



City of Arkansas City

PLANNING COMMISSION MEETING

AGENDA

Tuesday, May 09, 2023 at 5:30 PM — 400 W Madison Ave, Arkansas City, KS

GoTo Meeting: <https://meet.goto.com/140086429> or call: 872-240-3412 **Access Code:** 140-086-429

Call to Order

Roll Call:

☐ Dr. Tyson Blatchford
☐ Kyle Lewis

☐ Lloyd Colston
☐ Cody Richardson

☐ Brandon Jellings
☐ Dotty Smith

☐ Ian Kuhn
☐ Tom Wheatley

Public Comments

Persons who wish to address the Planning Commission regarding items not on the agenda. Speakers will be limited to three (3) minutes. Any presentation is for information purposes only. No action will be taken.

Consent Agenda

1. Meeting Minutes, **April 11, 2023 meeting:** _____

Consideration

2. Amateur Radio Antenna Support Structure discussion: _____

3. Subdivision and Zoning Regulations Amendments discussion: _____

Other Items

Adjournment



City of Arkansas City

PLANNING COMMISSION MEETING

Tuesday, April 11, 2023 at 5:30 PM | 400 W Madison Ave, Arkansas City, KS

Call to Order: 5:30 PM by Ian Kuhn

Roll Call:

☐ Dr. Tyson Blatchford
☒ Kyle Lewis

☒ Lloyd Colston
☒ Cody Richardson

☒ Brandon Jellings
☐ Dotty Smith

☒ Ian Kuhn
☒ Tom Wheatley

Declaration:

At this time, Planning Commission members are asked to make a declaration of any conflict of interest or of any Ex parte or outside communication that might influence their ability to hear all sides on any item on the agenda so they might come to a fair decision.

Lloyd Colston explained that should there be any vote on Item 3, he would excuse himself from voting as he was an amateur radio operator.

Public Comments:

Persons who wish to address the Planning Commission regarding items not on the agenda. Speakers will be limited to three (3) minutes. Any presentation is for information purposes only. No action will be taken.

Consent Agenda:

1. Meeting Minutes, **February 14, 2023 and March 14, 2023 meetings.**
 - a. Lloyd Colston made the motion to approve the minutes and Brandon Jellings made the second. Voice vote carried the motion.

Public Hearings:

2. Consider the advisability of vacating all of Taylor Avenue adjoining Lot 1 of Block 15 and Lot 14 of Block 4, Sleeth Addition.
Ian Kuhn turned the meeting over to Josh White for the PowerPoint presentation. Josh mentioned to the board the applicant was present at the meeting. Josh explained that the applicant wants to expand the yard space as she had been maintaining the area for quite some time. Josh explained the history of the area. Notices were sent out to neighbors within 200' from the area. Cody stated if the neighbor to the north was a rental, the renters probably didn't want more yard to mow. Josh explained what the county would do: Mrs. Vaden would get half of Taylor and the property owner to the north would get the other half. Tom asked if Josh had heard from the property owner to the north, and he had not. Brandon made the motion to approve the vacation of the property and Lloyd Colston made second. Roll call vote carried the motion.

Consideration:

3. Amateur Radio Antenna Height discussion
Lloyd explained his history and knowledge as a amateur radio operator. Rod Richardson, Attorney was available to explain with the amateur radio operations is and the history of it. Ron Upton was also present and gave the board a background of himself. Mr. Upton would like to discuss towers and some of the problems

with that. Brandon asked Mr. Upton what he was asking for, Mr. Upton said that he would like to see the height restrictions dropped. Ian asked Josh for clarification on the height restrictions. Josh explained that there are height restrictions in residential areas. After discussions, Ian suggested a proposal be drafted to be discussed at the meeting next month.

Other Items:

Josh would like to say that this is part of a larger group of amendments , he just wanted the board to be aware.

Adjournment: Tom made the motion to adjourn at 6:54 PM and Lloyd made the second. Voice vote carried the motion.

DRAFT



Planning Commission Agenda Item

Meeting Date: 5/9/23
From: Josh White, Principal Planner
Item: Amateur Radio Antenna Support Structure discussion

Purpose: Amateur Radio Antenna Support Structure discussion

Background:

At the April meeting, potential regulations for Amateur Radio Antenna Support Structures were discussed. At the end of the discussion, the Planning Commission requested that staff prepare draft regulations for review. Staff has prepared amendments to Article 20 Supplemental Regulations. A summary of the proposed changes and a full marked up copy of Article 20 is included in this packet.

Staff is also working on amendments to both the Zoning and Subdivision Regulations as noted in the next agenda item. Following discussion of this item, staff recommends postponing the public hearing until the public hearing for all the changes is planned, likely sometime this summer. If, however, the Planning Commission wishes to proceed to a public hearing for this topic specifically, a public hearing will need to be scheduled.

Action:

Discuss the proposed amendments to the zoning regulations. If it is determined that these amendments should be acted upon soon, a public hearing will need to be scheduled. If following staff recommendations, this item should be tabled for further discussion until the remaining regulations can be discussed.

Attachments:

Proposed amendments, Summary of Proposed Amendments

Proposed Changes to Zoning Regulations Articles 20 Regarding Amateur Radio Antenna Support Structures

Add new Section 20-703:

20-703 Licensed Amateur Communications

The provisions of this section apply only to antennas and antenna support structures used in FCC Licensed Amateur Radio Service Communications. The provisions of this section shall control in the event of a conflict with the Height and Yard Regulations of the District Regulations in which the antenna support structure shall be placed. If said communications facilities do not comply with the following regulations, then a Conditional Use Permit as defined in Article 23 Telecommunications Towers shall be required unless such communications facilities are otherwise in compliance with and/or otherwise allowed under applicable district development standards.

a. **Definitions**

For the purposes of this section and notwithstanding any conflicting definitions under any other section of this Code:

Amateur Radio Antenna. means “antenna(s)” used for the purpose of receiving and/or transmitting licensed Amateur Radio Communications.

Amateur Radio Antenna Support Structure. means a structure, such as a mast, tower or pole, that is placed, erected or constructed to support one or more antennas for the purposes of engaging in licensed Amateur Radio Communications. Buildings and associated roof mounted equipment alone shall not be considered as antenna support structure.

Licensed Amateur Radio Communications. means any form of communication and/or testing, whether transmitted or received, that is licensed by the Federal Communication Commission under and pursuant to 47 C.F.R. Part 97, including all Operator and Station Licenses, under which communication/or testing is conducted by, or under the authority of, a licensed Amateur Radio Operator and Station holding a current valid Amateur Radio License.

Detached Antenna Support Structure. as applicable to Amateur Radio Antenna Support Structures shall mean those structures which are not physically attached to, or in any way supported by, a house or any other permitted structure on the subject property.

Attached Antenna Support Structure. as applicable to Amateur Radio Antenna Support Structures shall mean those structures which are physically attached to, or in any way supported by, a house or any other permitted structure on the subject property.

b. **Maximum Number of Detached Antenna Support Structures in Residential Districts**

No more than two detached guyed or freestanding antenna support structures shall be permitted as a matter of right in a residential district. Upon a reasonable showing of substantial need consistent with licensed Amateur Radio Communication, the Zoning Administrator shall have the right to administratively approve one or more additional detached antenna support structures on the condition that said additional structure(s) shall not create a risk of collapse on adjoining property not under the control of the Licensed Amateur Radio Operator requesting such additional structure(s).

c. **Maximum Number of Attached Antenna Support Structures in Residential Districts**

No more than two attached antenna support structures, whether guyed or unguyed, shall be permitted as a matter of right on a house or any other permitted structure on the subject property. Upon a reasonable showing of substantial need consistent

Commented [JW1]: Should we just add these to Article 2 Definitions instead? Having definitions in an Article is not unprecedented. The sign definitions are located inside Article 27.

Commented [JW2]: Should this be two or one?

Commented [JW3]: Should this be two or one?

with licensed Amateur Radio Communications, the Zoning Administrator shall have the right to administratively approve one or more additional attached antenna support structures on the subject property.

d. **Height Limitations applicable to Amateur Radio Communications Antenna Support Structures**

The maximum height for any Amateur Radio Communications antenna support structure in any district, whether attached or detached, shall be sixty feet.

Commented [JW4]: Can be adjusted to any height

Upon a reasonable showing of substantial need consistent with licensed Amateur Radio Communications, the Zoning Administrator shall have the right to administratively approve a maximum height of one hundred (100) feet. Any antenna support structure that exceeds one hundred (100) feet in height above the ground shall be allowed only with the approval of a Conditional Use Permit.

Commented [JW5]: This height can also be adjusted if needed.

e. **Antenna and Antenna Support Structure Standards**

1. Number and Size

The number and/or size of antennas placed upon a properly erected antenna support structure used for licensed amateur radio communications shall not exceed the wind load requirements/limits for the supporting structure as specified by the manufacturer(s) of the antenna(s) and of the supporting structure, or in the absence of such specification, the wind load requirements contained in the current version of the City building codes if available, or under nationally recognized standards for wind loading determination.

2. Setbacks

Front Yards: Antenna support structures (including guy wires, foundations, anchor, and other components of the structure) shall not be permitted in required front yards. The Zoning Administrator may administratively approve the location of guy wires in a required front yard if it is demonstrated that there are limiting physical characteristics of the subject property that necessitate the location of guy wires in the front yard.

Side and Rear Yards: Guy wires shall be permitted in the required side and rear yards. Minimum setbacks for antenna support structures shall be the same as those required for accessory buildings in the applicable residential district and as for all buildings in nonresidential districts, except that side yard encroachments equal to that allowed for fireplaces or other allowed side yard encroachments under single family district regulations shall be permitted.

Commented [JW6]: Do want to modify this? With this wording the setbacks would be 3 feet from the side and 5 feet from the rear. We could add a fall zone equal to the support structure height.

Separation: There shall be no minimum or maximum separation requirements for antenna support structures from other structures on the same property.

3. Lights

No lights shall be mounted on antenna support structures unless otherwise required by applicable State and/or Federal Regulations governing said structure. Any such lighting shall be as specified in said regulations.

4. Construction Standards

Antenna Support Structures shall be installed, maintained and/or modified in accordance with the support structures manufacturer's plans and specifications, or in accordance with engineering plans and specifications which meet or exceed the TIA-222 Standard for said structure prepared by and under the seal of a registered professional engineer of the State of Kansas. All installations and maintenance thereon shall otherwise be performed in accordance with the usual and customary standards of care in the industry applicable to such installations in the State of Kansas.

Commented [JW7]: For those structures built by the operator and not a manufacturer, they must meet the TIA-222 standard.

5. Insurance

The applicant must include a statement from their insurance company that lists the tower on the address of construction as a covered item on the applicant's property or otherwise show proof of coverage.

6. Maintenance

All Antennas and antenna support structures shall be kept in good condition and properly maintained in accordance with manufacturers recommendations, the standards of the industry and any applicable Federal Amateur Radio License regulations. Antennas and Antenna support structures that have, due to damage, lack of repair, or other circumstances, become unstable, in danger of failure to support, or which no longer meet the applicable standards of installation and maintenance shall be removed or brought into repair within 90 days following notice given by an authorized representative to the City. Notwithstanding said 90-day repair deadline, said authorized representative shall have the power to order such immediate remedial action as necessary, including removal of any offending antenna and/or antenna support structure if it is deemed to constitute an imminent threat to public safety or property.

7. Amateur Radio License Requirements

No person, corporation, partnership, or other legal entity shall have any rights under, nor be subject to the provisions of this section except the person or entity to whom a current, valid Amateur Radio License has been issued by the F.C.C under the provisions of 47 C.F.R. Part 97.

8. Discontinuance of Amateur Radio Operations

Within 180 days of the date that Amateur Radio Operations have been discontinued at the subject property on which an antenna and/or antenna support structure is located the owner of said property shall remove, or cause to be removed, all such antennas and structures on the property excepting only if said antennas and/or structures are otherwise and independently authorized to be on the subject property under other provisions of these regulations or other applicable law unrelated to this section.

