of-way width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic, and the placement of utilities and including the term "road", "highway", "lane", "place", "avenue", "alley" or other similar designation.

1. **ALLEY**: A right-of-way along the side of or in the rear of lots which affords a secondary means of access to and from streets and such lots.

2. **ARTERIAL**: A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas and which provides access to abutting properties only as a secondary function.

3. **COLLECTOR**: A street supplementary to the major street system and a means of intercommunication between this system and smaller areas which is used for both through traffic and for access to abutting properties.

4. **CUL-DE-SAC**: A short street with one end open to traffic and being permanently terminated by a vehicular turn-around at the other end.

5. **DEAD END**: A street having only one outlet for traffic.

6. **EXPRESSWAY**: Any divided street or highway with no access from abutting property and which has either separate or at-grade access from other public streets and highways. Such streets have a minimum of four traffic lanes.

7. **HALF-STREET**: A portion of the right-of-way of a street, usually along the edge of a subdivision where the remaining portion of the street is intended to be provided in another subdivision.

8. **LOCAL**: A street intended primarily for access to abutting properties and of limited continuity within a neighborhood.

9. **MARGINAL ACCESS OR FRONTAGE ROAD**: A local street which is parallel with and adjacent to a limited access highway or arterial street and which provides access to abutting properties and protection from fast through traffic on the parallel streets.

STREET WIDTH: The shortest distance between lines delineating the right-of-way of a street.

SUBDIVIDE LAND: To partition a parcel of land into two or more parcels, tracts, lots or sites for the purpose of transfer of ownership or development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership.

SUBDIVIDER: The owner, or any other person, firm or corporation authorized by the owner, undertaking proceedings under the provisions of these regulations to subdivide land.

SUBDIVIDER'S AGREEMENT: A contractual agreement signed and notarized by the subdivider and the governing body which is conditioned upon acceptance of the final plat for the dedications thereon with primary concern for the design, installation, inspection and financing or guarantees for public improvements. (See Section 7-104A for Agreement and Guarantees for Installation of Required Improvements.)

SUBDIVISION: Either an act of subdividing land as defined in this section or a tract of land subdivided.

SUBDIVISION ADMINISTRATOR: A person appointed by the Mayor with the consent of the City Council as administrator of these regulations. (See Section 3-101 for Duties of Subdivision Administrator.)

TURN-AROUND: An area at the closed end of a street with a single common ingress and egress within which vehicles may reverse their direction.

VISION TRIANGLE: A triangular area at the intersection of streets maintained in such a manner as to provide a safe and open line of vision for drivers of vehicles approaching the intersection. Within the vision triangle, no one shall install, construct, plant, park or maintain any sign, fence, hedge, shrubbery, tree, natural growth or other obstruction which would materially impede vision between the heights of 33 inches and eight feet above the street level. Such restrictions shall not apply to official traffic signs, signals and utility poles. (See Section 6-111C for vision triangle easement and City Zoning Regulations for definition of VISION TRIANGLE.)

WATERCOURSE: A stream of water having a course, current and cross-section.

ARTICLE 3. ADMINISTRATION, PERMITS, ENFORCEMENT, VIOLATIONS AND FEES

100 Division of Administrative Responsibility. The administration of these regulations is vested in the following governmental branches of the City:

A. Subdivision Administrator.

B. City Clerk.

C. Subdivision Committee.

D. Planning Commission.

E. Governing Body.

Each of the above named governmental branches shall have the responsibilities hereinafter set forth.

101 Duties of the Subdivision Administrator. The Subdivision Administrator or designee shall administer the provisions of these regulations and in furtherance of such authority, shall:

A. Serve as an assistant to the Planning Commission on (1) the review of sketch plans, plats and lot splits; and (2) the vacation of plats, rights-of-way, easements and other public reservations.

B. Inform applicants of procedures required for subdivision approval and vacations, provide application forms and other administrative forms to facilitate the process, and convey to subdividers the decisions of the Planning Commission.

C. Receive and establish files for all sketch plans, preliminary and final plats, replats, final plats for small tracts, lot splits and vacations together with applications therefor.

D. After determining the adequacy of the information submitted as suitable for distribution, forward copies of the preliminary plat and final plats for small tracts, when deemed necessary, to other appropriate governmental agencies and public and private utilities providers for their comments and recommendations.

E. Review and compile a list of comments on all preliminary plats to determine whether such plats comply with these regulations and similarly review and compile a list on all final plats to determine whether they comply with the preliminary plat, if any, and these regulations.

F. Forward sketch plans, preliminary and final plats and lot splits to the Subdivision Committee and/or Planning Commission for their consideration, together with the list of comments and recommendations.

G. Following approval by the Planning Commission and recommendations on vacations forward to the Governing Body all final plats, replats, final plats for small tracts as well as vacations after having checked and assembled all pertinent data and drawings.

H. Make such other determinations and decisions as may be required by these regulations.

102 Duties of the City Clerk. The City Clerk shall:

A. File at least three copies of these model regulations marked by the Clerk as "Official Copy as Incorporated by Ordinance No. ____", (i.e., the ordinance approved by the Governing Body) and all sections or portions thereof intended to be omitted clearly marked to show any such omissions or showing the sections, articles, parts or portions that are incorporated and to which shall be appended a copy of the incorporating ordinance. Such copies maintained by the Clerk shall be open to inspection and available to the public at all reasonable business hours.

B. Distribute at cost to the City, official copies of these regulations similarly marked as described in Section 3-102A to the police department, court, Subdivision Administrator, zoning administrator, building inspector, City Attorney and all administrative departments of the City charged with the enforcement of these regulations. Subsequent amendments to these regulations shall be appended to such copies.

C. Process the required fees.

D. Provide clerical assistance to the Governing Body so as to facilitate and record their actions in the exercise of their duties relating to these regulations.

103 Duties of the Subdivision Committee. The Planning Commission may create a Subdivision Committee composed of any three or more of its members. The Chairperson shall, with the concurrence of the Commission, appoint the members and designate the chairman and vice-chairman of the Committee for such period of time as deemed appropriate. The Subdivision Administrator and other noncommission members such as public and private officials engaged in public works, utilities, sanitation, safety and building and zoning administration may be asked to serve as ex officio Committee members. The Subdivision Committee, among other assignments, may:

A. Review sketch plans and forward comments to the potential subdivider.

B. Review preliminary plats to determine compliance with these regulations, review final plats to determine whether they comply with the preliminary plat and these regulations, and forward such determinations and recommendations as may be appropriate to the Planning Commission.

C. When deemed desirable, review proposed lot splits and vacations for recommendations to the Planning Commission.

Any person aggrieved by any comments, determinations or recommendations of the Subdivision Committee shall have a right to appeal to the Planning Commission.

104 Duties of the Planning Commission. The Planning Commission shall:

A. Review the sketch plans, when submitted, and forward comments to the potential subdivider whenever this responsibility is not otherwise performed by a Subdivision Committee.

B. Review and approve, approve conditionally or disapprove preliminary plats and lot splits.

C. Review and approve, approve conditionally or disapprove final plats and transmit the same to the Governing Body for their acceptance of dedications of streets, alleys and other public ways and sites.

D. Make recommendations to the Governing Body on vacations of recorded plats, rights-of-way, easements and other public reservations.

E. Make such other determinations and decisions as may be required of the Commission from time to time by these regulations or applicable sections of the Kansas Statutes Annotated.

105 Duties of the Governing Body. The Governing Body shall:

A. Accept or not accept dedications of streets, alleys and other public ways and sites shown on final plats and, in cases of disapproval or modification, inform the subdivider in writing of the reasons.

B. Approve or not approve vacations of recorded plats, rights-of-way, easements and other public reservations.

106 Building and Zoning Permits. No building or zoning permit or occupancy certificate except those involving repairs, maintenance, continuation of an existing use or occupancy or accessory structures, shall be issued for a principal building or structure or use on any lot, tract or parcel of any subdivision that is subject to the provisions of these regulations until a copy of the recorded plat is available for examination by the applicable official charged with issuing such permits or certificates. Furthermore, no such building or zoning occupancy certificates shall be issued for the use of any building or structure within a subdivision approved for platting, replatting or lot splitting until required utility facilities have been installed and made ready to service the property; roadways providing access to the subject lot or lots have been constructed or are in the course of construction; or guarantees have been provided to ensure the installation of such utilities and roadways. If platting is not required, dedications in lieu of platting may be required to obtain easements and access control and to widen rights-of-way as well as to provide necessary public improvements during the process of issuing permits. (See Section 2-100E for Vesting of Development Rights.) (See Section 1-105 for exemptions from platting.)

107 Enforcement. No plat shall be approved which does not comply with the provisions of these regulations or be entitled to record at the County Register of Deeds or have any validity until it shall have been approved in the manner prescribed in these regulations. It shall be the duty of the Subdivision Administrator and the applicable official charged with issuing building and zoning permits and occupancy certificates in conjunction with the City Attorney or their designees to enforce these regulations. The following actions are specifically prohibited:

A. The transfer or sale by metes and bounds description of any land subject to the applicability of Section 1-104 which is not otherwise exempted by Section 1-105.

B. Approval of a plat by the Planning Commission which does not comply with the provisions of these regulations.

C. The transfer or sales of any lot, tract or parcel of land located in a plat accepted for dedications by the Governing Body which has not been recorded with the Register of Deeds.

D. The recording of any plats or replats of land laid out with building lots, streets, alleys, utility or other easements and dedications to the public unless the plat or replat bears the signatures of the Planning Commission and the Governing Body.

108 Violations.

A. Penalties. Pursuant to K.S.A. 12-761, as amended, any violations of these regulations shall be deemed to be a misdemeanor. Any person, firm, association, partnership, or corporation convicted thereof, shall be punished by a fine not to exceed $500 or by imprisonment for not more than six months for each offense or by both such fine and imprisonment. Each day's violation shall constitute a separate offense.

B. Remedies. The City shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of these regulations and to abate nuisances maintained in violation thereof; and in addition to other remedies, the appropriate authorities of the City of Kechi may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of such buildings, structures or land.

109 Fees. For purposes of wholly or partially defraying the costs of the administrative and enforcement provisions described in these regulations, including the cost of engineering and inspection services and recording legal documents, the applicant upon filing an application for a preliminary or final plat, plat for small tracts, lot split or vacation, shall pay the Clerk a fee according to the fee schedule approved by the Governing Body. No part of such fee shall thereafter be refunded.

110 Reports. The Subdivision Administrator shall periodically report verbally or in writing to the Governing Body and the Planning Commission a summary of all subdivisions and the number of lots recorded on final plats during the preceding period, giving details of any permitted variations, as well as the current status of all applications in process for sketch plans, preliminary and final plats, lot splits and vacations. Such a report shall include comments on any problems encountered in the administration or enforcement of these regulations which may especially be of use at the annual review established by Section 12-101.