Discontinuance: Discontinuance of Amateur Radio Operations means voluntary termination of operation or termination of the legal right to operate an Amateur Radio Station, including but not limited to the following: F.C.C. revocation, suspension and or termination of Amateur Radio operator and/or station license; death of the license holder or termination of any legal entity holding said license; voluntary cessation of operation by the license holder; termination of ownership, lease, license or legal interest in the subject property by the license holder under which licensed Amateur Radio Operations were conducted on the subject property.

Commented [JW8]: Keep this italicized in final form

Proposed Amendments
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New provisions highlighted in italics

ARTICLE 20

SUPPLEMENTAL DISTRICT REGULATIONS

Sections:

- 20-1 General
- 20-2 Height and Yard Regulations
- 20-3 Number of Structures on a Lot
- 20-4 Corner Visibility
- 20-5 Screening for Commercial and Industrial-Zoned Property
- 20-6 Temporary Uses
- 20-7 Accessory Uses
- 20-8 Accessory Uses; Additional Requirements in Residential Districts
- 20-9 Fences
- 20-10 Residential - Design Manufactured Housing Standards
- 20-11 Building Setbacks
- 20-12 Home Occupations

SECTION 20-1 GENERAL

20-101. The regulations set forth in this article qualify or supplement, as the case may be, the district regulations appearing elsewhere in these regulations.

SECTION 20-2 HEIGHT AND YARD REGULATIONS

20-201

- a. Height. Chimneys, cooling towers, elevator headhouses, fire towers, monuments, stacks, watertowers, or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, are not subject to the height limitations contained in the district regulations.
- b. Yard.
 - 1. *Front yards.* The front yards established by the district regulations are to be measured from the street right-of-way fronting a property, and shall be adjusted in the following cases:
 - (a) Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, the depth of a front or side yard shall be measured from such official line to the nearest line of the building.

Proposed Amendments

~~Deletions strctthrough in red~~*New provisions highlighted in italics*

- (b) On through lots, the required front yard shall be provided on each street.
 - (c) Where a lot is located at the intersection of two (2) or more streets and there is a yard required on the side street, there shall be a yard of fifteen (15) feet on the side street. The yard on the side street shall not be greater than that of any other buildings on the side street within the same block, but the depth of the yard shall not be less than eight (8) feet on the side street.
 - (d) Open, unenclosed porches, platforms, or paved terraces, not covered by a roof or canopy and which do not extend above the level of the first floor of the building, may extend or project into the front and side yard not more than six (6) feet.
 - (e) Where twenty-five (25) percent or more of the street frontage or where twenty-five (25) percent or more of the street frontage within four hundred (400) feet of a property is improved with buildings that have a front yard that is six (6) feet greater or less than the required front yard in the district, no building shall project beyond the average front yard so established.
2. *Structural projections.* Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings or structures, and except for:
- (a) Eave projections, sills, cornices and other ornamental features may project a maximum of twelve (12) inches into a required yard or setback.
 - (b) Open fire escapes, balconies opening onto a fire escape, chimneys and fireplaces may project no more than three and one-half (3.5) feet into a required side yard and five (5) feet into a required rear yard.
3. Additional setback requirements are set out at Section 20-11.

SECTION 20-3 NUMBER OF STRUCTURES ON A LOT

20-301. Where a lot is used for other than a single family residence, more than one principal use or structure may be located on such lot, provided that such buildings conform

Proposed Amendments

~~Deletions struchthrough in red~~*New provisions highlighted in italics*

to all requirements for the district in which they are located, and all such buildings shall remain in single ownership unless such buildings and lots are certified as a condominium.

SECTION 20-4 CORNER VISIBILITY

20-401. Removal of Traffic Hazards. In all areas on public or private property at any corner formed by intersecting public streets, no traffic hazard shall be allowed by installing, setting out or maintaining or allowing the installation, setting out or maintenance of any sign, fence, hedge, shrubbery, natural growth or other obstruction to view, or the parking of any vehicle within that triangle formed as hereby described, such areas to be described as sight triangles:

- a. Uncontrolled Intersections – Local Street to Local Street: A sight triangle is the triangular area formed by the intersection of two streets bound by two lines extending from the point of intersection along the edge of traveled way for a distance of 50 feet.
- b. Uncontrolled Intersections – Local to Collector/Arterial: A sight triangle is the triangular area formed by the intersection of two streets bound by two lines extending from the point of intersection along the edge of traveled way for a distance 50 feet on the local street and 60 feet on the collector or arterial street.
- c. Controlled Intersections – Partial Traffic Signalization/Signage: A sight triangle is the triangular area formed by the intersection of two streets bound by two lines extending from the point of intersection along the edge of traveled way for a distance of 25 feet on the street with the stop sign and 60 feet on the street with no traffic signage.
- d. Controlled Intersections – Full Traffic Signalization or 4 Way Stop Signs: A sight triangle is the triangular area formed by the intersection of two streets bound by two lines extending from the point of intersection along the edge of traveled way for a distance of 25 feet.

20-402. Exceptions. The provisions of sight triangle shall not apply to those shrubs or bushes located within a designated sight triangle, the maximum height of which is less than three (3) feet measured from the established street level. For trees located within a sight triangle, a minimum height clearance for limbs and relative growth shall be trimmed for clearance of eight (8) feet from the established street level. Utility poles and equipment required for traffic control shall be exempt from this section's restrictions.

SECTION 20-5 SCREENING FOR COMMERCIAL AND INDUSTRIAL-ZONED PROPERTY

Proposed Amendments

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20-501. Commercial or industrial development adjacent to a residential zone shall be screened in accordance with the approved site plan.

SECTION 20-6 TEMPORARY USES

20-601.

- a. Only the following temporary uses may be permitted.
 1. Carnivals and circuses, located in a commercial or industrial zone or on public property, when located at least two hundred (200) feet from the boundary of a residential zone and for a time period not exceeding two (2) consecutive weeks.
 2. Contractor's office and equipment sheds on the site of a construction project only during the construction period.
 3. Model homes or development sales offices located within the subdivision or development area to which they apply, with such use to continue only until sale or lease of all units in the development.
 4. Outdoor temporary sales on private property and not incorporated or in partnership with the existing business located on this property in a commercial or industrial zone, including commercial sales, swap meets or similar activities providing they do not operate for more than ten (10) consecutive days and there are no more than four (4) such sales on any one property in any calendar year.
 5. One travel trailer or manufactured home to be used as a temporary office for any allowed use in an industrial or commercial zoning district, provided that such trailer or home shall not be used for more than a one year period starting the day the home is set upon the property.
- b. Persons seeking approval for a temporary use authorized by items 1,2 and 4 in subsection a. of this section shall make application to the Zoning Administrator at least ten (10) days in advance of the time desired for usage. The Zoning Administrator may issue a certificate of temporary use upon the payment of the temporary use permit fee imposed by the fee ordinance and upon finding:
 1. The temporary use will not impair the normal, safe and effective operation of any permanent use on the same or adjoining site.
 2. The temporary use will not impact the public health, safety, or convenience and will not create traffic hazards or congestion or otherwise interrupt or interfere with the normal conduct of use and activities in the vicinity.

Proposed Amendments
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New provisions highlighted in italics

SECTION 20-7 ACCESSORY USES

20-701. Accessory uses are permitted in any zoning district in connection with any permitted principal use, consistent with the provisions of this section and section 20-8.

- a. **Definitions.** An accessory use is a structure or use which:
 1. Is subordinate to and serves a principal building and principal use.
 2. Is subordinate in area, extent or purpose to the principal building or buildings served.
 3. Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or principal use served.
 4. Is located on the same tract as the principal building or principal use served.
- b. **Permitted accessory uses.** Any structure or use that complies with the terms of subsection a. of this article may be allowed as an accessory use or structure. Accessory structures and uses include, but are not limited to, the following:
 1. Private garages and carports, whether detached or attached.
 2. A structure for storage incidental to a permitted use.
 3. A children's playhouse.
 4. A private swimming pool and bathhouse.
 5. A guest house or rooms for guests in an accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not as rental units or permanent occupancy as house-keeping units.
 6. Statuary, arbors, trellises, barbecue stoves, flagpoles, fences, walls, hedges and radio and television antennas.
 7. Storm shelters.
 8. Retail sales of products manufactured, processed or fabricated on site.

Proposed Amendments

~~Deletions struchrough in red~~*New provisions highlighted in italics*

9. Storage of recreational equipment, such as boats, boat trailers, camping trailers and motor homes, provided no such equipment is occupied for dwelling purposes.
 10. Restaurants, drug stores, gift shops, club and lounges and newsstands when located in a permitted hotel, motel or office building.
 11. Offices for permitted business and industrial uses when the office is located on the same site as the business or industry to which it is an accessory.
 12. The storage of retail merchandise when located within the same building as the principal retail business.
 13. Accessory, open, and uncovered swimming pools and home barbecue grills may occupy a required rear yard; provided they are not located closer than five (5) feet to the rear lot line nor closer than three (3) feet to a side lot line.
- c. **Prohibited accessory uses.** None of the following shall be permitted as an accessory use:
1. Outdoor storage, except as specifically permitted in the district regulations.
 2. Storage of containers typically transported by tractor-trailer rigs, in a residential district, except where completely enclosed within a structure.

20-702. Existing accessory buildings or structures which do not meet the minimum setbacks may be repaired, maintained, or enlarged, providing those actions do not further decrease the existing setbacks.

20-703 Licensed Amateur Communications

The provisions of this section apply only to antennas and antenna support structures used in FCC Licensed Amateur Radio Service Communications. The provisions of this section shall control in the event of a conflict with the Height and Yard Regulations of the District Regulations in which the antenna support structure shall be placed. If said communications facilities do not comply with the following regulations, then a Conditional Use Permit as defined in Article 23 Telecommunications Towers shall be required unless such communications facilities are otherwise in compliance with and/or otherwise allowed under applicable district development standards.

a. Definitions

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Proposed Amendments

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Detached Antenna Support Structure. as applicable to Amateur Radio Antenna Support Structures shall mean those structures which are not physically attached to, or in any way supported by, a house or any other permitted structure on the subject property.

Attached Antenna Support Structure. as applicable to Amateur Radio Antenna Support Structures shall mean those structures which are physically attached to, or in any way supported by, a house or any other permitted structure on the subject property.

b. Maximum Number of Detached Antenna Support Structures in Residential Districts

No more than ~~two~~ detached guyed or freestanding antenna support structures shall be permitted as a matter of right in a residential district. Upon a reasonable showing of substantial need consistent with licensed Amateur Radio Communication, the Zoning Administrator shall have the right to administratively approve one or more additional detached antenna support structures on the condition that said additional structure(s) shall not create a risk of collapse on adjoining property not under the control of the Licensed Amateur Radio Operator requesting such additional structure(s).

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c. Maximum Number of Attached Antenna Support Structures in Residential Districts

No more than ~~two~~ attached antenna support structures, whether guyed or unguyed, shall be permitted as a matter of right on a house or any other permitted structure on the subject property. Upon a reasonable showing of substantial need consistent with licensed Amateur Radio Communications, the Zoning Administrator shall have the right to

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Proposed Amendments

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administratively approve one or more additional attached antenna support structures on the subject property.

d. Height Limitations applicable to Amateur Radio Communications Antenna Support Structures

The maximum height for any Amateur Radio Communications antenna support structure in any district, whether attached or detached, shall ~~be sixty feet.~~

Upon a reasonable showing of substantial need consistent with licensed Amateur Radio Communications, the Zoning Administrator shall have the right to administratively approve a maximum height of one hundred (100) feet. Any antenna support structure that exceeds one hundred (100) feet in height above the ground shall be allowed only with the approval of a Conditional Use Permit.

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e. Antenna and Antenna Support Structure Standards

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The number and/or size of antennas placed upon a properly erected antenna support structure used for licensed amateur radio communications shall not exceed the wind load requirements/limits for the supporting structure as specified by the manufacturer(s) of the antenna(s) and of the supporting structure, or in the absence of such specification, the wind load requirements contained in the current version of the City building codes if available, or under nationally recognized standards for wind loading determination.

2. Setbacks

Front Yards: Antenna support structures (including guy wires, foundations, anchor, and other components of the structure) shall not be permitted in required front yards. The Zoning Administrator may administratively approve the location of guy wires in a required front yard if it is demonstrated that there are limiting physical characteristics of the subject property that necessitate the location of guy wires in the front yard.

Side and Rear Yards: Guy wires shall be permitted in required side and rear yards. Minimum setbacks for antenna support structures shall be the same as those required for accessory buildings in the applicable residential district and as for all buildings in nonresidential districts, except that side yard encroachments equal to that allowed for fireplaces or other allowed side yard encroachments under single family district regulations shall be permitted.

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Separation: There shall be no minimum or maximum separation requirements for antenna support structures from other structures on the same property.

Proposed Amendments

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3. Lights

No lights shall be mounted on antenna support structures unless otherwise required by applicable State and/or Federal Regulations governing said structure. Any such lighting shall be as specified in said regulations.

4. Construction Standards

Antenna Support Structures shall be installed, maintained and/or modified in accordance with the support structures manufacturer's plans and specifications, or in accordance with engineering plans and specifications which meet or exceed the TIA-222 Standard for said structure prepared by and under the seal of a registered professional engineer of the State of Kansas. All installations and maintenance thereon shall otherwise be performed in accordance with the usual and customary standards of care in the industry applicable to such installations in the State of Kansas.

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The applicant must include a statement from their insurance company that lists the tower on the address of construction as a covered item on the applicant's property or otherwise show proof of coverage.

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7. Amateur Radio License Requirements

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Proposed Amendments

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Discontinuance: Discontinuance of Amateur Radio Operations means voluntary termination of operation or termination of the legal right to operate an Amateur Radio Station, including but not limited to the following: F.C.C. revocation, suspension and or termination of Amateur Radio operator and/or station license; death of the license holder or termination of any legal entity holding said license; voluntary cessation of operation by the license holder; termination of ownership, lease, license or legal interest in the subject property by the license holder under which licensed Amateur Radio Operations were conducted on the subject property.

Commented [JW8]: Keep this italicized in final form

SECTION 20-8 ACCESSORY USES; ADDITIONAL REQUIREMENTS IN RESIDENTIAL DISTRICTS**20-801.**

- a. Detached accessory buildings shall not occupy a required yard other than a required rear yard if not located within five (5) feet of a rear property line or within three (3) feet of a side property line.
- b. Detached accessory buildings shall not be located within ten (10) feet of the primary structure and shall be located behind the front building line of the primary structure.

20-802.

- a. Accessory buildings in a zoning district having residences as a permitted use shall not collectively occupy more than 40% of the required yard spaces in the rear half of the lot.
- b. No single accessory building in a zoning district having residences as a permitted use shall occupy more than 30% of the required yard spaces in the rear half of the lot.
- c. No accessory building on a corner lot shall be located closer to the street side yard than the front yard abutting the street.

Proposed Amendments

~~Deletions struthrough in red~~*New provisions highlighted in italics*

20-803. Garages shall not be constructed upon lots in residential-zoned districts upon which no principal dwelling is located.

20-804. Accessory buildings may be constructed with used materials, except the exterior shall be of new materials. Accessory buildings shall be of conventional wood or metal construction. Metal shipping containers, truck boxes, trailers, etc. are prohibited from use as detached accessory buildings on property located in residential (R) zoning districts.

SECTION 20-9 FENCES

20-901. Except as otherwise specifically provided elsewhere in these regulations or other codes and regulations of the City the following restrictions shall apply to the construction of all fences or improvements, replacements or extensions of existing fences.

- a. No fence shall be constructed at a location where it would constitute a traffic hazard.
- b. A property owner may install a fence within a dedicated easement at his or her own risk of having to remove or repair such fence due to the lawful activities of persons or entities under the easement.
- c. For corner lots the following rules shall apply: All sides adjacent to a street shall be considered front yards, with the one on the non-address side having the lesser setback requirement. The primary front yard shall meet the applicable district setback.
- d. For institutional uses in residential districts, such as schools, parks, hospitals and cemeteries, a fence may be constructed in the front yard setback provided it complies with subsections b, d and e of this section, and has a maximum eight (8) foot height.
- e. A fence may be erected in a commercial district or industrial district to not more than eight (8) foot maximum height, except no fence shall have a height greater than six (6) feet in a required front yard, except where these Regulations provide otherwise.
- f. A fence may be erected in a residential district to not more than eight (8) foot maximum height, provided a fence not more than four (4) feet in height may project into or enclose any required front yard to a depth from the street line equal to the required depth of the front yard.
- g. Barbed wire fences are prohibited inside the City limits, except:

Proposed Amendments

~~Deletions struchthrough in red~~*New provisions highlighted in italics*

1. When property exclusively used for agricultural purposes is annexed into the City and the barbed wire fencing does not pose a risk to pedestrians. Risk to pedestrians shall be presumed when any barbed wire fencing is located within 10 feet of any pedestrian sidewalk, street or public thoroughfare.
 2. On top of perimeter fencing of storage areas in industrial and commercial district zones, provided that barbed wire atop such fences shall be at least 6 feet above the ground with a maximum fence height of 8 feet;
- h. Electric charged fences are prohibited inside the City limits, except:
1. An electric fence not exceeding 24 volts and completely contained within a landowner's fenced property shall be permitted if the landowner first obtains approval from City Code Enforcement;
 2. Electronic detector loops for animal containment systems shall not be classified as an electric charged fence;
- i. Concertina wire or looped barbed-wire fences are prohibited inside the City limits.

SECTION 20-10 RESIDENTIAL-DESIGN MANUFACTURED HOUSING STANDARDS

20-1001.

- a. In order to be classified as a Residential-Design Manufactured Home a structure must be manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards generally known as the HUD Code established in 1976 pursuant to 42 U.S.C. Sec. 5403. Such structures shall provide all of the accommodations necessary to be a dwelling unit and shall be connected to all utilities in conformance with applicable City regulations. Such a structure shall be on a permanent-type, enclosed perimeter foundation which has minimum dimensions of 22 body feet in width excluding bay windows, garages, porches, patios, pop-outs and roof overhangs; a pitched roof; siding and roofing materials which are customarily used on site-built homes; and which complies with the following architectural or aesthetic standards so as to ensure their compatibility with site-built housing:
1. The roof must be predominantly double-pitched and must be covered with material that is customarily used on site-built dwellings, including but not limited to approved wood, asphalt composition shingles, clay or concrete tile, slate or fiberglass, but excluding corrugated aluminum or corrugated fiberglass roof. The roof shall have a minimum eave projection and roof overhang on at least two sides of ten (10) inches which may include a gutter.

Proposed Amendments

~~Deletions struchrough in red~~*New provisions highlighted in italics*

2. Exterior siding shall be of a nonreflective material customarily used on site-built dwellings such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials, but excluding smooth ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior of the foundation or curtain wall or the joint between siding and enclosure wall shall be flashed in accordance with any applicable City-adopted building codes.
 3. The home shall be installed in accordance with the recommended installation procedure of the manufacturer and any applicable building code adopted by the City.
 4. The running gear, tongue, axles and wheels shall be removed from the unit at the time of installation. Either a basement or a continuous, permanent masonry foundation or curtain wall, unpierced except for required ventilation and access which may include walk-out basements and garages, shall be installed under the perimeter of the home.
 5. At the main entrance door there shall be a landing that is a minimum of twenty-five (25) square feet which is constructed to meet the requirements of any applicable City-adopted building codes.
 6. On level sites, the main floor shall be no greater than twenty four (24) inches above the finished grade at the foundation. On sloping or irregular sites, the main floor at the side closest to grade level shall not be greater than twenty-four (24) inches above the finished grade at the foundation.
 7. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the City-adopted building codes and attached permanently to the primary structure and anchored permanently to the ground.
 8. Any attached addition to such a home shall comply with all construction requirements of the City-adopted building codes, unless designed and constructed by a manufactured home factory.
- b. For purposes of these regulations, the term "manufactured home", when used by itself, shall not include a "residential-design manufactured home".

SECTION 20-11 BUILDING SETBACKS

Proposed Amendments

~~Deletions struchthrough in red~~*New provisions highlighted in italics*

20-1101. For purposes of determining the applicability of building setback lines established in these regulations whenever any two or more provisions in these regulations establish building setback lines that are applicable to a given building or structure, the regulation establishing the more restrictive standard shall be the regulation which controls.

20-1102. Where allowed, gasoline or other fuel dispensing pumps, excluding canopies, shall not be located less than twelve (12) feet from any right-of-way line or easement.

20-1103. Canopies covering gas or other fuel pumps shall be located so that no part of the structure is less than ten (10) feet from the property line. Such structures shall meet all other setback requirements in these regulations.

SECTION 20-12 HOME OCCUPATIONS

20-1201. Home occupations as defined in Article 2 of these regulations shall be permitted in the A District, and the CS, MHS, R-1 and R-2 residential districts, subject to the following:

- a. **Restrictions and Limitations; All Home Occupations.** The following shall apply to any home occupation in existence at the time of, or commenced after, the effective date of these Regulations:
 1. No exterior alterations or other construction shall be made to the dwelling which changes the character or appearance from its primary residential use.
 2. No equipment or material shall be used which creates any noise, vibration, smoke or odors perceptible at the boundary lines of the property, which would be in excess of that ordinarily created by a single family residential dwelling.
 3. No merchandise shall be displayed or sold on the premises to members of the general public, except craft or articles made by the person operating the home occupation. In no instance shall there be any outside display of such articles in connection with the home occupation. "Members of the general public" shall not include persons who have prior individualized invitation.
 4. The area of an accessory structure devoted to home occupations shall be limited to nine hundred (900) square feet.
- b. **Restrictions and Limitations; New Home Occupations.** The following shall apply to any home occupation commenced after the effective date of these Regulations:

Proposed Amendments

~~Deletions struck through in red~~*New provisions highlighted in italics*

1. No more than one employee or volunteer shall engage in such home occupation in addition to the person occupying the dwelling unit as his or her place of residence.
2. There shall be no outdoor storage of materials or equipment used in the home occupation.

20-1202. Power of Zoning Administrator. The Zoning Administrator is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of Section 20-12, including the power to:

- a. Investigate any home occupation or alleged home occupation, to determine whether or not such is in compliance with these regulations.
- b. Enter upon premises for the purpose of making examinations: provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

20-1203. Permitted home occupations are primarily of a service nature similar to, but not limited to, the following:

- a. Artists, sculptors and writers.
- b. Custom dressmaking, tailoring or sewing of fabrics.
- c. Giving of lessons of any type, provided instruction does not exceed five (5) pupils at a time. Such limitation shall not apply to recitals or other performances.
- d. Professional offices for architects, engineers, computer software engineers, planners, lawyers, accountants, bookkeepers, realtors, insurance agents, brokers, sales representatives, contractors, and similar occupations.
- e. Fabrication and/or assembly of handicraft or hobby articles.
- f. Occupations where business is conducted primarily or exclusively over the Internet.
- g. Photographic studios.

Proposed Amendments
~~Deletions struckthrough in red~~
New provisions highlighted in italics

- h. Beauty or barber shops having one chair, stand or station.
- i. Multi-level marketing and home party product sales, including but not limited to, Avon, Mary Kay Cosmetics and Tupperware.
- j. Sales of farm or garden produce, bulbs, plantings or cut flowers when grown on the same premises as the residence.