ARTICLE 4. PROCEDURE FOR APPROVAL OF PRELIMINARY AND FINAL PLATS

100 Submittal of Sketch Plan. The subdivider may, if deemed desirable, submit a sketch plan in order to receive the pre-plat comments of the Subdivision Committee and/or the Planning Commission which may prove helpful in designing the preliminary plat. Three copies of the sketch plan should be submitted to the Subdivision Administrator in a simple format sufficient to convey the location of proposed streets and utilities, the general layout of lots, and to note any particular design situations which could benefit from an early discussion of the problems. One copy of the sketch plan shall be returned to the subdivider with notations marked as to the comments resulting from such a review process. No fee shall be charged for the sketch plan review.

101 Filing of Preliminary Plat. An application shall be filed with the Subdivision Administrator at least 20 days prior to the next regular meeting of the Planning Commission and such number of copies of the preliminary plat as may be determined necessary by the Commission for proper review by affected and interested governmental and public and private organizations. Such plat shall not be accepted for filing until the fee as provided for in Section 3-109 has been paid by the subdivider to the Clerk. The preliminary plat shall contain the information as set out in Section 5-100 of these regulations.

See A-9 for new verbage

102 Distribution and Review of Preliminary Plat. After the filing of the preliminary plat, the Subdivision Administrator shall distribute copies to affected and interested governmental and public and private organizations as appropriate. Organizations receiving copies shall have 15 days to review the preliminary plat and to make their comments and recommendations to the Planning Commission. A lack of response in 15 days shall, at the discretion of the Planning Commission, signify approval, unless during this period a written request for an extension of one time only not to exceed 15 days is submitted to the Planning Commission.

103 Action by the Planning Commission on Preliminary Plat. The Planning Commission shall review the preliminary plat and consider the comments and recommendations of the organizations to whom the preliminary plat had been submitted for review. If deemed desirable, the Commission may mail notices or copies of agendas to interested parties and conduct a public hearing for the purpose of receiving information supporting or opposing the preliminary plat.

A. The Planning Commission shall determine whether the preliminary plat generally meets the design standards and requirements of these regulations, the Comprehensive Plan, the applicable zoning regulations and other applicable provisions of the ordinances of the City.

B. If satisfied, the Planning Commission shall approve the preliminary plat with or without conditions by a majority vote of the members present and voting, and so notify the subdivider in writing.

C. If the Planning Commission determines that the preliminary plat does not satisfy the foregoing conditions, it may suggest modifications so as to satisfy such conditions and in such event:

1. The subdivider may amend the preliminary plat so as to incorporate such modifications and resubmit the plat to the Commission, which shall then grant its approval if such amendments satisfactorily incorporate the suggested modifications; or

2. The subdivider may reject the suggested modifications or, within the time allowed for Commission action, may refrain from taking any action thereon. In either event, the preliminary plat shall be deemed to have been disapproved and the Commission shall thereupon furnish the subdivider with a written statement setting forth the reasons for disapproval of the preliminary plat.

D. If the Planning Commission determines that the preliminary plat does not satisfy the conditions of these regulations and that modifications would be too extensive or impractical, it shall disapprove the preliminary plat and immediately notify the subdivider in writing of its action, all within 60 days.

104 <u>Failure of Planning Commission to Act on Preliminary Plat</u>. If the Planning Commission fails to approve or disapprove a preliminary plat within 60 days after the date such plat is filed with the Subdivision Administrator or from the date the subdivider has filed the last item of required data, whichever date is later, then such preliminary plat shall be deemed to have been approved, unless the subdivider shall have consented in writing to extend or waive such time limitation.

105 <u>Effect of Approval of Preliminary Plat</u>.

A. Approval of the preliminary plat shall not constitute approval of the subdivision by the Planning Commission, but shall signify in general the acceptability of the proposed subdivision.

B. Such approval shall be considered permission to submit the final plat accompanied by the information required by Section 5-101R.

C. Such approval shall be effective for no more than 12 months from the date approval was granted, unless, upon application from the subdivider, the Planning Commission grants an extension of time beyond such period. If a final plat for the entire subdivision or a unit thereof has not been filed with the Subdivision Administrator within such period, or any extensions granted thereto, the preliminary plat must be resubmitted to the Commission as if such plat had never been approved, except that no additional fee shall be charged for such resubmittal if there are no substantive changes from the previous preliminary plat approval.

106 Filing of Final Plat. An application for final plat approval, together with a sufficient number of copies as determined by the Planning Commission for proper review, shall be filed with the Subdivision Administrator at least 15 days prior to the next regular meeting of the Commission and within 12 months after the date that the preliminary plat has been approved. The Administrator shall transmit the final plat to the Commission and to other affected and interested governmental and public and private organizations as desirable for any further recommendations. The final plat shall contain the information as set out in Section 5-101 of these regulations. An application for a replat approval is processed in the same manner as a final plat. (See Section 2-102 for definition of a REPLAT under the heading of PLAT.)

See A-10 for new wording

107 Planning Commission Action on the Final Plat. The Planning Commission shall, within 60 days after the first meeting of the Commission following the date that the plat with all required data is filed with the Subdivision Administrator, review and approve the final plat by a majority vote of the members present and voting if:

A. It is substantially the same as the approved preliminary plat; or

B. There has been compliance with all conditions which may have been attached to the approval of the preliminary plat; and

C. It complies with all of the provisions contained in these regulations and of other applicable regulations or laws.

108 Failure of Planning Commission to Act on Final Plat. If the Planning Commission fails to approve or disapprove the final plat within the 60 days designated by state law for its consideration as stated in Section 4-107, it shall be deemed to have been approved and a certificate shall be issued by the Secretary upon demand, unless the subdivider shall have consented in writing to extend or waive such time limitation. (See K.S.A. 12-752(b).)

109 Submittal to Governing Body of Final Plat. Before a final plat is recorded, it shall be submitted to the Governing Body for its acceptance of dedications for street rights-of-way and other public ways, drainage and utility easements, and any land dedicated for public use and accompanied by guarantees for the installation of required improvements according to Section 7-103.

110 Governing Body Action on Final Plat. The Governing Body shall either accept or not accept the dedication of any land for public purposes by a majority vote within 30 days after the first meeting of the Governing Body following the date of the submission of the plat to the Clerk. The Governing Body may defer action for an additional 30 days for the purpose of allowing for modifications to comply with the requirements established by the Governing Body. If the Governing Body defers action on the plat or declines to accept the dedications thereto, it shall advise the Planning Commission and the subdivider in writing of the reasons therefor. Acceptance of the dedications on the plat shall be shown over the signature of the Mayor and attested to by the Clerk.

111 Recording of Final Plat. The final plat with all required signatures and in the exact form as accepted by the Governing Body shall be recorded by the subdivider with the County Register of Deeds. The subdivider shall pay the recording fee and any outstanding real estate taxes and special assessments. Approval of the final plat by the Planning Commission and acceptance by the Governing Body shall be null and void if the plat is not acceptable for recording in the office of the Register of Deeds or is not recorded within 60 days after final approval by the Governing Body. The subdivider shall submit to the Subdivision Administrator such number of copies of the recorded plat as is necessary for record keeping purposes of the City and other affected governmental agencies. (See Section 5-101R1 for title report and 10-100C for Vacation of Unrecorded Plat.)

112 Unit Developments. The foregoing provisions of these regulations to the contrary notwithstanding, an approved preliminary plat may be submitted for final approval in separate geographic units rather than as a whole, provided the following conditions are met:

A. Each unit of a plat of subdivision shall contain an area of sufficient size based on physical conditions and ability to install improvements economically.

B. The approval of the Planning Commission as to the feasibility of such development, in separate units, including the feasibility of the proposed sequence of development, shall be secured.

C. A final plat of at least one unit shall be filed within 12 months from the date of approval of the preliminary plat, and final plats of all such units shall be filed within five years from the date that the preliminary plat was approved. The Planning Commission on application of the subdivider, may, from time to time, grant extensions of time within which to submit such final plats, provided that each such extension shall be for no more than one year.

D. All steps required for the approval of final plats, including the recording thereof, shall be adhered to with respect to each unit so submitted.

E. A replat of all or a portion of a recorded final plat may be submitted at any time.

113 Approval of Plats for Small Tracts.

A. Authorization. Any other provision of these regulations to the contrary notwithstanding, if a proposed plat of subdivision or resubdivision complies with the requirements of Section 4-113B, then the Planning Commission may approve a final plat of such subdivision or resubdivision when neither a sketch plan nor a preliminary plat has been filed by the subdivider and a preliminary plat has not been approved by the Planning Commission.

B. Requirements. In order to qualify for approval in the manner provided in Section 4-113A, a proposed plat of subdivision shall comply with the following requirements:

1. The proposed plat of subdivision shall include not more than one acre if a residential plat, nor more than two acres for any other type of plat, unless approved for a larger acreage by the Planning Commission.

2. The proposed plat of subdivision shall create not more than four lots, tracts or parcels of land, unless approved for a larger number by the Planning Commission.

3. No public street or easement of access is sought to be dedicated or is contemplated or projected through (as opposed to adjacent to) the lot, tract or parcel proposed to be subdivided or resubdivided.

4. The proposed plat of subdivision shall be in the form required by Section 5-101 and shall contain all the data, information and certificates required on final plats as well as the supplemental information.

5. Submission of the fees as required by Section 3-109.

C. Procedures.

1. Final plats filed for approval pursuant to Section 4-113 shall be filed with the Subdivision Administrator who may submit such plat for review and recommendations to affected and interested governmental agencies and public and private utility providers as deemed desirable. The Administrator may require the subdivider to submit topographic information whenever the property proposed to be subdivided or resubdivided is traversed by or is adjacent to a known watercourse, including intermittent streams or is subject to flooding as defined in Section 6-104.

2. The approval of final plats by the Planning Commission pursuant to Section 4-113 shall be subject to the same procedural provisions of a final plat, except insofar as the said sections require prior approval of, or compliance with, an approved preliminary plat.

ARTICLE 5. CONTENTS OF PRELIMINARY AND FINAL PLATS

100 Contents of Preliminary Plat. The preliminary plat shall be drawn at a scale of not less than one inch equals 100 feet; however, areas over 100 acres may be at a scale of one inch equals 200 feet.

A. General Information. The following general information shall be shown on the preliminary plat:

1. Proposed name of the subdivision not duplicating or resembling the name of any plat heretofore recorded within the area of jurisdiction of these regulations. The use of the word "Addition" should be used for a plat which has just been or is in the process of being annexed and not for the subdivision of land already in the City.

2. Date of preparation, north point and scale of drawing.

3. An identification clearly stating that the drawing is a preliminary plat.

4. Location of the subdivision by quarter-section, section, township and range and by measured distances to a section corner to further define the location and boundary of the tract.

5. Names of adjacent subdivisions or, in the case of unplatted land, the name of the owner or owners of adjacent property.

6. The name and address of the landowner, the subdivider and the name and seal of the land planner who prepared the plat and surveyor who did the topographic survey.

B. Existing Conditions. The following existing conditions shall be shown on the preliminary plat:

1. The location, right-of-way, width and names of all existing public or private streets within or adjacent to the tract, together with easements, railroad rights-of-way and other important features such as section lines and corners, city and township boundary lines and monuments.