20-1204. Except where allowed as a permitted or conditional use, home occupations shall not in any event include the following:

- a. Antiques, either retail or wholesale.
- b. Animal care other than grooming.
- c. Funeral homes or services.
- d. Retail sale or rental of any goods or products, other than where the commercial exchange constituting such sales or rental is accomplished by means of catalog orders, whether in written or electronic form.
- e. Automotive sales, repair or service of any type.
- f. Appliance repairs (other than for small electronic devices including computers and hand-held household appliances).
- g. Small-engine repairs.



Planning Commission Agenda Item

Meeting Date: 5/9/23
From: Josh White, Principal Planner
Item: Subdivision and Zoning Regulations Amendments discussion

Purpose: Subdivision and Zoning Regulations Amendments discussion

Background:

The recently completed Comprehensive Plan directs staff to amend the Subdivision and Zoning Regulations. Staff has begun the process of proposing amendments to the regulations both in response to the Comprehensive Plan directives and to modify some items based on practice and trends as well. This discussion is likely to take place over several meetings so as not to have too many items to discuss at one meeting. This meeting will primarily be focused on the subdivision regulations proposed amendments.

The proposed amendments and summary of the changes is included in this packet. Most of the changes to the Subdivision Regulations are minor. The largest change is the removal of Article 13 Site Plan Review. Its contents will be relocated to Article 29 of the Zoning Regulations with some modifications. Some of the development standards will be moved to Article 9 Commercial Districts and Article 15 Industrial Districts.

Staff recommends that all proposed amendments to both sets of regulations public hearing be conducted at the same meeting sometime later this summer to help streamline the process. This could change based on direction from the Planning Commission.

Action:

Discuss the proposed amendments

Attachments:

Proposed amendments, Summary of changes

Proposed Changes to Subdivision Regulations 2023

Article 1

No Changes

Article 2

Changed the Section headers to match the section name changes below.

Section 2-201: Changed sentence to remove “and every” as this is unnecessary and make the sentence more concise.

Section 2-501: Changed “insure” to “ensure”. Insure was inappropriately used in the original regulations.

Sections 2-6 and 2-7 Titles were changed from “Utility Advisory Committee” to “Technical Advisory Committee”.

Section 2-601 and 2-701: The name of the committee was changed from “Utility Advisory Committee” to “Technical Advisory Committee” to better match practice and clarify the scope of the committee. Note that this committee’s meetings are not typically open to the public as no quorum of any public body is present at them. The meeting is attended by city staff and utility company representatives as well as whoever the applicant chooses to invite to the meeting. While the meeting discusses utilities it also discusses the site plan or plat design and any notable building code requirements.

Article 3

No Changes

Article 4

Section 4-301:

Paragraph f 2. Simply needed to have the word “the” added.

Paragraph k 4. Had extra verbiage “a distance of generally”. The sentence was edited for conciseness by removing this phrase and the meaning of the sentence is unchanged.

Section 4-401:

a.....Minimum lot width shall be measured at the building setback line and shall not be less than required by the zoning regulations of the district in which the subdivision is located. ~~No residential lots shall be less than seventy (70) feet in width at the building line. Corner lots shall have a width at least twenty (20) feet greater than the minimum width.~~

Commented [JW1]: This sentence is unnecessary and it conflicts with the zoning regulations in several places. The first sentence explains how the minimum lot width is determined.

~~b:~~ b. Minimum lot depth shall be ~~one hundred and thirty (130) feet~~, measured through the center of the lot and perpendicular to the property line, or radial to the property line or curved streets- ~~and shall not be less than required by the zoning regulations in which the subdivision is located.~~

Commented [JW2]: Same as a. above. This also better matches the sentence structure of a. (Also the b is crossed out because of a requirement of Microsoft Word related to the automatic lettering and formatting, no change is actually happening.)

~~c. Maximum depth of residential lots shall not exceed two and one half (2 1/2) times the width of the lot.~~

Commented [JW3]: Unnecessary with the wording a b. above. All the remaining paragraphs of Section 4-401 are now relettered.

Section 4-501:

b. All easements shall be shown on the plat. Permanent easements shall not be obstructed by structures or vegetation. No fences may be placed in ~~storm drain~~ **drainage** easements located along side lot lines. A property owner may otherwise erect fences and landscape the easement at his or her own risk of loss.

Commented [JW4]: Changed for consistency.

c. Drainage Easements. If a subdivision is traversed by a water course, drainage way or channel, then a stormwater easement or drainage right-of-way shall be provided. Such easement or right-of-way shall conform substantially to the lines of the natural water course and shall be of such width or construction, or both, as may be necessary to provide adequate stormwater drainage and for access for maintenance thereof. Parallel streets or parkways may be required in connection therewith. The City Engineer shall make a study and report his or her recommendation to the Planning Commission as to the desired width of such easement. Such study and report shall be based on the ~~one-hundred-year flood depth (if known)~~. Maintenance of stormwater easements and drainage right-of-way shall be the responsibility of the owners of property adjoining such easements or right-of-way.

Commented [JW5]: Floodplains shall always be known and shown on the plat to be in compliance with Section 4-801. The subdivider should be able to provide this information to the City Engineer for analysis.

Section 4-801:

- a. Land subject to intermediate regional flood shall not be subdivided for any use incompatible with such flooding. An intermediate regional flood is a flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year or even in successive years. It is based on statistical analyses of stream flow records available for the watershed and analyses of rainfall and runoff characteristics in the general region of the watershed. Data on the flood characteristics for the planning area may be obtained from the ~~Kansas Water Resources Board~~ **Division of Water Resources**, ~~or the U.S. Army Corps of Engineers, U.S. Army, and or the Federal Emergency Management Agency. FEMA.~~
- c. Adequate drainage shall be provided ~~so as~~ to reduce exposure to flood hazards.
- d. All public utilities and facilities shall be located ~~so as~~ to minimize or eliminate flood damage.

Commented [JW6]: The names of the agencies are being corrected for clarity. Also it is important to avoid the use of acronyms and abbreviations in most cases.

Commented [JW7]: Removed for conciseness

Commented [JW8]: Removed for conciseness.

Article 5

Section 5-201 & 5-202:

5-201. General Requirement. In subdividing ~~or resubdividing~~ land zoned and intended for residential use, the developer shall dedicate or reserve land for public park purposes, or pay a fee in lieu of dedication, or select a combination of dedication or reservation and a fee. The method chosen to meet this requirement shall be determined by the developer with consideration given to the standards set out in these regulations and the recommendation of the Planning Commission.

Commented [JW9]: redundant

5-202. Amount of Dedication. The number of acres of land required to be dedicated or reserved shall be determined as follows, based on the density of development as permitted by the zoning of the property being subdivided. The area required to be dedicated or reserved shall be exclusive of all street rights-of-way and stormwater easements.

Percent of Total Land Area Being Subdivided to be Dedicated or Reserved for Park Purposes: ~~CS Countryside – 2%;~~
R-1 Low Density Residential – 5%; R-2 Medium Density Residential – 6%; R-3 High Density Residential – 8%.

Commented [JW10]: The CS district is planned to be eliminated

Article 6

Section 6-301:

Paragraph a. 2. The number of copies required of the preliminary plat was changed from five to three.

Paragraph a. 3. Was removed as that is provided by staff using the GIS. This also causes the remaining paragraphs to be renumbered for a.

Paragraph b. Utility Advisory Committee was changed to Technical Advisory Committee as in Article 2.

Section 6-401:

Paragraph a. 2. The number of prints required in addition to the mylar was changed from 5 to 2.

Paragraph b. 13. (d) & (e) Notary blocks were added for both of these. All signatures must be notarized except for the Register of Deeds. Letters (f) and (g) were removed because they are not required. That caused (h) to be changed to (f). Staff works with the surveyor to ensure that the certificates are all accurate prior to printing where possible.

Article 7

Section 7-201:

Paragraph a. 1 (a) table has asterisks and an explanation statement below it that is redundant with the table headings

- (a) Pavement thickness shall be established by the *Standard Specifications for Road and Bridge Construction*, a publication of the Kansas Department of Transportation, *Standard Specifications and Design Criteria*, a publication of the Kansas City Metropolitan Chapter of the American Public Works Association.

Proposed pavement types and thicknesses shall be approved by the City Engineer.

Pavement Width	
Street Classification	Minimum Lane Width Not Including Curb & Gutter
Local Residential	12 feet*
Collector	14 feet*
Arterial	14 feet*

* Lane widths do not include curb and gutter sections.

Commented [JW11]: This and the asterisks are unneeded based on the table heading

There are several situations where “Public Works Department” was changed to “City Engineer” specifically in paragraph i. Similarly in paragraphs k,l and m “Public Works Department” is changed to “Zoning Administrator”. The Public Works Department no longer exists in the form it existed when these regulations were originally written. Today that department is actually split into two departments and a division of another department. Public Works also covered the Zoning Administrator at that time. The appropriate people as defined in Article 3 replace it.

Article 8

Section 8-201:

Edited for conciseness by removing the word “so” from the first sentence.

Section 8-401:

Changed “costs” to “cost” in the phrase cost estimates in the first sentence of paragraph a.

Section 8-501:

The City Engineer and other City staff shall review all engineering drawings ~~in order~~ to determine whether such drawings are consistent with the approved preliminary plat and comply with design standards. The cost attributable to all engineering drawing review shall be charged to and paid by the subdivider prior to the recording of the final plat. If such drawings are consistent and in compliance, the City Engineer shall forward to the Planning Commission a notice that such drawings do

~~so conform and comply. In the event that~~ If the drawings do not ~~so conform and comply~~, the City Engineer shall notify the subdivider of the specific manner in which such drawings do not ~~so conform or comply~~. The subdivider may then correct such drawings and resubmit the corrected drawings.

Commented [JW12]: This paragraph was edited for conciseness. There is still a bit of legalese left though but many more edits would not get the same message across.

Section 8-701:

Changed “Utility Advisory Committee” to “Technical Advisory Committee” to match the change in Article 2.

Article 9

No Changes

Article 10

No Changes

Article 11

11-201. A request for lot split approval shall be made by the owner of the land to the Zoning Administrator. ~~Four (4) copies of a scale drawing of the lots involved if there are no structures thereon or, if structures are located on any part of the lot being split, four (4) copies of~~ A survey of the lot and the location of the structure(s) thereon together with the precise nature, location and dimensions of the proposed lot split, shall accompany the application. The application shall provide a legal description for the original lot and legal descriptions for each of the lots produced by the proposed lot split, and such legal description shall be certified by a registered land surveyor and monuments placed.

Commented [JW13]: This paragraph was edited to match practice. There is no need for multiple copies but a scale drawing is not acceptable for a lot split application. A survey must always be provided for approval.

11-401. The Zoning Administrator shall, in writing, either approve with or without conditions or disapprove the lot split within thirty (30) days of application. If approved, and after all conditions have been met, the Zoning Administrator shall sign and furnish a certificate of approval to be affixed to the lot split survey. ~~and a certified copy thereof shall be filed with the Cowley County Register of Deeds, the official designated to issue building or occupancy permits, and a copy shall be furnished to the applicant.~~

Commented [JW14]: Edited to match practice. Currently fees are being waived for lot split applications due to compliance issues. Since no fee is being charged the responsibility of filing the certificate with the Register of Deeds falls on the applicant.

Article 12

Section 12-101:

- a. Before any application for the vacation of any public right-of-way, street, alley, easement, plat, setback or access control shall be approved or recommended for approval by the Governing Body, the application shall be submitted to the Planning Commission for review and recommendation. Said recommendation shall include conditions which are appropriate to protect the best interests of the public, Governing Body and utilities. All vacation applications shall be submitted to the ~~Director of Public Works~~ **Technical Advisory Committee** for review and comments prior to the Planning Commission taking action.
- e. A written receipt shall be issued to the person(s) making such a payment and records thereof shall be kept in such a manner as prescribed by law. ~~No fee shall be required when said application is submitted by any agency.~~ No fee shall be refunded in the event of disapproval by the Planning Commission or Governing Body.

Commented [JW15]: This was changed to match practice.