2. The horizontal location within the subdivision and the adjoining streets and property of existing sanitary and storm water sewers including flow lines, water mains, culverts, catch basins, manholes, fire hydrants, underground wiring, pipe lines and gas lines proposed to serve the subdivision.

3. Contour lines or spot elevations based on Mean Sea Level (MSL) or other datum approved by the Planning Commission having the following intervals:

a. Two-foot contour intervals for ground slopes less than 10%.

b. Five-foot contour intervals for ground slopes exceeding 10%.

c. Spot elevations where the ground is too flat for contours.

The date of the topographic survey shall be shown including the location, elevation and description of the bench mark controlling the vertical survey.

4. Locations of existing monuments or survey markers used in preparation of the survey.

5. The location and direction of all watercourses and areas subject to flooding as determined by Section 6-104.

6. Significant natural features including, but not limited to rock outcroppings, marshes, lakes and wooded areas.

7. Existing use of the property including the location of all existing structures showing those that will be removed and those that will remain on the property after the final plat is recorded.

8. Boundary line of proposed subdivision clearly indicated and total acreage therein.

9. Zoning district classifications on and adjacent to the tract, if any.

C. Proposed Subdivision Plat. The following information with respect to the manner in which the tract is to be subdivided and developed shall be included on the preliminary plat:

1. Streets showing the location, right-of-way, width and approximate grades thereof. The preliminary plat shall show the relationship of all streets to any projected streets shown or to any related Comprehensive Plan proposal or, if none proposed, then as determined by the Planning Commission.

2. Street names which do not duplicate any heretofore used in the City or its environs, unless the street is an extension of or in line with an already named street, in which event that name shall be used. Appropriate prefixes and suffixes which provide relative direction and type of street should accompany such names. Street names shall be subject to the approval of the Planning Commission and follow the City's Street Naming and Property Numbering Policy, if adopted. Property numbers are assigned by the City.

3. Easements showing width and purpose such as for utilities, drainage, screening, open space, pedestrian ways and alleys.

4. Location and type of utilities to be installed.

5. Lots showing approximate dimensions, minimum lot sizes and proposed lot numbers and block letters or numbers.

6. Sites, if any, to be allocated for development with other than single-family dwellings or to be dedicated or reserved for park, recreation area, open space or other public or private purposes. (See Section 2-102 for definition of RESERVE.)

7. Proposed building setback lines, if any, but not less than applicable zoning regulations. The setback should be measured from the existing or proposed street right-of-way, whichever is a greater distance.

D. Additional Data and Information to be Submitted with the Preliminary Plat. The following information shall be submitted in separate statements and/or drawings accompanying the preliminary plat, or, if practical, such information may be shown on the preliminary plat:

1. A vicinity map showing existing subdivisions, streets and unsubdivided tracts adjacent to the proposed subdivision and showing the manner in which the proposed streets may be extended to connect with existing streets.

2. A statement as to the nature and type of improvements proposed for the subdivision and in what manner the subdivider intends to finance and guarantee their installation, e.g., petition, actual construction, monetary guarantee, etc. (See Section 7-103 for guarantees for installation of improvements.)

3. If deemed necessary, a preliminary drainage plan based on standards and policies of the City including minimum pad elevations.

101 Contents of Final Plat. The final plat shall be prepared by a licensed land surveyor and drawn in waterproof black ink on Mylar or its equivalent. Alternatively, a final plat may be prepared with a photographic process provided it is submitted on .004 inch polyester photographic film such as Mylar or its equivalent. The permitted page sizes shall be 24 inches by 36 inches or smaller. Larger sizes will not be accepted. The scale shall be not less than 100 feet to one inch except that a variation in scale may be allowed where the Planning Commission determines it is necessary for a proper exhibit of the subdivision. When more than one sheet is used for any plat, each such sheet shall be numbered consecutively and each such sheet shall contain a notation showing the whole number of sheets in the plat and its relation to other sheets (e.g., Sheet 1 of 3). Linear dimensions shall be given in feet and decimals of a foot. The final plat shall show on the face thereof:

A. The name of the subdivision followed by a reference to its location by quarter-section, section, township and range.

B. The date of preparation, scale, north point, legend and controlling physical features, such as highways, railroads, watercourses and areas subject to flooding as determined by Section 6-104.

C. Legal description of the tract boundaries. (See Section 5-101 Q 1 for land surveyor's certificate and description.)

D. Reference ties to previous surveys and plats, as follows: (See Section 7-102J for monuments as required improvements.)

1. Distance and direction to the monuments used to locate the land described in the certificate of survey.

2. The location of all other monuments required to be installed by these regulations.

E. Location and elevation of permanent bench mark, if required.

F. Tract boundary, block boundary, street and other right-of-way lines with distances and angles (and/or bearings). Where these lines follow a curve (all curves must be circular), the central angle, the radius, points of curvature, length of curve and length of intermediate tangents shall be shown. Error of closure of the perimeter survey shall not exceed one foot for each 10,000 feet.

G. Lot lines with dimensions. Side lot lines shall be at right angles or radial to street lines unless otherwise shown. Rear lot lines shall be parallel to block or tract lines unless otherwise indicated. Points of deflection of rear lot lines shall be indicated by angles and distances.

H. Lot numbers beginning with number one and numbered consecutively in each block.

I. Block letters or numbers continuing consecutively without omission or duplication throughout the subdivision. Such identification shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure.

J. All easements shall be denoted by fine dashed lines, clearly identified and, if already on record, the recorded reference of such easements. If an easement is not definitely located of record, a statement of such easement shall be included. The width of the easement with sufficient ties to locate it definitely with respect to the subdivision must be shown and its purpose such as for utilities, drainage, screening, open space, pedestrian ways or alleys. If the easement is being dedicated through the plat, it shall be properly referenced in the owner's certificate and dedication.

K. The width of street rights-of-way and any portion thereof being dedicated by the plat as well as the width of any existing right-of-way and the centerline of any adjacent perimeter streets.

L. The name of each street shown on the subdivision plat including appropriate prefixes and suffixes.

M. Minimum building setback lines, if any, but not less than applicable zoning regulations. The setback should be measured from the existing or proposed street right-of-way, whichever is a greater distance.

N. Land parcels to be dedicated or reserved for any purpose, public or private, to be distinguished from lots or tracts intended for sale. (See Section 2-102 for definition of RESERVE.)

O. When deemed desirable, the minimum pad elevation of each lot or parcel of land based on the design criteria of Section 6-104 so that each pad is elevated at least one foot above the 100-year flood elevation. (See Section 2-102 for definition of MINIMUM PAD ELEVATION.)

P. Marginal lines encircling the sheet. All information shall be within this margin.

Q. The following certificates, which may be combined where appropriate: (Certificates requiring a seal should be located near the edge of the plat to facilitate affixing the seal. All names on the plat must also be typed or clearly printed under the signature.)

1. A certificate signed by a licensed land surveyor responsible for the survey and final plat. The surveyor shall not sign the plat until all monuments, irons or bench marks have been set as required by these regulations. Such signature shall be accompanied by the legal description of the land surveyed, the total acreage, the month and year such survey was made and the surveyor's seal. This certificate may be in the following form:

LAND SURVEYOR'S CERTIFICATE AND DESCRIPTION

I, the undersigned, licensed land surveyor of the State of Kansas, do hereby certify that the following described tract of land was surveyed on _____, 19__ and the accompanying final plat prepared and that all the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief:

(Legal description, date of survey and acreage. If applicable, reference may be made to indicate that existing public easements and dedications are being vacated according to provisions of K.S.A. 12-512b. [See Section 10-101A1 for provisions of K.S.A. 12-512b.])

Date _____, 19___.

(S E A L)

_____
(Land Surveyor's name and license number)

2. Certificates signed and acknowledged by all parties having any record or possessory right, title or interest in the land subdivided including mortgagees consenting to the preparation and recording of the subdivision plat; and dedicating all tracts of land shown on the final plat which are intended for public use as highways, streets, alleys, easements and public sites. These certificates may be in the following form:

OWNER'S CERTIFICATE AND DEDICATION

STATE OF KANSAS)
) ss
COUNTY OF SEDGWICK)

Changed A-10 1/10/2011

This is to certify that the undersigned owner(s) of the land described in the Land Surveyor's Certificate; have caused the same to be surveyed and subdivided on the accompanying plat into lots, blocks, streets and other public ways under the name of _____; (an addition to) (located in) the City of Kechi, Sedgwick County, Kansas; that all highways, streets, alleys, easements and public sites as denoted on the plat are hereby dedicated to and for the use of the public for the purpose of constructing, operating, maintaining and repairing public improvements; and further that the land contained herein is held and shall be conveyed subject to any applicable restrictions, reservations and covenants now on file or hereafter filed in the Office of the Register of Deeds of Sedgwick County, Kansas.

Date Signed:_____ Date Signed:_____

_____, Owner
(Print Name)

_____, Owner
(Print Name)

MORTGAGE HOLDER

We, (Name of institution and location), by (Name and title of officer), holders of a mortgage on the above described property do hereby consent to the plat of (Name of plat), City of Kechi, Sedgwick County, Kansas.

(Name of institution and location)

_____
(Name and title)

3. The acknowledgment of a notary in the following form for an individual capacity or modified if a representative capacity:

NOTARY CERTIFICATE

STATE OF KANSAS)
) ss
COUNTY OF SEDGWICK)

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____ (Name of Person[s]) _____

(S E A L) _____, Notary Public

My appointment expires: _____

4. The certificate of the Planning Commission in the following form:

PLANNING COMMISSION CERTIFICATE

STATE OF KANSAS)
) ss
CITY OF KECHI)

This plat was approved by the Kechi City Planning Commission on _____, 19___.

Signed _____, 19___.

_____, Chairperson
(Print Name)

ATTEST:

_____, Secretary
(Print Name)

5. If the plat is an addition to the City, i.e., an annexation, a certificate signed by the City Attorney indicating that all conditions of K.S.A. 12-401 have been met: (See Section 5-100A1 for use of the word "Addition.")

CITY ATTORNEY'S CERTIFICATE

STATE OF KANSAS)
) ss
CITY OF KECHI)

This plat is approved pursuant to the provisions of K.S.A. 12-401.

Date Signed: _____, 19___.

_____, City Attorney
(Print Name)

6. The acceptance of dedications by the Governing Body in the following form:

GOVERNING BODY CERTIFICATE

STATE OF KANSAS)
) ss
CITY OF KECHI)

The dedications shown on this plat, if any, are hereby accepted by the Governing Body of the City of Kechi, Kansas on _____, 19___.

_____, Mayor
(Print Name)

(S E A L)

ATTEST:

_____, City Clerk
(Print Name)

7. A place to note the transfer record date of the County Clerk and the recording certificate of the County Register of Deeds. Plats are not entitled to record unless all current real estate taxes and special assessments are paid in full on the land being platted. (See Section 5-101R1 for title report.)

TRANSFER RECORD

Entered on transfer record this _____ day of _____, 19___.

_____, County Clerk
(Print Name)

REGISTER OF DEED'S CERTIFICATE

STATE OF KANSAS)
) ss
COUNTY OF SEDGWICK)

This is to certify that this instrument was filed for record in the Register of Deeds Office at ___:___ (a.m.) (p.m.) on the _____ day of _____, 19___ and is duly recorded.

_____, Register of Deeds
(S E A L) (Print Name)

_____, Deputy
(Print Name)

Whenever the subdivider's agreement and any restrictive covenants are recorded prior to or concurrently with the final plat, the book and page numbers where they are recorded shall be noted on the plat for reference purposes.

8. Provision for all other certifications, approvals and acceptances which are now, or which may hereafter be, required by any statute, ordinance or regulation. The form of these certifications may be modified as necessary by the City's legal counsel to meet statutory or other requirements.

R. The following additional information shall be submitted with the final plat:

1. A title report by an abstract or a title insurance company, or an attorney's opinion of title, showing the owner of the land and all other persons who have an interest therein and describing any encumbrances on the plat, including such items as rights-of-way, easements, pipelines, leases, mineral rights, mortgages, real estate taxes, special assessments and other encumbrances affecting the ownership. (See Section 5-101 Q 7 on payment of real estate taxes and special assessments before recording.)

2. If deemed necessary, a final drainage plan based on the standards and policies set by the City including minimum pad elevations and/or a four corner grading plan for each lot.

3. A copy, if any, of restrictive covenants applicable to the subdivision. As a service to the subdivider, such restrictions may be reviewed by the Planning Commission and other officials to determine if any potential conflicts exist with the City's laws.

ARTICLE 6. DESIGN STANDARDS

100 Scope. All subdivision of land subject to these regulations shall conform to the minimum design standards of this Article.

101 Comprehensive Development Plan. Subdivisions shall conform with the intent of the Comprehensive Plan.

102 Land for Public Facility Sites. Public agencies using the Comprehensive Plan as a guide may use the following procedure for acquiring sites for public facilities which does not preclude voluntary dedication and mutual negotiations for land or the use of the condemnation laws of the State: (See Section 2-102 for definition of RESERVE.)

A. The subdivider offers to sell to the appropriate public body, agency or authority, lands, sites and locations for parks, recreational areas, schools, fire stations or other public facilities. As soon as the preliminary plat has been received and reviewed, the Planning Commission shall give 45 days notice to the public body, agency or authority that it appears that lands should be considered for public acquisition. If within that 45 days the body receiving notice fails to act or submits a negative report on acquisition, then the subdivision and design thereof shall be treated as if no such request for land had been made.

B. If the organization receiving notice replies in writing that they desire to acquire land within the subdivision, they shall have an additional 45 days after making such reply to make arrangements for such land acquisition.

C. The time allocated for making the above determination may be extended with the mutual consent of the subdivider and the organization involved.

103 Land for Open Space. The following conditions may be required as part of the approval of any subdivision plat: (See Section 2-102 for definition of RESERVE.)

A. That the subdivider provide appropriate dedication of land or easements for the preservation of open space areas within a subdivision. Such open space may be needed to preserve areas containing natural watercourses, drainage ways, areas subject to periodic flooding, substantial woodland, rugged topography and wildlife habitat; to maintain water quality and quantity; and to protect land from soil erosion. In general, such land is not normally considered as buildable land and should not be developed in order to maintain the quality of the environment.

104 Land Subject to Flooding.

A. Whenever a subdivision of land including platting for manufactured home parks and other developments on one-lot plats is located on flood prone land identified on a Flood Insurance Rate Map(s) (F.I.R.M.) prepared by the Federal Emergency Management Agency, the following requirements shall apply: (See Appendix of City Zoning Regulations for flood plain regulations.) (See Section 5-101 O for minimum pad elevations.)

1. Show on the preliminary and final plats the boundary lines and elevations for both floodway, if any, and 100-year flood level; and

2. Assure that (a) all such subdivisions are consistent with the need to minimize flood damage, (b) all public utilities and facilities, such as sewer, water, gas and electrical systems are located, elevated and constructed to minimize or eliminate flood damage, and (c) adequate drainage is provided so as to reduce exposure to flood hazards.

105 Land Subject to Excessive Erosion by Wind or Water. On land subject to excessive soil movement by the forces of wind and/or water and that may cause environmental health hazards, necessary preventive measures shall be a part of the subdivision plat. Conservation standards applicable to subdivisions shall be adhered to which are used by the Sedgwick County Conservation District.

106 Access. All lots located in any subdivision must contain at least 40 feet of frontage for driveways directly connected to an opened public street and not across the land of others. Flag lots are not permitted, unless warranted by an unusual shape of the land or the ownership of property. (See Section 2-102 for definition of FLAG LOT.)

107 Streets-Layout and Design.

A. The arrangement, character, extent, width, grade and location of all streets shall conform to the intent of the Comprehensive Plan, and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic within the subdivision and adjoining lands; to topographical conditions, to the run-off of storm water; to public convenience and safety; and in their appropriate relations to the proposed uses of the land to be served by such streets.

B. Where such is not shown on a Comprehensive Plan, the arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection of existing streets in surrounding areas; or

2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographic or other conditions make continuance or conformance to existing streets impracticable.

C. Local streets shall be laid out so that their use by through traffic will be discouraged.

D. If a subdivision abuts or contains an existing or proposed limited access highway, arterial street or railroad right-of-way, the Planning Commission may require marginal access streets, reverse frontage lots with access control provisions along the rear property line and screening, deep lots with rear service alleys or such other design as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

E. Reserve strips controlling access of streets shall be prohibited except where their control is placed with the Governing Body under acceptable conditions.

F. Street right-of-way requirements for other than arterials shall be determined by the total aggregate needs for the functional components for the particular system being considered. The total aggregates shall be in increments of even feet, even numbers only. The components involved shall be as follows depending upon the type of characteristics of the street needed based on land use, traffic and density:

1. Moving or traffic lanes may be variable from nine to 12 feet depending on function, e.g., low density residential, cul-de-sac residential, collector, industrial, etc., and on design speed of the roadway. A moving lane may utilize a portion of the surface of certain types of curb construction.

2. Parking lanes for on-street storage of vehicles shall be at least eight feet in width. For computation purposes, up to two feet for curb or shoulder may be included as part of the parking lane.

3. Curbs shall be considered to require two feet irrespective of construction type.

4. Shoulders for streets without curbs shall be not less than three feet in width.

5. Parking strips for streets shall be at least 14 1/2 feet in width from the back of curb to the right-of-way line. This area shall be used for the installation of utilities, street signs, street lights, traffic control devices, fire hydrants, sidewalks, driveways, street furniture, street trees from an approved City list and to provide a transition area in grades, if necessary, between the roadway and the property adjacent to the right-of-way.

6. Based on the above general criteria, street rights-of-way and roadways shall be calculated from the following guidelines:

	R-O-W for Street In feet*	Roadway Width In feet**
a. Collector including Commercial, Industrial or Multiple-Family Areas.	66'-70'	37-41
b. Local Residential including Cul-de-sacs and Single and Two-Family Areas.	64	35
c. Local Marginal Access Street (two moving lanes with no parking on one side plus a parking strip between curb and the main road right-of-way).	50	28
d. Alleys for Residential, if necessary, and Commercial Areas.	20	20

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* For arterial standards, see Sections 6-107G and H.

** Back of curb to back of curb.

These widths may be modified by the Planning Commission on a showing that special conditions exist such as drainage and utility requirements, safe and efficient traffic and pedestrian movement, intersection design, etc. In applying these standards, workable street systems must be established. When a pattern of widths based on function for a given area has been established, the pattern shall be followed until another system can be established or ties into a collector or arterial system. Access control and acceleration and deceleration lanes may be required to properly handle traffic flow and to protect the carrying capacity of the street.

G. Arterial right-of-way widths shall be as shown in the Comprehensive Plan and where not shown thereon shall be between 80-100 feet.

H. For streets and roadways on the Functional Classification System of the County, prevailing design standards shall apply.

I. Wherever possible, there shall be an inside tangent at least 100 feet in length introduced between reverse curves on arterial and collector streets.

J. Streets shall be laid out so as to provide for horizontal sight distances on all curves depending upon design speed. These distances shall be:

Arterial Streets:	500 feet
Collector Streets:	300 feet
Local Streets:	200 feet

The sight distance shall be measured within street rights-of-way from a height of four and one-half feet above the proposed pavement surface in the right-hand lane of the roadway.

K. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 80 degrees.

L. Street jogs are to be avoided on arterial and collector streets. On local streets, center line offsets of less than 150 feet should be avoided.

M. Roadway grades, wherever feasible, shall not exceed the following with due allowance for reasonable vertical curves:

Roadway Type	Percent Grade
Arterial	3%
Collector	4%
Local	5%
Marginal Access	5%

N. No roadway grade shall be less than 0.32 of one percent, unless approved by the applicable engineer. Greater percentages of grade may be required where necessary to provide adequate drainage.

O. Roadway pavement at intersections shall be rounded by the following minimum radii:

Type of Roadway	Intersection Width	Minimum Curb Radii
Local Residential	Local Residential	20 feet
Local Residential	Collector	30 feet
Local Residential	Arterial	30 feet
Commercial/Industrial Collector or Arterial	Commercial/Industrial Collector or Arterial	50 feet

P. Half-streets shall be avoided, except for arterial streets and collector streets where applicable, or where they are essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; or, when the Planning Commission finds that it will be practicable to require the dedication of the

other half of the street when the adjoining property is subdivided. Whenever a half-street, or portion thereof, exists and is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. No construction of the roadway shall occur until the full right-of-way is provided.

Q. The length of cul-de-sacs and the dimensions of the turn-around shall be determined as follows:

1. Cul-de-sacs in single-family areas should not generally be longer than seven times the average lot width or 500 feet, whichever is less. In multiple-family residential areas, such streets shall not exceed 300 feet.

2. Turn-arounds shall have a turn-diameter of at least 70 feet and a street property line diameter of at least 100 feet, or shall have an alternate turn-around area such as hammerheads, etc., as providing service equal to the foregoing requirement.

R. Subdividers are encouraged to consider projects designed to maximize solar access when not in conflict with existing contours or drainage. When the long axis of individual structures is parallel to the street, streets should be oriented as nearly as possible in an east/west direction. If the long axis of structures is perpendicular to the street, north/south street orientation is preferable for solar access purposes.

108 <u>Alleys</u>.

A. Alleys shall be provided in commercial and industrial areas, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking spaces consistent and adequate for the uses proposed. Alleys in residential districts are to be discouraged.

B. When provided, the minimum right-of-way of an alley shall be 20 feet.

C. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, a turning radius shall be provided to permit safe vehicular movement.

D. Dead end alleys shall be avoided where possible, but if unavoidable, such alleys shall be provided with adequate turn-around facilities at the dead end.

109 <u>Blocks and Pedestrian Ways</u>.