Commented [JW16]: This is confusing. Agency isn't defined. In general the only time fees are waived is when the City is the applicant or would otherwise directly benefit from the vacation.

Section 12-401:

Paragraph 1 a. 2 & 3: Changed Utility Advisory Committee to Technical Advisory Committee as in Article 2.

Article 13

Removed in its entirety. Much of its contents will be relocated to Article 29 of the Zoning Regulations in accordance with Chapter 8 Section 8.5 of the 2022 Comprehensive Plan.

Article 2: Administration

Sections:

- 2-1 Appeals
- 2-2 Penalties for Violations; Actions for Enforcement
- 2-3 Building Permits
- 2-4 Duties of the Secretary of the Planning Commission
- 2-5 Duties of the Planning Commission
- 2-6 ~~Utility~~ **Technical** Advisory Committee
- 2-7 Duties of the ~~Utility~~ **Technical** Advisory Committee
- 2-8 Adoption, Amendment of Subdivision Regulations

SECTION 2-1 APPEALS

2-101. Any decision of the Zoning Administrator or City Engineer on matters contained herein may be appealed to the Board of Zoning Appeals. Any decision of the Planning Commission on matters contained herein may be appealed to the City Governing Body which may reverse or affirm such decision.

SECTION 2-2 PENALTIES FOR VIOLATIONS, ACTIONS FOR ENFORCEMENT

2-201. The owners or agent of a building or premises in or upon which a violation of any provision of these regulations has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist; or the agent, architect, building contractor, or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which violation has been committed or shall exist, shall be guilty of a municipal violation and upon conviction shall be punished by fine not to exceed five hundred dollars (\$500.00). Each ~~and every~~ day that such violation continues shall constitute a separate offense.

Commented [JW1]: Removed to make the sentence more concise

2-202. The City Commission or any person, the value or use of whose property is or may be affected by a violation, shall have the authority to maintain suits or actions in any court of competent jurisdiction to enforce these Subdivision Regulations, and to abate nuisances maintained in violation thereof.

SECTION 2-3 BUILDING PERMITS

2-301. No building permit shall be issued by the City for construction on any land subject to these regulations until:

- a. An endorsed copy of the subdivision plat has been recorded in the office of the Register of Deeds of Cowley County.
- b. A recorded plat of the subdivision or an approved lot split, if applicable, is available for the Zoning Administrator's examination.
- c. Required public improvements have been installed or guaranteed in accordance with the provisions of these regulations.
- d. There has been compliance with all of the provisions of these regulations, the conditions of plat approval, and all other applicable state and local laws in effect at the time of the subdivision of said land.

2-302. Lot Splits: No building permit shall be issued for any site which contains a division of a platted lot or an unplatted lot of record, unless such division has been approved in the manner provided by Article 11 (Lot Splits) of these Subdivision Regulations.

2-303. Structures Per Lot: Unless otherwise allowed by the Zoning Regulations for the City of Arkansas City, no more than one building permit shall be issued for a principal structure on each unplatted lot of record, each platted lot created as part of a subdivision, or each lot or tract created by a lot split.

2-304. Administration: Upon receipt of the building permit application and certification by the building official that the application is complete, the Zoning Administrator shall affix the date of acceptance on the application. The Zoning Administrator shall authorize the issuance of the building permit within 30 calendar days following examination of the recorded plat. If disapproved, the applicant shall have the right to appeal to the City Governing Body within 30 calendar days.

SECTION 2-4 DUTIES OF THE SECRETARY OF THE PLANNING COMMISSION

2-401.

- a. Maintain permanent and current records with respect to these regulations including amendments thereto.
- b. Provide adequate information and assistance in the preliminary conference, if one is held, as needed by the developer to prepare a proper preliminary plat and final plat.
- c. Receive and file, on behalf of the Planning Commission, all applications for preliminary plats and final plats together with other necessary information.
- d. Review all lot splits, preliminary plats, final plats and other supporting data for compliance with these regulations. After determining that all required information is complete as submitted, distribute copies of the plats to other appropriate governmental departments, public utilities, and other agencies for their review, comment and recommendations.
- e. Review final plats for compliance with these regulations of the approved preliminary plat and final plat.
- f. Publish notice of the time, date and subject of public hearings.
- g. Forward preliminary and final plats to the Planning Commission with staff recommendations.
- h. Make such other determinations and decisions as may be required by these regulations, by the Planning Commission, or by the City Governing Body.

SECTION 2-5 DUTIES OF THE PLANNING COMMISSION

2-501.

- a. Hold public hearings, review and decide on all preliminary and final plats as presented to it in accordance with the provisions in these regulations.
- b. Transmit all final plats to the City Governing Body for its approval of the plat, and acceptance of dedications of streets, alleys and other public ways and sites.
- c. Make such decisions and actions as shall be necessary to ~~insure~~ ensure the integrity of and adherence to these regulations.
- d. Compile a list with the reason(s) for disapproval of any plat reviewed by it and provide the developer with such list.
- e. Hold public hearings, review and decide on any proposed amendments to these regulations.
- f. Make other determinations and decisions as may be required of the Planning Commission from time to time by these regulations, and by applicable state law.
- g. Review and prepare recommendations concerning proposed annexations, vacations and dedications.

SECTION 2-6 ~~UTILITY~~ TECHNICAL ADVISORY COMMITTEE

Proposed Amendments 2023 Deletions ~~struck through~~; additions underlined Article 2

2-2

Commented [JW2]: Changed insure to ensure as insure was not the correct word for this case.

Commented [JW3]: The name was changed to match practice and to clarify the scope and purpose of the committee. This committee's meetings are not open to the public. This name is changed in the title and text of Sections 2-6 and 2-7. Other instances of the Utility Advisory Committee will be changed to Technical Advisory Committee elsewhere in the Regulations.

2-601. A ~~Utility~~ Technical Advisory Committee is hereby created which shall consist of representatives of those public and private agencies having a direct interest in public works, public utilities, health and safety, the enforcement of these regulations and such other persons as the City Manager may from time to time deem necessary. The Committee should include, but is not limited to, the following representatives:

Zoning Administrator, City Engineer, Police Department, Fire Department, telephone companies, cable television, gas and power companies. The Zoning Administrator shall serve as Chair of the Utility Advisory Committee and shall be responsible for the preparation of recommendations and reports by the Committee.

SECTION 2-7 DUTIES OF THE ~~UTILITY~~ TECHNICAL ADVISORY COMMITTEE

2-701. The ~~Utility~~ Technical Advisory Committee shall meet when called by the Committee Chair. The Committee will review and make appropriate written recommendations to the Planning Commission on all matters referred to the Committee. Such matters shall include, but not be limited to annexations, preliminary plats, final plats, planned unit development (PUD) plans, site plan reviews, vacations, and dedications.

SECTION 2-8 ADOPTION, AMENDMENT OF SUBDIVISION REGULATIONS

2-801. Consideration of Subdivision Regulations Amendments. Before adopting or amending any subdivision regulations, the Planning Commission shall call and hold a hearing on such regulations or amendments. Notice of such hearing shall be published at least once in the official city newspaper. Notice shall be published at least twenty (20) days prior to the hearing. Notice shall fix the time and place for the hearing and shall describe such proposal in general terms. The hearing may be adjourned from time to time and at the conclusion of the same, the Planning Commission shall prepare its recommendations and by an affirmative vote of a majority of the entire membership of the Planning Commission, adopt the same in the form of proposed subdivision regulations. Following such adoption the Planning Commission shall submit its recommendation, together with the written summary of the public hearing, to the Governing Body.

2-802. Action by the City Governing Body. The Governing Body may either: (1) approve such recommendations by ordinance; (2) override the Planning Commission's recommendation by a 2/3 majority vote; or (3) return the Planning Commission's recommendations, specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Planning Commission's recommendations, the Planning Commission, after considering the same, may resubmit its original recommendations giving the reasons therefore, or submit new and amended recommendations. Upon the receipt of such recommendations, the Governing Body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendations by the respective ordinance, or take no further action. If the Planning Commission fails to deliver its recommendations to the Governing Body following the Planning 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 Planning Commission as a resubmission of the original recommendations and proceed accordingly. The proposed subdivision regulations and any amendments thereto shall become effective upon publication of the adopting ordinance in the official city newspaper as required by law.

Article 4: Subdivision Design Standards

Sections:

- 4-1 Applicability
- 4-2 Block Standards
- 4-3 Street Standards
- 4-4 Lot Standards
- 4-5 Easements
- 4-6 Design Techniques
- 4-7 Access Control
- 4-8 Land Subject to Flooding
- 4-9 Building Lines

SECTION 4-1 APPLICABILITY

4-101. All subdivisions of land subject to these regulations shall conform to the following minimum design standards and to the intent of the Comprehensive Plan. Such design standards shall govern the approval of subdivision plats by the Planning Commission and by the Governing Body.

4-102. Comprehensive Plan Coordination. All subdivisions shall be consistent with the Comprehensive Plan. The Governing Body may disapprove residential subdivision proposals where it is determined that the location of said subdivision is not compatible with the adopted Comprehensive Plan or development policies of the Governing Body. Compatibility of subdivision design with the Comprehensive Plan is also governed by Section 4-6.

4-103. Access. All lots located in any subdivision shall take access directly from a street dedicated and accepted for public use.

4-104. Land Subject to Erosion. On land subject to excessive soil movement that may result in erosion or deposition of soil, the Planning Commission, in accordance with the City Engineer's recommendations, may require, in addition to those standards set forth in these regulations, and in addition to requirements of site plan review, necessary preventive measures as part of the final plat approval and/or during construction and development of the subdivision.

4-105. Conformance to Applicable Laws and Regulations. In addition to the requirements established herein, all subdivision plats shall comply with all applicable laws and regulations, including the following:

- a. City zoning regulations;
- b. Regulations of the Kansas Department of Transportation if the subdivision or any lot contained therein abuts a state highway or connecting street;
- c. City-adopted building and housing codes;
- d. City-adopted fire and life safety codes;
- e. The standards and regulations adopted by the City Engineer; and
- f. Any other applicable state or local laws or regulations.

SECTION 4-2 BLOCK STANDARDS

4-201.

- a. Length. Intersecting streets, which determine block length, shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets in the neighborhood. In residential districts where no existing plats are recorded, the blocks shall not exceed one thousand two hundred (1,200)

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feet in length, except that a greater length may be permitted where topography or other conditions justify a departure from this maximum. In blocks longer than one thousand (1,000) feet, pedestrian ways and/or easements through the block may be required by the Planning Commission near the center of the block. Such pedestrian ways or easements shall have a minimum width of ten (10) feet. Pedestrian ways shall have a minimum width of ten (10) feet and shall be constructed in a manner approved by the City Engineer. Blocks for business use should normally not exceed six hundred (600) feet in length.

- b. Width. In residential development, the block width shall normally be sufficient to allow two (2) tiers of lots of appropriate depth and shall not be less than three hundred (300) feet nor more than three hundred fifty (350) feet. In certain instances, however, a different arrangement may be required in order to provide better circulation or to protect a major circulation route. Blocks intended for business or industrial use shall be of such width and depth as may be considered most suitable for the prospective use. Block width and depth shall be determined with regard to needs for convenient access, safety and circulation and with consideration of topography.

SECTION 4-3 STREET STANDARDS

4-301.

- a. Relationship to Adjoining Street Systems.
 1. The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing streets in adjoining additions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements.
 2. Alleys, when required, and street arrangement shall permit owners of adjoining property to extend street rights-of-ways into such property.
 3. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted and dedicated as a public way, or vacated upon the City's determination that the right-of-way is not necessary.
 4. Where topographical conditions make street continuance or conformity impracticable, the Planning Commission may approve an alternative layout.
 5. Where the plat submitted covers only a portion of the contiguous land owned by the subdivider, a sketch of the prospective future street system of the entire ownership shall be submitted.
 6. Where a tract is subdivided into lots of an acre or more, the Planning Commission may require an arrangement of lots and streets such as to permit a later subdivision in conformity with the street requirements.
- b. Street Names. Streets that are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. Otherwise, names shall be sufficiently different in sound and in spelling from other street names in the City so as not to cause confusion.
- c. Minor or Local Streets. Minor or local streets shall be so designed to discourage through or non-local traffic.
- d. Cul-de-sacs. Vehicular turnaround at the closed end of a street having a minimum radius of fifty feet (50') and a roadway having a minimum radius of forty feet (40') to the interior curb line. Such local street segment should not exceed five hundred feet (500') in length from the intersection of a cross street to the juncture with the cul-de-sac.
- e. Right Angle Intersections. Under normal conditions, streets shall be laid out to intersect, as nearly as possible, at right angles. Where topography or other conditions justify a variation from the right-angle intersection, the minimum angle shall be sixty (60) degrees.

f. Streets Adjacent to a Railroad Right-of-Way, Limited Access Freeway, Principal Highway or Arterial Streets.

1. When the area to be subdivided adjoins a railroad right-of-way, the intersection of the centerline of any street or highway paralleling the railroad with that of any street that crosses the railroad shall not be less than 140 feet from the line of the railroad right-of-way.
2. Where lots front or side, but do not back on railroad rights-of-way, limited access freeways, principal highways, or arterial streets a marginal access street or frontage road may be required parallel and adjacent to the boundary of such rights-of-way. The distance from said rights-of-way shall be determined with due consideration to the minimum distance required for approach connections to future grade-separated intersections.

Commented [JW1]: "the" was omitted in the original version.

g. Half-Streets. Half-streets shall be avoided, except:

1. Where they are essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; or,
2. When the Planning Commission finds that it will be practical to require the dedication of the other half of the street when the adjoining property is subdivided. Where a half-street, or portion thereof, is existing and adjacent to a tract to be subdivided, the other half of the street shall be based on minimum requirements as set forth in 4-301.j and shall be platted within such tract.

h. Alleys. Alleys may be required in commercial, industrial and residential areas. Dead end alleys shall be avoided, wherever possible; but if unavoidable, such alleys shall be provided with adequate turnaround facilities at the dead-end. Alleys should be avoided in residential areas except where alleys of adjoining subdivisions would be closed or shut-off by failing to provide alleys in the adjoining subdivision.

i. Minimum Requirements. All right-of-way for streets, alleys and public ways, included in the subdivision, hereafter dedicated and accepted, shall not be less than the minimum width for each classification as follows:

Arterial streets	120 feet
Collector streets	80 feet
Local streets, residential	50 feet
Local streets, industrial and commercial	70 feet
Cul-de-sacs	50 feet and the turnaround shall have a radius of 40 feet
Marginal access or frontage/parallel access roads, one-way	50 feet
Marginal access or frontage/parallel access roads, two-way	60 feet
Alleys serving residential development.....	20 feet
Alleys serving commercial or industrial development.....	30 feet
Pedestrian ways	10 feet
Bicycle paths	10 feet

All widths for streets included in the subdivision, hereafter dedicated and accepted, shall not be less than the minimum width for each classification as follows:

1. Arterial 41 feet
 2. Collector 35 feet
 3. Streets with adjacent average lot sizes of less than thirty thousand (30,000) square feet shall have a minimum roadway width of thirty-two (32) feet curb back to curb back.
 4. Streets with adjacent average lot sizes of thirty thousand (30,000) square feet and more shall have a minimum improvement width of twenty-four (24) feet with four (4) feet shoulder.
- j. Additional Requirements. When existing or anticipated traffic on arterial and collector streets warrants greater widths of rights-of-way, or where needed for cuts, fills or utilities, additional right-of-way may be required to be dedicated for any streets.
- k. Street Grades.
1. The grades of streets, alleys and other public ways included in any subdivision shall not be greater than five percent (5%) for major streets and ten percent (10%) for local streets. Variations from these standards may be made when warranted by topographic conditions. Such changes shall be approved only upon the recommendation of the City Engineer.
 2. Gutter grades on paved gutters shall not be less than one-half of one percent (.5%).
 3. All changes in street grades shall be connected by a vertical curb of reasonable length to assure adequate visibility.
 4. In approaching intersections, there should be a suitable leveling of the street at a grade generally not exceeding four percent and for a distance of generally not less than one hundred (100) feet from the nearest line of the intersection street. The grade within the intersection should be as level as possible, permitting proper drainage.
- l. Street Alignment. Minimum horizontal and vertical alignment on all streets, except in unusual cases, shall be as follows:
1. Horizontal alignment: Radii at the centerline.
Major streets 500 feet
Local streets 150 feet
 2. A tangent shall be provided between all reversed curves to provide for a smooth traffic flow.
- m. Vertical Alignment. All changes in street grade shall be connected by vertical curves of such length as to provide for desired sight distance as set out in American Association of State Highway Officials Geometric Design Standards and shall be subject to the approval of the City Engineer.
- n. Street Layout. Proposed streets shall conform to topography as nearly as possible to reduce drainage problems and grades.
- o. Intersections.
1. Street intersections shall be rounded by radii of at least twenty (20) feet.
 2. The design of the intersection should be such that a clear sight distance will be maintained for seventy-five (75) feet at the roadway center line with no obstruction to sight within the triangle formed by these points.

Commented [JW2]: Removed for conciseness. The meaning is unchanged by this.

SECTION 4-4 LOT STANDARDS

4-401.

- a. Minimum lot width shall be measured at the building setback line and shall not be less than required by the zoning regulations of the district in which the subdivision is located. ~~No residential lots shall~~

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~~be less than seventy (70) feet in width at the building line. Corner lots shall have a width at least twenty (20) feet greater than the minimum width.~~

- ~~b.~~ **b.** Minimum lot depth shall be ~~one hundred and thirty (130) feet~~, measured through the center of the lot and perpendicular to the property line, or radial to the property line or curved streets, ~~and shall not be less than required by the zoning regulations in which the subdivision is located.~~
- ~~c.~~ ~~Maximum depth of residential lots shall not exceed two and one half (2 1/2) times the width of the lot.~~
- ~~d.~~ **c.** If the proposed subdivision is to be served with City water and City sewer or a community-type sewage treatment plant, approval of the plat shall be subject to the minimum requirements set forth in these regulations and the zoning regulations of the district in which the subdivision is located.
- ~~e.~~ **d.** If the proposed subdivision is to be served with a public water supply, but not with a public sanitary sewer system, the preliminary plat will be submitted on the basis of the minimum of three (3) acre lots and will be subject to the approval of the City-Cowley County Health Department, which shall make or cause to be made soil analysis and percolation tests for each lot and make recommendations to the Planning Commission. The plat lots will be so proportioned as to permit future re-platting consistent with good subdivision design.
- ~~f.~~ **e.** If the proposed subdivision is not served with either an approved public water supply or an approved public sanitary sewer system and the developer will be using a private water supply with an approved private sewage disposal system, the subdivider shall submit his or her preliminary plat on the basis of ten (10) acre lots, subject to the approval of the Health Department, which shall secure soil analysis and percolation tests and submit a recommendation to the Planning Commission. The lots will be so proportioned as to permit future re-platting consistent with good subdivision design.
- ~~g.~~ **f.** All side lot lines shall bear sixty (60) to ninety (90) degrees from the street right-of-way line on a straight street or from the tangent of a curved street.
- ~~h.~~ **g.** Double frontage lots and reverse frontage lots shall be avoided unless, in the opinion of the Planning Commission, a variation to this prohibition will give better street alignment and lot arrangement.
- ~~i.~~ **h.** Every lot shall have frontage on a public street other than an alley.
- ~~j.~~ **i.** The subdivision or re-subdivision of a tract or lot shall not be permitted where said subdivision or re-subdivision places an existing permanent structure in violation of the requirements of the zoning regulations or the minimum design standards of these regulations.
- ~~k.~~ **j.** Whenever possible, residential lots shall not face on arterial streets. The number of lots facing on collector streets shall be kept to a minimum in each subdivision. The street pattern shall be designed so that the side line of lots abut collector streets wherever land shapes and topography permit.
- ~~l.~~ **k.** In subdivisions located outside the city limits, plats with lots which exceed the minimum areas or dimensions set out in these regulations may be denied upon a determination that such lots, if platted, will obstruct the future growth and development of the area, for example by making the extension of municipal services uneconomical.

Commented [JW3]: This sentence is unnecessary and it conflicts with the zoning regulations in several places. The first sentence explains how the minimum lot width is determined.

Commented [JW4]: Same as a. above. This also better matches the sentence structure of a. (Also the b is crossed out because of a requirement of Microsoft Word related to the automatic lettering and formatting, no change is actually happening.)

Commented [JW5]: Unnecessary with the wording a b. above. All the remaining paragraphs of Section 4-401 are now relettered.

SECTION 4-5 EASEMENTS

4-501.

- a. Where alleys are not provided, permanent easements of not less than ten (10) feet in width shall be provided on each side of all rear lot lines, and on side lot lines, where necessary, for utility poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains, and other public utilities. Where

a utility company or other service provider can demonstrate the need for a wider easement than required above for a specific location, such may be required by the Governing Body and provided by the developer. These easements shall provide for a continuous right-of-way at least twenty (20) feet in width. An additional twelve (12) foot wide temporary construction easement abutting each side of a utility easement shall be provided for initial construction of water, sewer and other utility lines. Such temporary easement shall be terminated by the City upon its determination that development of lots adjoining the easement is completed with all utilities fully installed.

- b. All easements shall be shown on the plat. Permanent easements shall not be obstructed by structures or vegetation. No fences may be placed in ~~storm drain~~ drainage easements located along side lot lines. A property owner may otherwise erect fences and landscape the easement at his or her own risk of loss.
- c. Drainage Easements. If a subdivision is traversed by a water course, drainage way or channel, then a stormwater easement or drainage right-of-way shall be provided. Such easement or right-of-way shall conform substantially to the lines of the natural water course and shall be of such width or construction, or both, as may be necessary to provide adequate stormwater drainage and for access for maintenance thereof. Parallel streets or parkways may be required in connection therewith. The City Engineer shall make a study and report his or her recommendation to the Planning Commission as to the desired width of such easement. Such study and report shall be based on the ~~one-hundred-year flood depth~~ ~~if known~~. Maintenance of stormwater easements and drainage right-of-way shall be the responsibility of the owners of property adjoining such easements or right-of-way.
- d. Where a lot or group of lots side or back on an existing high pressure oil line or existing high pressure gas line, a seventy-five foot (75') easement shall be provided on each side of said oil line or gas line. The seventy-five foot (75') easement shall be provided on that part of the lot which abuts the oil line or gas line, and no building or structure shall be located or constructed within said seventy-five foot (75') easement.

Commented [JW6]: Changed for consistency.

Commented [JW7]: Floodplains shall always be known and shown on the plat to be in compliance with Section 4-801. The subdivider should be able to provide this information to the City Engineer for analysis.

SECTION 4-6 DESIGN TECHNIQUES

4-601. Subdivision Design: The design of the subdivision shall provide for efficient traffic flow, proper mixing of land uses, and a logical link between surrounding, existing development, and the proposed layout. The Planning Commission shall have the authority to deny a plat or request redesign, if, in its opinion, the layout is not suitable for the site, or if the development of the subdivision would be premature.

SECTION 4-7 ACCESS CONTROL

4-701. In the interest of public safety and for the preservation of the traffic carrying capacity of the street system, the Planning Commission shall have the right to regulate points of access to all property from the public streets system. Such proscriptions shall be indicated on the final plat.

SECTION 4-8 LAND SUBJECT TO FLOODING

4-801.

- a. Land subject to intermediate regional flood shall not be subdivided for any use incompatible with such flooding. An intermediate regional flood is a flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year or even in successive years. It is based on statistical analyses of stream flow records available for the watershed and analyses of rainfall and runoff characteristics in the general region of the watershed. Data on the flood characteristics for the planning area may be obtained from the ~~Kansas Water Resources Board~~ Division of Water Resources, or the U.S. Army Corps of Engineers, ~~U.S. Army~~, and ~~or the Federal Emergency Management Agency, FEMA~~.