A. The lengths, widths and shapes of blocks shall be determined with due regard to:

1. Provision of adequate building sites suitable for the special needs of the type of use contemplated.

2. Zoning requirements as to lot sizes and dimensions, off-street parking and loading, etc.

3. Need for convenient access, circulation, control and safety of street traffic.

4. Limitations and opportunities of topography.

B. A block should not exceed 1,340 feet in length, unless the previous layout or topographic conditions justify a variation. In general, blocks shall not be less than 400 feet unless necessary because of existing street patterns.

C. All blocks shall be so designed so as to provide two tiers of lots, unless a different arrangement is required in order to comply with or be permitted by other sections of these regulations.

D. Blocks may be irregular in shape, provided they are harmonious with the overall pattern of blocks in the proposed subdivision.

E. In extra long blocks, a public pedestrian way may be required to provide access to public or private facilities such as schools or parks. (See 2-102 for definition of PEDESTRIAN WAY [CROSSWALK].)

110 Lots.

A. The lot size, width, depth, shape and orientation, and the minimum building setback lines, if any desired, shall be appropriate for the location of the subdivision and for the type of development and use contemplated. (See Section 6-106 for flag lots.)

B. Lot dimensions shall conform to the minimum requirements of City Zoning Regulations.

C. All subdivisions shall be connected to public water supply and sewage disposal systems.*

D. As a general guideline, the maximum depth of all residential lots shall not exceed two and one-half times the width thereof. For all other types of lots, the depth shall not exceed three times the width.

E. The area of the street right-of-way shall not be included and calculated in the area of the lot with respect to minimum lot area requirements of these regulations or of City Zoning Regulations.

F. There shall be no double frontage lots for individual dwellings (e.g., single and two-family units), except where the lots abut upon a limited access highway or arterial street or where the topography of the land prevents reasonable subdivision in small units. Double frontage lots shall not have vehicular access between such lots and an abutting limited access highway or arterial street.

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* NOTE: All public sanitary sewer systems and sewage treatment plants are further subject to the regulations of the Kansas Department of Health and Environment.

G. Reversed frontage lots shall be avoided except where such are essential to provide a separation of residential development from limited access highways and arterial streets or to overcome specific disadvantages of topography and orientation.

H. Corner lots for residential use shall have extra width, if necessary, to permit appropriate building setback from and orientation to both streets.

I. Side lines of lots shall be at right angles or radial to the street line or substantially so.

111 Easements.

A. Utility easements shall be provided where necessary and centered on rear or side lot lines. Such easements shall be at least 20 feet wide along rear lot lines and 10 feet wide along side lot lines, except that easements for street lighting purposes shall not in any event be required to exceed 10 feet. Side lot easements, when needed for other than street lighting purposes such as drainage, may exceed 10 feet.

B. Drainage Easements. If a subdivision is traversed by a watercourse, drainage way or channel or a detention pond is constructed, then a storm water easement or drainage right-of-way shall be provided. Such easement or right-of-way shall conform substantially to the lines of such watercourse and location of a detention pond and shall be of such width or construction, or both, as may be necessary to assure adequate storm water drainage and for access for maintenance thereof. All drainage easements shall be vegetated with perennial grasses or otherwise stabilized to prevent soil erosion and sediment movement by wind or water. Parallel streets or parkways may be required in connection therewith. (See Section 2-102 for definition of DETENTION POND.)

C. Vision triangle easements may be required on any corner lot to provide an open and usable vision path for drivers of vehicles approaching the intersection. The extent of vision triangle easements shall be based on the type of intersection (3-way, four, protected, unprotected, etc.); the type of street (local, collector, arterial, commercial or industrial); topography; proposed street grades (if any); and the design speeds contemplated for such roadways. (See Section 2-102 for definition of VISION TRIANGLE.)

D. Wherever a lot or group of lots side or back on to an existing high pressure oil or gas transmission line, a building setback easement shall be established on each side of such line to the minimum safe standards as provided by the applicable oil or gas company to the subdivider or to such standards as may be adopted by the City, state or federal governments, whichever provides the most setback distance. The easement shall be provided on that part of the lot which abuts the oil or gas line and no principal buildings or structures shall be located or constructed within such an easement.

E. A screening easement may be required to provide for fencing and/or an adequate area for the mature growth of landscaping with appropriate maintenance. (See Section 2-102 for definition of SCREENING.)

112 <u>Commercial and Industrial Subdivisions</u>.

A. Streets. Notwithstanding the other provisions of these regulations, the minimum width of streets adjacent to areas designed, proposed or zoned for commercial or industrial use may be increased by the Planning Commission to such extent as may be deemed necessary to assure the free flow of through traffic without interference from parked or parking motor vehicles.

B. Blocks and lots intended for commercial or industrial use shall be designed specifically for such purpose with adequate space set aside for off-street parking and loading.

C. Marginal Access Street. When lots or blocks in a proposed commercial or industrial subdivision front on any limited access highway or arterial street, the subdivider may be required to dedicate and improve a marginal access street to provide ingress and egress to and from such lots or blocks.

ARTICLE 7. INSTALLATION OF REQUIRED IMPROVEMENTS

100 Engineering Responsibility. In setting certain standards and specifications, approving engineering drawings, inspecting improvements, recommending acceptance of improvements, preparing petition forms and establishing the amount of surety for guaranteeing the installation of such improvements; the engineer designated by the City or utility provider representative shall be designated as responsible for the improvements within their respective jurisdictions. Coordination to achieve cooperation among the responsible parties is the responsibility of the City and, in particular, the Subdivision Administrator.

101 Required Improvements. As a condition to final plat approval, the subdivider of a proposed subdivision shall be responsible to install or, in cooperation with the Governing Body and utility companies, cause to be installed the following necessary facilities and improvements as listed below. The design and installation of such facilities and improvements shall include such sizing of pipes and extensions of streets as may be deemed desirable within the subdivision to facilitate development of adjacent land.

A. All streets, alleys, curbs, gutters and street drainage facilities shall be constructed in accordance with established City standards. Streets shall be constructed of concrete, asphalt or asphaltic concrete and no gravel or sanded roadways shall be constructed. To accommodate any future improvements, the entire right-of-way of collector and local streets shall be graded to match the level of the road surface. All stumps, trees that cannot be saved, boulders and similar items shall be removed from such right-of-way.

B. A storm drainage system shall be provided, separate and independent of the sanitary sewer system, meeting all of the specifications and requirements of the City. Such storm drainage system shall be connected to any existing storm sewer system, where available, or if such connection is not available, other adequate means for the discharge of such storm water including the use of detention ponds shall be provided by the subdivider into the nearest major water channel. If it is determined that adequate drainage can be accomplished by a natural drainage way across private property, a drainage easement may be required; however, any initial channelization is the responsibility of the subdivider and continued maintenance the responsibility of the adjacent property owner(s).

C. Sidewalks shall be constructed in accordance with standards set by the City under the following conditions: (Also, see Section 6-109E for pedestrian ways.)

1. Sidewalks may be required on one or both sides of the street when needed to service pedestrian traffic flow leading to schools, parks, shopping areas or places of public assembly and where heavy traffic would warrant sidewalks for safety purposes. Sidewalks may

also be required in residential areas where the lot frontage is less than 150 feet. Sidewalks shall be required to extend or complete connecting links in the sidewalk system.

2. In general, sidewalks shall be constructed with the inside edge of the sidewalk one foot outside the property line except in the central business district.

3. All sidewalks shall provide handicap access in conformity with K.S.A. 58-1301 et seq. and the federal Americans with Disabilities Act of 1990, 42 USCA 12101, as may be amended.

D. Street signs of such location, type and size as shall be approved by the Governing Body, giving due regard to the prevailing type, size and pattern of location utilized throughout the area.

E. A municipal type water supply system shall be installed in accordance with the standards and requirements set by the applicable agency supplying the water.

F. Fire hydrants of the type and quality specified by City standards, but not less than the minimum standards of the National Fire Protection Association (NFPA), shall be provided and connected to municipal type water supply system. Such hydrants shall be subject to the inspection and approval of the applicable Fire Chief.

G. A sanitary sewer system shall be installed in accordance with standards set by the City subject to the regulations of the Kansas Department of Health and Environment.

H. Underground wiring in residential subdivisions, unless found to be unfeasible, is required for electric power, street lights and telephone service, except:

1. For lines rated over 12,000 volts;

2. Appurtenance serving such lines which may be mounted on the ground, such as transformers, transformer pads, telephone service pedestals and street light poles; or

3. For those proposed subdivisions or replats of existing subdivisions located in areas which presently have an overhead type utility distribution system.

All such installation shall be under contract with the applicable utility provider. Cable television, if installed, shall be placed underground in accordance with the above requirements. Where telephone, electric, street lights and gas lines are placed underground entirely throughout a subdivision, conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services. Further, all transformer boxes shall be located so as not to be unsightly or hazardous to the public.

Nothing in this section shall be construed as requiring underground installation of lines beyond the boundaries of the area contained in the preliminary plat.

All utility lines for telephone and electric service, when carried on overhead poles, shall be placed in rear lot line easements or designated side lot line easements.

I. If screening of public or private areas is to be required, a screening plan of landscaping and/or fencing shall be prepared and approved by the Planning Commission and such screening installed. (See Section 2-102 for definition of SCREENING.)

J. Monuments as shown on the final plat shall be placed at all central points such as block corners, angle points, points of curves in streets and as may be required by the engineer. Monuments shall be made of iron pipes or solid steel rods, e.g., rebars which are not less than one-half inch in outside diameter and not less than 24 inches in length and affixed with a plastic or metal cap which identifies the registration number of the surveyor in responsible charge. All monuments shall be securely placed and set in such a manner that the top of the monument shall be at grade ground level. If cultivation of the land for farming purposes is anticipated, monuments may be lowered nine inches below grade ground level. Bench marks may also be required of such material, size and length as may be approved by the engineer. (See Section 2-102 for definitions of BENCH MARK and MONUMENT and Sections 5-101 D and E for monuments and bench mark(s) to be shown on the final plat.)

K. Whenever existing sanitary or storm water sewers, water lines, drainage channels, culverts, underground or overhead electric and communication lines, gas lines, pipe lines, transmission lines are required to be relocated due to the subdivision or construction of improvements required as a condition of approval of the subdivision and in the event such was not known at the time of subdivision approval for any reason, the costs of such relocation shall be the sole responsibility of the subdivider.

L. Where required, applicable measures will be taken during construction to minimize soil erosion and sedimentation by wind or water. Conservation standards shall be adhered to which have been adopted by the County Conservation District.

102 <u>Exceptions for Existing Improvements</u>.

A. Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements as set out in Section 7-101 and where such improvements meet the requirements of said section and are in good condition as determined by the Governing Body, no further provision need be made by the subdivider to duplicate such improvements. Where such existing improvements do not meet the requirements; however, the subdivider shall provide for the repair, correction or replacement of such improvements so that all improvements will then meet the aforesaid requirements.