Commented [JW8]: The names of the agencies are being corrected for clarity.

- b. Subdivision proposals shall include regulatory flood elevation data in areas zoned Floodway or Floodplain on the Arkansas City Zoning Map.
- c. Adequate drainage shall be provided ~~so as~~ to reduce exposure to flood hazards.
- d. All public utilities and facilities shall be located ~~so as~~ to minimize or eliminate flood damage.
- e. All proposed development shall be consistent with the need to minimize flood damage.

Commented [JW9]: Removed for conciseness

Commented [JW10]: Removed for conciseness.

SECTION 4-9 BUILDING LINES

4-901. Building lines conforming with zoning regulations shall be shown on all lots within the platted area. Provisions shall be made by the owner's declaration of plat, requiring all enclosed parts of buildings to be set back to such building lines.

Article 5: Dedication of Reservation of Public Sites and Open Space

Sections:

- 5-1 Dedication and Reservation of Public Sites and Open Spaces
- 5-2 Dedication and Reservation of Public Park Land
- 5-3 Action by Governing Body
- 5-4 Use of Land and Fees

SECTION 5-1 DEDICATION AND RESERVATION OF PUBLIC SITES AND OPEN SPACES

5-101. In subdividing land or re-subdividing an existing plat, due consideration should be given by the subdivider to the dedication or reservation of suitable sites for schools, parks, playgrounds, or other public recreational areas or open spaces. In its consideration of any such subdividing or resubdividing the Planning Commission shall make recommendations as to dedications and reservations. Any area so dedicated or reserved shall conform as nearly as possible to the recommendations of the Planning Commission. All areas to be reserved for, or dedicated to, public use shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated or acquired.

SECTION 5-2 DEDICATION AND RESERVATION OF PUBLIC PARK LAND

5-201. General Requirement. In subdividing ~~or re-subdividing~~ land zoned and intended for residential use, the developer shall dedicate or reserve land for public park purposes, or pay a fee in lieu of dedication, or select a combination of dedication or reservation and a fee. The method chosen to meet this requirement shall be determined by the developer with consideration given to the standards set out in these regulations and the recommendation of the Planning Commission.

Commented [JW1]: redundant

5-202. Amount of Dedication. The number of acres of land required to be dedicated or reserved shall be determined as follows, based on the density of development as permitted by the zoning of the property being subdivided. The area required to be dedicated or reserved shall be exclusive of all street rights-of-way and stormwater easements.

Percent of Total Land Area Being Subdivided to be Dedicated or Reserved for Park Purposes: ~~CS~~
~~Countryside – 2%; R-1 Low Density Residential – 5%; R-2 Medium Density Residential – 6%; R-3 High Density Residential – 8%.~~

Commented [JW2]: The CS district is planned to be eliminated

5-203. Location and Design Standards. Any land dedicated or reserved shall conform with the Comprehensive Plan of the City. The location, size and configuration of the land to be dedicated or reserved shall be determined by the design of the streets, lots, and blocks of the subdivision with consideration given to the preservation of natural physical features.

All lands to be dedicated or reserved shall meet the following standards:

- a. No dedications or reservations shall be required from subdivisions comprised of less than twenty (20) acres.
- b. The land shall contain not less than two (2) contiguous acres and be a minimum of two hundred (200) feet at the narrowest dimension.
- c. The land shall have at least two hundred (200) feet of street frontage and be easily accessible to residents of adjacent subdivisions. Consideration shall be given to placing parks where they can be added to by future subdivisions.
- d. At least fifty percent (50%) of the land shall have a grade of less than four percent (4%). The balance may consist of steep slopes, streams, ditches, lakes or other natural features.

- e. Natural features such as wooded areas, streams, and other natural assets shall be preserved whenever possible.

5-204. Payment in Lieu of Dedication or Reservation. In the event the land to be dedicated or reserved is less than the amount of acreage required or the land does not meet the location and design standards, the payment of a fee in lieu of dedication or reservation may be required. The fee shall be based on the total number of dwelling units permitted within the subdivision times a fee schedule for each dwelling unit type. The fee schedule shall be as established by ordinance adopted by the Governing Body.

Any fees collected shall be placed in a neighborhood park account and used for improvement of neighborhood parks including acquisition of land. A record of fees paid into and expended from the fund shall be kept by the City. In the event funds have not been expended on such purposes within fifteen (15) years from the date received the fees shall be refunded in the following manner:

- a. If paid in full at the time of platting, to the developer.
- b. If paid at the time of the building permit, to the record property owner at the time of the refund.

5-205. Credit for Private Open Space. Private open space for park and recreational purposes within a proposed development may be credited for up to fifty percent (50%) of the requirement for dedication or reservation of public park land or payment of a fee in lieu thereof provided that the following standards are met:

- a. That yards, setbacks and other open areas required by zoning and building regulations shall not be included in computing the area set aside as private open space.
- b. That the private open space shall be reasonably useable for park and recreation purposes.
- c. That the private open space shall be perpetually restricted for park and recreation purposes by recorded plat or restrictive covenant.
- d. That the private open space shall be permanently owned and maintained by the owner of the development or by a legally established homeowners' association.

5-206. Indication on Preliminary Plat. At the time of the preliminary plat submittal, the developer shall indicate whether a dedication or reservation of land or a fee in lieu of dedication is being proposed. Any land proposed to be dedicated or reserved shall be shown on the preliminary plat.

5-207. Prerequisite for Final Plat Approval. When land is being dedicated it shall be shown on the final plat and marked "Dedicated for Public Park Purposes." Such dedications shall not be effective until the dedication has been specifically accepted by the Governing Body.

When a fee in lieu of dedication is required, total payment shall be made prior to final plat approval by the Governing Body or, at the option of the developer, payment may be made at the time of issuance of a building permit on each individual lot. In the latter case, the fee shall be in accordance with the fee schedule referenced in section 5-204.

5-208. Reservation of Park Land. The Governing Body may determine that the reservation of park land for future dedication is more appropriate than immediate dedication of such land. In such cases, the land to be reserved shall be shown on the final plat and marked "Reserved for Public Park Purposes" and a covenant shall be written on the recorded plat indicating the latest date, time and manner in which dedication shall occur. Such future dedications shall be at no cost to the City except for the reimbursement of any costs paid by the owner for street, utility, drainage, and other public improvements benefiting the reserved land.

SECTION 5-3 ACTION BY GOVERNING BODY

5-301. Upon receiving the recommendations of the Planning Commission, the Governing Body may:

- a. Accept dedication or reservation of land.
- b. Accept, in lieu of the dedication of land, a fee in accordance with a fee ordinance adopted by the Governing Body.
- c. Waive the requirement if the Governing Body finds that there are sufficient schools, parks, playgrounds or other publicly owned or operated recreational areas or open spaces in the area of the subdivision.

SECTION 5-4 USE OF LAND AND FEES

5-401. Land or fees obtained pursuant to this Article shall only be used to obtain public open space, public recreational land or facilities for public use. The Governing Body shall make appropriate findings as to the relationship between the subdivision from which the fees were obtained and such open space, recreational land or facilities for public use.

Article 6: Submission and Approval of Plats

Sections:

- 6-1 Pre-Application**
- 6-2 Minor Plats**
- 6-3 Preliminary Plats**
- 6-4 Final Plats**
- 6-5 Administrative Plat Approval**

SECTION 6-1 PRE-APPLICATION

6-101. Prior to the filing of the preliminary plat, the subdivider shall contact the City Engineer, the Zoning Administrator and other administrative personnel to determine:

- a. Procedure for filing plats.
- b. Availability of an approved public sewer system and public water system.
- c. Comprehensive Plan requirements for major streets, land use, parks, schools and public open spaces.
- d. Zoning requirements for the property in question and adjacent properties.
- e. Special setback requirements for arterial, collector and local streets.
- f. Prior to submitting a preliminary plat, the subdivider will meet with the Zoning Administrator to discuss the type and character of development that will be permitted. The subdivider will submit a tentative sketch of the proposed subdivision at this time. Upon the approval and recommendation of the Zoning Administrator, the subdivider may proceed to develop the preliminary plat according to these regulations.

SECTION 6-2 MINOR PLATS

6-201.

- a. A minor plat is defined as a subdivision of land (1) into no more than five (5) lots fronting on an existing street; (2) not involving any new street or extension of public facilities; (3) not including more than ten (10) acres if a residential plat, nor more than five (5) acres for any other type of plat, unless the Planning Commission approves a larger acreage; and (4) not in conflict with the Comprehensive Plan, or any provision in the zoning regulations or any provision in these regulations.
- b. Minor plats may be submitted in final plat form as described in Section 6-4 without first filing a preliminary plat or having such a preliminary plat approved by the Planning Commission, with the exception that the preliminary plat filing fee shall be submitted with the filing of the plat with the Zoning Administrator. Minor plats shall also contain all the information required for the filing of preliminary plats pursuant to Section 6-3.

SECTION 6-3 PRELIMINARY PLATS

6-301. After reaching the preliminary conclusions regarding the requirements for the proposed subdivision, the subdivider may submit a preliminary plat together with any supplemental information necessary to the Zoning Administrator who shall schedule a public hearing with the Planning Commission.

a. Submission of a Preliminary Plat.

1. Filing Fee and Proof of Ownership. A filing fee as adopted by the Governing Body shall accompany the filing of each preliminary plat. The preliminary plat shall not be accepted for filing until the filing fee therefore has been paid by the subdivider. The subdivider shall submit satisfactory proof of ownership, or a copy of a contract for purchase, of the entire tract to be platted.
2. Number of Copies. The subdivider shall submit ~~five (5)~~ **three (3)** copies of the preliminary plat and vicinity map (if not on the preliminary plat) showing the location of the proposed subdivision. These plans shall be filed with the Secretary of the Planning Commission at least twenty-seven (27) days prior to the regular Planning Commission meeting at which the preliminary plat is to be considered.
3. ~~The subdivider shall submit, with the preliminary plat, a complete list of the names and mailing addresses of all owners of record of all unplatted land within: (a) two hundred (200) feet of property which is within the city limits being proposed for subdividing or re-subdividing or (b) within one thousand (1,000) feet of property outside the city limits when the land being proposed for subdividing or resubdividing lies within two hundred (200) feet of the city limits.~~
4. **3.** All plats shall be prepared by a Kansas licensed and registered professional engineer or a land surveyor, as required by state statute or regulation of the Kansas Board of Technical Professions. The boundary and topographic survey prepared for the plat shall be completed by a Kansas licensed land surveyor, whose seal and certification shall be shown on the survey.
5. **4.** Preliminary plats shall contain:
 - (a) The proposed name of the subdivision. (The name shall not duplicate or closely resemble the name or names of any existing subdivision.)
 - (b) The location of the boundary lines of the subdivision and references to the section or quarter section lines.
 - (c) The names and addresses of the subdivider, developer, owner, and the engineer, architect, landscape architect or land surveyor who prepared the plat.
 - (d) Scale of the plat, 1" = 100' or larger.
 - (e) Date of preparation and north arrow.
 - (f) Existing conditions:
 - (1) Location, width and name of platted streets, pavement width or other public ways, designation of railroads and utility rights-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision.
 - (2) All existing sewers, water mains, gas mains, culverts, electricity transmission lines or other underground installations, or above ground structures, within or adjacent to the proposed subdivision, with pipe size and manholes, grades, elevations, heights and location.

Commented [JW1]: 3 copies is sufficient for review

Commented [JW2]: This information can easily be obtained by staff using our GIS. The remaining paragraphs in this Section are renumbered.