B. Where the proposed subdivision is a resubdivision or concerns an area presently abutting or containing any existing public street of less than the minimum required right-of-way width or roadway width, land shall be dedicated in so far as is possible so as to provide for a minimum street right-of-way width and an additional roadway pavement meeting the minimum standards as set by these regulations. The Governing Body shall determine what adjustment to make where the aforesaid widenings merge with existing streets which are of smaller width at the boundary of such proposed subdivision. The minimum right-of-way and roadway width required by these regulations may be reduced to match an existing roadway system if the extension of such roadway is already improved at each end of the roadway in the subdivision.

103 Agreement and Guarantees for Installation of Required Improvements. Except for monuments, one of the following methods shall be used by the subdivider to guarantee that improvements required by these regulations can or will be installed in accordance with approved plans and specifications. This does not preclude the possibility that the Governing Body may, at its discretion and in recognition of its financial position, share in the cost of all improvements, especially oversized improvements which may benefit other related areas or the municipality-at-large:*

A. Fiscal sureties may be offered and the following shall apply: (See Section 2-102 for definition of Subdivider's Agreement.)

1. The subdivider shall enter into a "Subdivider's Agreement" with the Governing Body under which the subdivider agrees to install such required improvements. Such agreement shall be conditioned upon the acceptances of the final plat by the Governing Body and filed with the Clerk.

2. Simultaneously with the execution of the Subdivider's Agreement provided for in Section 7-103A1, the subdivider shall furnish a corporate completion bond by a firm authorized to do business in Kansas with good and sufficient sureties thereon or a cashier's check, escrow account or irrevocable letter of credit in favor of the Governing Body, in the amount of the estimated cost as approved by the official responsible for setting and enforcing the applicable design and construction standards of the installation of the required improvements. Such financial guarantee shall be conditioned upon the acceptance of the final plat and further conditioned upon the actual completion and satisfactory installation of such required improvements within two years from the date that the final plat is accepted by the Governing Body.

3. Simultaneously with the execution of the Subdivider's Agreement provided for in Section 7-103A1, if the subdivider furnishes a corporate completion bond, he or she shall also deposit in escrow with the Governing Body cash in the amount of 15% of the cost of

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* NOTE: See City Resolution on a policy for financing public improvements.

all improvements to be made in accordance with the plans and specifications for required improvements or an equivalent amount in the form of a maintenance bond or other securities that may be deemed sufficient by the Governing Body. If a subdivider furnishes a cashier's check, escrow account or irrevocable letter of credit, 15% of the amount of such guarantees shall be returned by, or held as a deposit in escrow after, the final completion of such improvements. The subdivider shall agree that such deposit in escrow may be held by the Governing Body for a period of 18 months after such improvements are completed for the purpose of:

a. Guaranteeing and securing the correction of any defect in material or workmanship furnished for such improvements, latent in character, and not discernible at the time of final inspection or acceptance by the Governing Body; and

b. Guarantee against any damage to such improvements by reason of the settling of the ground, base or foundation thereof.

Such escrow agreement shall provide that, as such defects have so developed, that the deposit may be applied by the Governing Body for any amounts incurred correcting such defects; and that the balance of such deposit, if any, held at the end of such 18-month period shall be returned by the Governing Body to the depositor, or paid to the order of the depositor without payment of interest.

B. Petitions to the Governing Body may be submitted as a means of guaranteeing the authority to install improvements at such time as they deem appropriate. Petitions may be submitted only when the following conditions exist:

1. The petitions must be valid as may be provided for under Kansas law.

2. The petitions must be approved by the Governing Body concurrently with the acceptance of the final plat.

3. The initiating resolution for such improvement must be adopted by the Governing Body concurrently with the petition approval or as soon thereafter as may be provided by law. The cost of the publication of said resolution shall be born by the subdivider.

4. A certificate signed by the petitioner must be recorded with the County Register of Deeds stating that such petitions have been filed and approved by the Governing Body and that certain land within the plat as described will be liable in the future for special assessment for the required improvements authorized.

C. The subdivider shall, prior to the acceptance of the final plat, submit a letter from the utility provider(s) involved stating that satisfactory arrangements have been made by the subdivider guaranteeing the installation of their respective services.

D. Monuments and bench marks shall be installed and their installation certified by a licensed land surveyor on the final plat before such plat is recorded with the County Register of Deeds. (See Section 5-101 Q 1 for surveyor's certification.)

104 Off-site Improvements. The Governing Body may, upon making a finding of necessity, require the subdivider to install or upgrade off-site improvements located outside the perimeter of a subdivision if such need is substantially created by a proposed subdivision. Such off-site improvements should be within dedicated rights-of-way or easements and serve a public purpose. The financing and guaranteeing of such improvements shall be administered as if they were the same as on-site improvements under Section 7-103. The Governing Body may require such subdivision to participate in the following facilities and improvements, or any other off-site improvements as recommended by the Planning Commission, if the need is created by a proposed subdivision:

A. Drainage improvements;

B. Pedestrian ways and sidewalks;

C. Screening;

D. Special grading requirements;

E. Street improvements; or

F. Traffic control devices.

ARTICLE 8. IMPROVEMENT PROCEDURES

100 Submittal of Petitions. If petitions are proposed to meet the requirements of Article 7, the subdivider shall so indicate at the time of submittal of the preliminary plat. If the petition method is authorized by the Governing Body, petitions shall accompany the final plat for approval by the Governing Body.

101 Final Improvement Plans. When the use of petitions has not been requested by the subdivider or authorized by the Governing Body and a letter(s) of satisfactory arrangements from a utility provider(s) are not being utilized to guarantee improvements (See Section 7-103C for letter from utility), the subdivider shall have prepared by an engineer (which may be contracted for privately or with any governmental agency or utility), engineering drawings for proposed required improvements containing the data and information specified in Section 8-101A. Such drawings shall be certified by a licensed engineer and shall be submitted to the applicable reviewing official in duplicate at least 20 days prior to the date that approval is requested.

A. Content. The engineering drawings shall contain the following data plus additional information deemed necessary by the applicable engineer:

1. Plans, details, specifications and cost estimates for roadway, alley and sidewalk construction; including plans, profile indicating existing topography and elevation including curb and sidewalk elevation when required, intersection control elevation and paving geometrics for each street with a typical cross section of the roadway. The profiles of grade lines shall be shown to a scale of one inch equals 100 feet horizontal, and one inch equals 10 feet vertical; or to a scale approved by the applicable engineer. This information shall be shown on standard plan and profile sheets unless otherwise required by the engineer and use topographic information cited in Section 5-100B3.

2. Plans, profiles, details, specifications and cost estimates of proposed storm drainage improvements.

3. Plans, profiles, details, specifications and cost estimates of proposed water distribution system, water supply facilities and fire hydrants.

4. Plans, profiles, details, specifications and cost estimates of proposed sanitary sewage system.

5. All plans for other utilities such as for electric, gas and telephone shall be prepared by or at the direction of the utility providing the service.

B. Review. The applicable engineer, official or agency responsible for determining specifications and standards shall review all engineering drawings in order to determine whether such drawings are consistent with the approved final plat and comply with the design standards. If such drawings are consistent and so comply, the reviewing official shall forward to the Governing Body a notice to that effect. In the event that the drawings do not so comply, the reviewing official shall notify the subdivider of the specific manner in which such drawings do not comply, and he may then correct such drawings. If such drawings are not corrected, the reviewing official shall forward to the Governing Body a notice as to the items of nonconformity or noncompliance.

102 Construction of Improvements. No improvements shall be constructed nor shall any work preliminary thereto be done until such time as the engineering construction drawings shall have been approved and there shall have been compliance with all of the requirements relating to the Subdivider's Agreement and such guarantees as are specified in Section 7-103 of these regulations.

A. Inspection. All improvements constructed or erected shall be subject to inspection by the applicable engineer or official responsible for setting and enforcing the applicable design and construction standards of the required improvements. The cost attributable to all inspections required by these regulations shall be charged to and paid by the subdivider. In so far as is possible, the subdivider shall give at least 48 hours notification to such official prior to the performance of any inspection work.

B. Inspection Procedures. After notice is received as specified in Section 8-102A above, the applicable engineer or official designated may conduct an on-site inspection to determine that the work complies with the approved engineering plans and specifications. If in the opinion of such engineer or official, the work does not comply with such final drawings, he shall have authority to order that all such work shall be terminated until such time as necessary steps are taken to correct any defects or deficiencies. Upon the correction of such defects or deficiencies, the subdivider shall again notify the applicable engineer or official as provided in Section 8-102A that the work is again ready for inspection.

C. Final Inspection. Upon completion of all improvements within the area covered by the final plat, the subdivider shall notify the applicable engineer or official designated in Section 8-102A above, who shall thereupon conduct a final inspection of all improvements installed. If such final inspection indicates that there are any defects or deficiencies in such improvements as installed, or if there are any deviations in such improvements as installed from the final engineering plans and specifications, he shall notify the subdivider in writing and the subdivider shall, at his sole cost and expense, correct such defects or deviations within six months of the date of notification. When such

defects, deficiencies or deviations have been corrected, the subdivider shall notify the official that the improvements are again ready for final inspection. After the final inspection is made and before acceptance of the improvement by the Governing Body, the subdivider shall file a statement with the engineer or official which is executed by the subdivider, certifying that all obligations incurred in the construction of the improvement involved have been properly paid and settled.

103 Acceptance of Improvements. If a final inspection indicates that all improvements as installed contain no unacceptable defects, deficiencies or deviations, within 15 days from the submission of the subdivider's statement of obligation paid, the applicable engineer or official designated shall certify to the Governing Body and utility provider(s) that all improvements have been installed in conformity with the engineering plans and specifications accompanying the final plat. Upon the receipt by the Governing Body of such notification and in conformity with the requirements of these regulations and all other applicable statutes, ordinances and regulations, the Governing Body shall thereupon by resolution or utility by letter formally accept such improvements. The improvements shall become the property of the Governing Body or utility provider(s) involved. Prior to this final action, however, neither the acceptance of the final plat, any subsequent annexation to the City or irrespective of any act(s) of employees, such actions shall not constitute their formal acceptance of improvements.

ARTICLE 9. PROCEDURE FOR APPROVAL OF LOT SPLITS

100 Application Procedure. The Subdivision Administrator is hereby authorized to approve or disapprove lot splits. An application with the required fee for a lot split approval shall be submitted to the Subdivision Administrator by the owner of the land at least 15 days prior to the next regular meeting of the Planning Commission. (See Section 3-109 for Fees.) Four copies of a drawing to scale of the lots involved if there are no structures on the lot shall accompany the application or four copies of a survey if there are structures on the lot showing the precise location of structures thereon. Each drawing or survey shall show the location, dimensions and legal description of the proposed split; the square footage contained in each portion of the original lot; all existing easements including public reservations such as building setback lines or access control and a certificate of approval as worded in Section 9-101C.

Written notices shall be distributed by the Administrator to all owners of land adjacent to the property proposed to be split including such owners across the street or other public way. The application for a lot split must be accompanied by a list of the names and addresses of all persons to receive notices. Such owners shall have 10 days from the date of mailing the notification to inform the Administrator of any protest or concerns they may have on the lot split. The 10 day waiting period may be waived upon presentation of a written statement of no objection from those to be notified.

101 Approval Guidelines. Approval or disapproval of lot splits shall be made based on the following guidelines:

A. A lot split shall not be approved unless all the following requirements have or can be satisfied:

1. A new street or alley is needed or proposed.
2. A vacation of streets, alleys, setback lines, access control or easements is required and has not been satisfied.
3. Such action will result in significant increases in service requirements, e.g., utilities, drainage, traffic control, streets, sidewalks, etc. or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.
4. There is less street right-of-way than required by these regulations or the Comprehensive Plan unless such dedication can be made by separate instrument.
5. All easement requirements have not been satisfied.
6. Such split will result in a lot without direct access from its frontage to an opened public street. (See Section 6-106 for Access.)
7. A substandard sized lot will be created or an existing structure will not be able to meet all yard requirements according to applicable zoning regulations.

8. The lot is subject to periodic flooding which cannot be feasibly corrected by fill.

9. The lot has been previously split without replatting.

B. The Subdivision Administrator may make such additional requirements 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, the installation of public facilities, water supply and sewage disposal and/or the dedication of right-of-way and easements.

C. The Subdivision Administrator shall, in writing, either approve with or without conditions or disapprove the lot split within 30 days of application. If approved, and after all conditions have been met, the Subdivision Administrator shall sign the following certificate of approval as required on the lot split drawing or survey. Acknowledgement of the certificate may be made by a notary public or by the County Clerk, Register of Deeds, Mayor or Clerk. (See K.S.A. 58-2211, as amended.)

CERTIFICATE OF LOT SPLIT APPROVAL

STATE OF KANSAS)
) ss
CITY OF KECHI)

I hereby certify that this lot split has been examined by the Subdivision Administrator and found to comply with the Subdivision Regulations of the City of Kechi, Kansas, and is, therefore, approved for recording.

Date Signed:_____, 19____.

_____, Subdivision Administrator
(Print Name)

STATE OF KANSAS)
) ss
COUNTY OF SEDGWICK)

The foregoing instrument was acknowledged before me this _____ day of _____, 19__, by _____(Name of Person)_____.

(S E A L) _____, Notary Public

My appointment expires: _____.

A copy thereof shall be filed by the Subdivision Administrator with the applicable official charged with issuing building and/or zoning permits and two copies shall be furnished to the applicant, one of which the applicant shall file with the County Recorder of Deeds.

102 <u>Exception for Industrial Plats</u>. According to K.S.A. 12-752(f), a lot which is zoned for industrial purposes and for which a plat has been officially recorded may be further divided into two or more tracts without further replatting such a lot; provided, that none of the conditions under Section 9-101A is found to exist or has not otherwise been satisfied.

ARTICLE 10. VACATIONS AND CORRECTIONS

100 <u>Vacation of Unrecorded Plat</u>.

A. Upon written request of the subdivider to the Planning Commission, a preliminary or final plat may be withdrawn from consideration either before or after approval by the Commission. Upon approval of the request by a motion of the Commission, the Subdivision Administrator is automatically directed to remove the case file from the City records.

B. Upon written request of the subdivider to the Clerk, a final plat for which dedications, if any, have been accepted by the Governing Body may be vacated by motion of the Governing Body; provided, that (1) the plat has not been recorded; (2) no lots have been sold or transferred; and (3) no improvements have been installed. After the plat is vacated, the Administrator shall see that all fiscal sureties are returned to the subdivider except for those expenditures which have been incurred by the City in administrative, legal or engineering costs prior to the date of the request for vacation. Upon the return of such sureties, the Administrator is automatically directed to remove the case file including any petitions from the City records.

C. Upon determining from the County Register of Deeds that a final plat has not been recorded within 60 days from its final acceptance by the Governing Body, the Administrator shall notify the subdivider that the plat is null and void and that the case file will be removed from the City records within 30 days unless a reapplication for platting is received during that time. (See Section 4-112 for Recording of Final Plat.)

101 <u>Vacation of Recorded Plat</u>.

A. Recorded plats may be vacated by either replatting according to Section 10-101A1 below or directly vacated according to Section 10-101A2:

1. According to K.S.A. 12-512b, any recorded plat or part thereof or street, alley or other public reservation, including, without limitation, easements, dedicated building setback lines and access control, whether established by instrument, condemnation or earlier plats, shall be vacated both as to use and as to title without any further proceedings upon the filing and recording with the County Register of Deeds in accordance with K.S.A. 12-403, any plat or replat duly executed in accordance with these regulations which embraces the same lands as those heretofore embraced by the earlier plat or part thereof or street, alley or other public reservation. Streets, alleys or other public reservations which may be vacated shall revert, as provided for in K.S.A. 12-506, to abutting property owners according to their frontage thereon; provided, that such land to be reverted was derived directly or indirectly from

the owner of the land from which such street, alley or public reservation was originally platted. The proper completion of the Owner's Certificate and Dedication as required by Section 5-101 Q 2 shall constitute appropriate notice to all persons having property rights or interests affected by the above platting or replatting.

2. Recorded plats may also be vacated without replatting. The procedure is the same as provided for in Section 10-103.

102 Correction of Platting Errors.

A. According to K.S.A. 12-420, procedures are provided to correct certain platting errors. If, after recording a final plat, an error is found in distances, angles, bearings, subdivision or street names, block or lot numbers, the computation of dimension or elevation or other details of the plat, except in connection with the outer boundaries of the plat, and if the property described in that part of the plat containing the error is under the ownership of the person who caused the plat to be prepared, the City Engineer, after substantiation of the existence of the error, may file an affidavit with the County Register of Deeds that the error was made. The affidavit shall describe the nature and extent of the error and the appropriate correction. The Register of Deeds shall record the affidavit and shall place in the margin of the recorded plat a notation that the affidavit has been filed, the date of filing and the book and page where it is recorded. The filing of the affidavit shall correct any such errors, but shall have no effect on the validity of the plat or any property interest recorded by reference thereto. A copy of the recorded affidavit shall be filed with the Subdivision Administrator. The City will bill the person requesting the correction for engineering costs and recording fees.

103 Vacation of Streets, Alleys, Easements and Plats.

A. According to K.S.A. 12-504 and 505, the following procedures are provided to vacate streets, alleys or other public reservations such as, but not limited to public easements, dedicated building setback lines, access control, or a part thereof, and including all or parts of recorded plats:

1. Petitions for vacations received from the Governing Body, the owner of platted land or the owner of land adjoining on both sides of any street, alley, easement or other public reservation may be filed with the Clerk and transmitted to the Subdivision Administrator for processing. All nongovernmental petitioners will be billed a processing fee. (See Section 3-109 for Fees.) The Planning Commission shall give public notice of a hearing on a proposed vacation by publication once in the official city newspaper by the Subdivision Administrator. At least 20 days shall elapse between the date of such publication and the date set for such hearing. Such notice shall state (1) the nature of the vacation petition, (2) the legal description of the property and

(3) the date, time and place for the hearing before the Planning Commission. The notice may contain the information that the hearing may be adjourned from time to time upon a motion to continue in the future at some stated date, time and place. Furthermore, the Commission by rule shall mail a notice at least 20 days before the hearing to all affected utility providers; all owners of land proposed for vacation; all landowners abutting a street, alley or easement including any segment remaining open; and owners on the opposite side of the street from vacations of setbacks and access control. The petitioner(s) shall provide a list of such landowners as required by the Subdivision Administrator, including names, addresses and zip codes. Such notice to providers and landowners shall be mailed so that at least 20 days shall elapse between the mailing date and the hearing date.

2. The Planning Commission shall hold a public hearing to consider a recommendation to the Governing Body as to whether the vacation should be approved or disapproved and with or without conditions attached. At the hearing, the Planning Commission shall hear such testimony as may be presented or as may be required in order to fully understand the true nature of the petition and the propriety of recommending the same. If the Planning Commission determines from the testimony presented that:

   a. due and legal notice has been given;

   b. no private rights will be injured or endangered;

   c. the public will suffer no loss or inconvenience; and

   d. in justice to the petitioner(s) the vacation should be granted;

   then the Planning Commission shall recommend that such vacation be approved and entered at length in the minutes. Such recommendation may provide for the reservation to the City and/or the owners of any lesser property rights for public utilities, rights-of-way and easements for public service facilities originally located in such vacated land or planned for the future. The recommendation may be conditioned upon the petitioner's responsibility to remove or relocate all underground or surface utilities or paving in or on the vacated land. The petition shall not be recommended by the Planning Commission nor granted by the Governing Body if a written objection is filed with the Clerk, at or before the hearing, by any owner who would be a proper party to the petition, but has not joined therein. Furthermore, when only a portion of a street, alley or public reservation is proposed to be vacated, the petition shall not be recommended by the Planning Commission nor granted by the Governing Body if a written objection is filed with the Clerk by any owner of lands which adjoin the portion to be vacated. The recommendation of the Planning Commission to the Governing Body shall be made in the same manner as provided by K.S.A. 12-752 for the submission and approval of a final plat. (See Sections 4-107 and 108 for the 60-day time period for consideration of a plat and

Section 4-110 for Governing Body approval procedure.) The Planning Commission shall announce at their hearing when the Governing Body will consider the recommendation on the vacation. Following the approval of the vacation by the Governing Body in the form of an order, the Clerk shall certify a copy of the order to the County Register of Deeds; however, such certification shall be withheld until such time as any conditions attached to the order have been satisfied. The Register of Deeds shall note on the recorded plat of the "townsite," i.e., the City, or the applicable platted addition, the words, "canceled by order" or "canceled in part by order" and give the book and page where recorded.

ARTICLE 11. APPEALS, WAIVERS AND MODIFICATIONS

100 Appeals General. The subdivider of a proposed subdivision may appeal decisions made in the enforcement of these regulations by the Subdivision Administrator to the Planning Commission and by the Planning Commission to the Governing Body. In the event the Governing Body sustains the Planning Commission, the action of the Planning Commission shall be final except as otherwise provided by law. If the Governing Body overrules the Planning Commission, the Governing Body shall make its decision, in writing or in the minutes of the meeting, stating the reason therefore and return such decision and plat to the Planning Commission for consideration of reapproval.

101 Appeals on Improvement Standards. Any appeal as to approval of standards or plans and engineering drawings in connection with required improvements shall be directed to the Governing Body and that action shall be final.

102 Waiver of Required Improvements or Guarantees for Installation of Same. Any waiver of the required improvements or guarantees for their installation may be made only by the Governing Body on a showing that such improvements are not technically feasible or necessary.

103 Modifications. In cases in which there is unwarranted hardship in carrying out the literal provisions of these regulations as to design criteria, the Planning Commission may grant a modification from such provision according to the following guidelines:

A. A request for a modification shall be made to the Subdivision Administrator who shall transmit it to the Planning Commission. The Planning Commission shall give the subdivider and any other interested person an opportunity to be heard with respect to the requested modification.

B. The Planning Commission shall not grant a modification unless it shall find that (1) the strict application of these regulations will create an unwarranted hardship; (2) modification is in harmony with the general spirit and intended purpose of these regulations; (3) the rights of adjacent property owners will not adversely be affected; and (4) the public safety, health and general welfare will be protected.

C. When used in this Section, the term "unwarranted hardship" shall mean the effective deprivation of use as distinguished from a mere inconvenience.

D. Modifications permitted under the provisions of this Article shall not include modifications from the requirements of improvement standards, required improvements or guaranteeing their installation unless approved by the Governing Body as provided for in Sections 11-101 and 102. Furthermore, variances may not be granted from the provisions of City Zoning Regulations by these modification procedures.

ARTICLE 12. AMENDMENTS AND REVIEW

100 Amendment Procedure. These regulations may be amended at any time after the Planning Commission shall have held a public hearing on the proposed amendment. A notice of such public hearing shall be published once in the official city newspaper so that at least 20 days shall elapse between the publication date and the date of such hearing. Such notice shall fix the time and place for the hearing and shall describe such proposed amendment(s) in general terms. The hearing may be adjourned from time to time. At its conclusion, the Planning Commission shall prepare its recommendations and by an affirmative vote of a majority of the entire membership of the Commission adopt the proposed amendments to these regulations and submit them, together with the written summary of the hearing thereon, to the Governing Body. The Governing Body either may: (1) Approve such recommendations by ordinance; (2) override the Planning Commission recommendation by a 2/3 majority vote of the City Council; or (3) return the same to the Commission for further consideration, together with a statement specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Commission's recommendations, the Commission after considering the same, may resubmit their original recommendations giving the reasons therefore or submit new and amended recommendations. Upon the receipt of such recommendations, the Governing Body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendations by an ordinance, or it need take no further action thereon. If the Commission fails to deliver its recommendations to the Governing Body following the Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Commission as a resubmission of the original recommendations and proceed accordingly. The amended regulations shall become effective upon publication of the respective adopting ordinance. A copy of such legal publication shall be added to the Appendix of these regulations.

101 Annual Review. In order to maintain these regulations, the Planning Commission shall annually hold a public review at its regular meeting in January to consider amendments, if any, to these regulations. Notification of such a public review may be distributed to governmental agencies and interested parties. If amendments are deemed desirable, the amendment procedure as described in Section 12-100 shall be followed. During the intervening period between reviews, the Subdivision Administrator shall maintain a list of possible amendments which may be periodically brought to his or her attention.

102 Judicial Review. As provided by K.S.A. 12-760, as amended, any ordinance, regulation or decision provided for or authorized by these regulations shall be reasonable and any person aggrieved thereby may have the reasonableness of any decision determined by bringing an action against the City within 30 days after a final decision is made by the City. Such action shall be brought in the Sedgwick County District Court.

ARTICLE 13. SEVERABILITY AND EFFECTIVE DATE

100 Severability. If any part or provision of these regulations is adjudged unconstitutional or otherwise invalid by any court of competent jurisdiction, then such part or provision shall be considered separately and apart from the remaining parts or provisions of these regulations, and said part or provision to be completely severable from the remainder of these regulations, and the remainder provisions of these regulations shall remain in full force and effect.

101 Effective Date. These regulations shall be in full force and effect from and after their adoption by the Planning Commission, approval by the Governing Body by an ordinance incorporating these regulations by reference and publication of such ordinance in the official city newspaper.

ADOPTED by the Kechi City Planning Commission on August 12, 1997.

Frank Dungan, Chairperson

ATTEST:

Delitta DeGruson, Secretary

APPROVED AND ADOPTED by the City Council of the City of Kechi, Kansas on August 14, 1997.

Ed Parker, Mayor

ATTEST:

Laura Hill, City Clerk

(Approved by Ordinance No. 376 by the City Council of the City of Kechi, Kansas on August 14, 1997, officially published on August 21, 1997 and effective on August 21, 1997.)

APPENDIX

ORDINANCE INCORPORATING AND ADOPTING SUBDIVISION REGULATIONS

(First published in The Ark Valley News, Thursday, August 21, 1997)

ORDINANCE NO. 376

AN ORDINANCE ENACTED APPROVING AND INCORPORATING BY REFERENCE CERTAIN MODEL SUBDIVISION REGULATIONS GOVERNING THE SUBDIVISION OF LAND LOCATED WITHIN THE CITY OF KECHI, KANSAS, AS PREPARED AND PUBLISHED IN BOOK FORM BY THE KECHI CITY PLANNING COMMISSION, PURSUANT TO K.S.A. 12-741, AS AMENDED, 12-742, 12-749, 12-751 AND 12-752, 12-760 AND 12-761, 12-764, 12-766, 12-3009 THROUGH 12-3012, AND 12-3301 AND 12-3302.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF KECHI, KANSAS:

Section 1. Adoption: Subdivision Regulations are hereby approved and adopted by the Governing Body of the City of Kechi, Kansas, as prepared and published in book form as model regulations by the Kechi City Planning Commission with the technical assistance of Foster & Associates, Planning Consultants of Wichita, Kansas, and the City Subdivision Administrator under the date of August 12, 1997, and entitled, "Subdivision Regulations of the City of Kechi, Kansas", and the same are hereby incorporated by reference as fully as if set out herein.

Section 2. Public Hearing: The public hearing required by Kansas law was duly held on August 12, 1997 by the Kechi City Planning Commission, and a discussion of said Subdivision Regulations was had at said meeting; and that the Subdivision Regulations in model code form herein adopted are a true and correct copy of those regulations as adopted by the Planning Commission.

Section 3. Jurisdiction: From the effective date of this Ordinance, the Subdivision Regulations herein incorporated by reference shall govern the subdivision of land and the vacation of rights-of-way, easements and other public reservations located within the City of Kechi, Kansas.

Section 4. Official Copies: Not less than three copies of the Subdivision Regulations in book form marked "Official Copy as Incorporated by Ordinance No. 376" and to which there shall be a published copy of this Ordinance attached, shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable business hours.

Section 5. Invalidity of a Part: Any provision of this Ordinance which shall be declared to be unconstitutional or otherwise invalid shall not affect the validity and authority of any other sections of said Ordinance.

Section 6. Repeal: Ordinance No. 255 is hereby repealed and any other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 7. Effective Date: This Ordinance shall take effect upon being published once in the official city newspaper.

PASSED BY THE CITY COUNCIL this 14th day of August, 1997.

APPROVED BY THE MAYOR this 14th day of August, 1997.

/s/ Ed Parker, Mayor

(S E A L)

ATTEST:

/s/ Laura Hill, City Clerk

APPROVED AS TO FORM ONLY:

/s/ David L. Hiebert, City Attorney

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(Published once in The Ark Valley News on January 14, 2011.)

ORDINANCE NO. 1640-11

AN ORDINANCE AMENDING THE SUBDIVISION REGULATIONS OF THE CITY OF KECHI, KANSAS. AS ORGINALLY ADOPTED BY ORDINANCE NO 376. AND INCORPORATING AS A PART THEREOF CERTAIN ADMENDMENTS

THAT WHEREAS on August 14, 1997, the City of Kechi, Kansas enacted Ordinance No. 376 which Ordinance was duly published and which provided for the adoption of and incorporation therein of certain Subdivision Regulations for said City, official copies of same being on file with the City Clerk; and

WHEREAS, the Planning Commission of the City of Kechi, Kansas has prior hereto and after giving due notice held a public hearing on December 14, 2010 and made certain recommendations for amendments as contained herein; and

WHEREAS, the Governing Body of the City of Kechi, Kansas desires to approve such amendments to the Subdivision Regulations in accordance therein:

NOW. THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF KECHI, KANSAS:

Section 1. That Section 100E of Article 2, pertaining to Vesting of Development Rights, is hereby deleted and replaced with the following wording:

E. Vesting of Development Rights. For the purpose of single family residential developments according to K.S.A. 12-764, as amended, development rights in such land use shall vest upon recording of a final plat of such land after January 1, 1992. If construction of a principal structure is not commenced on such land within five years of recording a final plat before July 01, 2009, the development rights in such land shall expire and, thus, all revisions to zoning or subdivision regulations becoming effective during the period vested shall then apply to such platted land. For plats recorded on or after July 01, 2009, such construction must take place within 10 years to be vested.

Section 2. That Section 101 of Article 4, pertaining to Filing of Preliminary Plat, is hereby deleted and replaced with the following wording:

101 Filing of Preliminary Plat. An application shall be filed with the Subdivision Administrator at least 30 days prior to the next regular meeting of the Planning Commission and such number of copies of the preliminary plat as may be determined necessary by the Administrator for proper review by affected and interested governmental and public and private organizations. Such plat shall not be accepted for filing until the fee as provided for in Section 3-109 has been paid by the subdivider to the Clerk. The preliminary plat shall contain the information as set out in Section 5-100 of these regulations.

Section 3. That Section 106 of Article 4, pertaining to the Filing of Final Plat, is hereby deleted and replaced with the following wording:

106 **Filing of Final Plat.** An application for final plat approval, together with a sufficient number of copies as determined by the Subdivision Administrator for proper review, shall be filed with the Administrator at least 30 days prior to the next regular meeting of the Commission and within 12 months after the date that the preliminary plat was approved. The Administrator shall transmit the final plat to the Commission and to other affected and interested governmental and public and private organizations as desirable for any further recommendation. The final plat shall contain the information as set out in Section 5-101 of these regulations. An application for a replat approval is processed in the same manner as a final plat. (See Section 2-102 for definition of a REPLAT under the heading of PLAT.)

Section 4. That wording for 101Q2 of Article 5, pertaining to the County Surveyor's Certificate, is hereby inserted as an addition to subsection Q and the subsection renumbered:

2. According to K.S.A. 58-2005, all plats are to be reviewed by the designated County Surveyor who must be a licensed land surveyor to determine compliance with the survey requirements of K.S.A. 58-2001, et seq. before the plat can be recorded. The following certificate may be amended from time to time to meet the policy of the County:

COUNTY SURVEYOR'S CERTIFICATE

STATE OF KANSAS)
) ss
COUNTY OF SEDGWICK)

This plat has been reviewed and complies with the survey requirements of K.S.A. 58-2001, et seq.

Signed _____, 2011.

(SEAL)

_____
(Land Surveyor's name and license number)

Section 5. That Section 107F6b of Article 6, pertaining to the street R-O-W and Roadway Width of Cul-de-sacs is hereby deleted and replaced with the following wording:

b. Local Residential Including Cul-de-sacs and Single and Two-Family Areas.	58 – 64	29 – 35

Section 6. Any provisions of this Ordinance which shall be declared to be unconstitutional or otherwise invalid shall not affect the validity and authority of the other sections of this Ordinance.

Section 7. This Ordinance shall take effect from and after its publication once in the official city newspaper.

PASSED BY THE GOVERNING BODY of the City of Kechi, Kansas on January 13, 2011.

APPROVED BY THE MAYOR on 1-13, 2011.

(SEAL) CITY OF KECHI, KANSAS CORPORATE Seal INCORPORATED 1957

/s/ Robert W. Jackson
Robert W. Jackson, Mayor

ATTEST:

/s/ Laura Hill
Laura L. Hill, City Clerk