- (3) Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land.
- (4) Topography (unless specifically waived by the Zoning Administrator) with contour intervals of not more than two (2) feet, referred to USGS datum. Where the ground is too flat for contours, spot elevations shall be provided.
- (5) Location of water courses, bridges, wooded areas, lakes, ravines, above-ground and underground utilities, and such other features as may be pertinent to the subdivision.
- (6) Current zoning classification and proposed zoning classification if property is proposed to be rezoned.
- (7) General street layout of adjacent property within two hundred (200) feet to show how streets and other public facilities in the proposed subdivision relate to the adjacent property.
- (g) The general arrangements of lots and their approximate size.
- (h) Location and width of proposed streets, alleys, pedestrian ways and easements and approximate gradient of streets.
- (i) In areas where approved public sewer and/or water systems are proposed to serve the subdivision, a plan of sewage disposal and water supply shall be shown. Proposed manholes, proposed sanitary sewer pipe size and slope, water line pipe size, end water line valve and fire hydrant location shall be shown on the preliminary plat. If the connection to existing facilities is off-site, then the location, size and elevation of the existing facilities where the connection is to be made shall be shown on the preliminary plat.

If the proposed development will not use an approved public sewer and/or water system, the size, type and location of sewage disposal and depth or size, type and location of the water supply shall be shown on the preliminary plat. Septic tanks and lateral fields shall show location, size, soil type, soil depth and soil percolation rates in the preliminary plat.
- (j) Location and size of proposed parks, playgrounds, churches, school sites or other special uses of land to be considered for reservation or dedication for public use.
- (k) Location and size of proposed electrical distribution systems.
- (l) General layout of adjacent unsubdivided property to show how streets and other public facilities in the proposed subdivision relate to the unsubdivided property.
- (m) Vicinity map showing streets within five hundred (500) feet of the boundaries of the proposed subdivision.
- (n) The subdivider shall submit a preliminary grading and drainage plan, including location and size of all storm sewers, existing and proposed land elevations and contours, necessary widths of all open drainageways and meeting all other requirements for stormwater management as set forth by the City. This plan shall be forwarded to the City Engineer who will prepare a written analysis of the plan for consideration by the Planning Commission.

- b. Review by ~~Utility~~ **Technical Advisory Committee**. Upon the receipt of the copies of the preliminary plat, the Zoning Administrator shall send a copy of the plat to each member of the ~~Utility~~ **Technical**

Commented [JW3]: As shown in Article 2, this committee was renamed.

Advisory Committee. The ~~Utility~~ **Technical** Advisory Committee shall review said plat and submit its recommendations to the Planning Commission.

- c. Approval or Disapproval of Preliminary Plat. Action by the Planning Commission shall be conveyed to the subdivider in writing within fifteen (15) business days after the Planning Commission meeting at which time the plat was considered and action was taken thereon. Approval of the preliminary plat by the Planning Commission does not constitute an acceptance of the subdivision but is rather merely an authorization for the subdivider to proceed with the preparation of the final plat. In cases where the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Planning Commission. If the Planning Commission fails to approve or disapprove a preliminary plat within sixty (60) days after the plat has been submitted for consideration, then such preliminary plat shall be deemed to have been approved, unless the subdivider shall have consented to extend or waive such time limitation.
- d. Area to be Platted. In order to ensure that the provisions of these regulations are carried out and that the overall subdivision design is prepared in an orderly manner, the Planning Commission may require that a preliminary plat be submitted on all contiguous land under common ownership rather than a parcel or segment. The area may, however, be final platted in smaller parcels or segments as directed by the Planning Commission.
- e. Effective Date. The approval of the preliminary plat shall be effective for a period of twelve (12) consecutive months unless an extension of time is granted by the Planning Commission. If the final plat has not been submitted for approval within this period, or extended period, a preliminary plat must be submitted again to the Planning Commission for approval.

SECTION 6-4 FINAL PLATS

6-401.

- a. Submission of a Final Plat.
 - 1. After approval of the preliminary plat, the subdivider shall submit engineering designs/construction plans and documents for approval prior to submission of a final plat along with the plat recording fee established by ordinance adopted by the City Governing Body.
 - 2. A digital copy of the final plat, in state plane coordinates or tied to two section corners and formatted to standards established by the Zoning Administrator, plus the original on Mylar and ~~five (5)~~ **two (2)** prints thereof shall be submitted to the Zoning Administrator at least twenty (20) days prior to the Planning Commission public meeting. The names and signatures of the owner(s) of the property duly acknowledged and notarized shall appear on the original and all copies submitted.
 - 3. The Planning Commission shall be required to hold a public hearing on a final plat only when the Planning Commission finds there is a question whether the final plat as submitted is in substantial conformity with the approved preliminary plat.
 - 4. The final plat, prepared for recording purposes, shall be drawn at a scale of at least 1" = 100' or larger. The size of the sheet on which such final plat is prepared shall be twenty-two (22) inches by thirty-six (36) inches. Each sheet shall have a one and one-half inch (1 1/2") binding edge along the left-hand side. Where the proposed plat is of unusual size, the final plat shall be submitted on two (2) or more sheets of the same dimensions. If two (2) or more sheets are required, an index map of the same dimensions shall be attached showing the entire development at a smaller scale. The dimensions indicated are standard for all final plats and must be complied with. Title, description and other written data shall be located either right or left.

Commented [JW4]: Two prints plus the mylar should be sufficient for review.

5. No building permit will be issued, nor shall any lot, tract or parcel of land as described on the final plat be sold or offered for sale until the final plat has been properly filed and recorded with the Register of Deeds. The final plat shall be registered within one year from date of approval by the City Planning Commission and the City Commission. Failure to file a final plat within the time period specified will render said plat null and void.

b. Information. The final plat shall show and contain the following information.

1. Name of subdivision (not to duplicate or too closely resemble the name of any existing subdivision).
2. Location of section, township, range, county and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must be mathematically correct. The allowable error of closing on any portion of the plat shall be one (1) foot in five thousand (5,000) feet. Total acreage of the subdivision shall be provided.
3. The location of existing monuments and benchmarks shall be shown and described on the final plat. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including the true angles and distances to such reference points or monuments.
4. The location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet with the length of radii on all curves, and other information necessary to reproduce the plat on the ground.
5. Lots shall be numbered clearly. Blocks shall be numbered or lettered clearly in the center of the block. All lots, however designated, shall be numbered in progressive numbers or by blocks in which they are situated, and their precise length and width shall be stated on the map or plat.
6. The exact locations, widths, and names of all streets, easements, alleys and other rights-of-way to be dedicated.
7. Boundary lines and description of the boundary lines of any area other than streets and alleys which are to be dedicated or reserved for public use.
8. Building setback lines on the front and side streets with dimensions.
9. Name, signature and seal of the licensed engineer and registered land surveyor preparing the plat, as appropriate.
10. Name, signature, and seal of the registered surveyor verifying that all monuments and control markers have been set in compliance with City requirements and in accordance with the Land Survey Act, K.S.A. 58-2001 *et seq.*
11. Scale of the plat (scale to be shown graphically and in feet per plat scale inch), date of preparation and north arrow.
12. Statement expressing the property owner's intent to dedicate for public use all easements, streets, alleys, and all other public areas previously dedicated.
13. The following certificates, which may be combined where appropriate.
 - (a) A certificate signed and acknowledged by all parties having any record, title, or interest in the land subdivided, and consenting to the preparation and recording of said subdivision map, including all mortgage holders.
 - (b) A certificate signed and acknowledged as above, expressing the property owner's intent to dedicate or reserve all parcels of land shown on the final plat and intended for any

public or private uses including those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants, and servants.

- (c) The acknowledgment of a notary in the following form:

State of _____, County of _____, SS.

Be it remembered that on this ____ day of _____, _____, before me, a notary public in and for said County and State, came _____, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

(SEAL)

Notary Public

My Commission Expires: _____

- (d) The certificate of the Planning Commission in the following form:

This plat of _____ Addition has been submitted to and approved by the Arkansas City Planning Commission this ____ day of _____, _____.

Chair

Secretary

State of _____, County of _____, SS.

Be it remembered that on this ____ day of _____, _____, before me, a notary public in and for said County and State, came _____, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

(SEAL)

Notary Public

Commented [JW5]: The Chair and Secretary signatures must be notarized. They can be separate statements or combined based on space available.

- (e) The acceptance of easements, rights-of-way and other public dedications by the Governing Body in the following form:

The dedications shown on this plat have been accepted by the City of Arkansas City, Kansas, this ____ day of _____, _____.

(SEAL)

Mayor

ATTEST:

City Clerk

State of _____, County of _____, SS.

Be it remembered that on this ____ day of _____, _____, before me, a notary public in and for said County and State, came _____, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

(SEAL)

Notary Public

Commented [JW6]: The Mayor and City Clerk signatures must be notarized. They can be separate statements or combined based on space available.

~~(f) The certificate of the County Treasurer in the following form:~~

~~State of Kansas)~~

~~_____) SS~~

~~County of Cowley)~~

~~I hereby certify that the taxes on the included tracts are current.~~

~~_____~~

~~Cowley County Treasurer _____ Date~~

~~(g) A blank space for noting entry on the transfer record in the following form:~~

~~Entered on transfer record this ____ day of _____, _____,~~

~~_____~~

~~Cowley County Register of Deeds~~

(h) ~~(f)~~ The certificate of the Register of Deeds in the following form:

State of _____, County of _____, SS.

This is to certify that this instrument was filed for record in the Register of Deeds office on the ____ day of _____, _____, in Book _____, Page _____.

Cowley County Register of Deeds Deputy

Commented [JW7]: These two certificates are not required.

Commented [JW8]: This paragraph is relettered (f) due to the deletion of the two paragraphs above.

14. The following additional data and documents shall be submitted with the final plat.

- (a) A title report by an abstract or title insurance company, or an attorney's opinion of title, showing the name of the owner or owners of the land and all other restrictions, easements or encumbrances on the land. The consent of all such persons having a financial interest shall be shown on the plat and acknowledged by a notary public.
- (b) If any taxes or special assessments, due and payable, have not been paid in full but have been protested as provided by law, monies or other sufficient escrows guaranteeing such payment of taxes in the event the protest is not upheld, shall be placed on deposit with the City in an amount sufficient to meet this requirement.
- (c) A copy of any restrictive covenants applicable to the subdivision.

- (d) Certification from the City Engineer that all permanent monuments have been set in accordance with Section 7-2 of these regulations and the Land Survey Act (K.S.A. 58-2001 et seq.).
 - (e) At least three (3) reference ties for locating each exterior monument.
- c. Governing Body Acceptance. After the approval of the final plat by the Planning Commission, such plat shall be forwarded to the Governing Body for its approval of the plat and the acceptance of streets, alleys, easements or other dedicated public rights-of-way or sites. The Governing Body may take action on the plat at any meeting following approval of the plat by the Planning Commission and the Governing Body should approve or disapprove the plat and shall accept or refuse the dedication of land for public purpose within thirty (30) days after the first meeting of the Governing Body following the date of the submission of the plat to the city clerk. The Governing Body may defer action for an additional thirty (30) days for the purpose of allowing for modifications to comply with the requirements established by the Governing Body. No additional filing fees shall be assessed during that period. If the Governing Body defers or refuses such dedication, it shall advise the Planning Commission of the reasons ~~therefore~~ **for such deferral or refusal.**
- d. Recording of Final Plat. After acceptance of the public dedications and easements by the Governing Body and receipt of (1) engineering drawings, (2) appropriate petitions for improvements, and (3) the agreement with the developer for all required developer-installed improvements, the Governing Body may approve the final plat by signing the original mylar copy and two additional copies. The Secretary of the Planning Commission shall record the original copy of the final plat with the Register of Deeds of Cowley County. A copy shall be provided to the developer.
- e. Building Permits. No building or zoning permit shall be issued for any structure that is located upon a lot in a subdivision that has not been subdivided in accordance with these Subdivision Regulations. Construction drawings and specifications for all required developer-installed improvements shall be submitted to the City Engineer, and approved, before any building or zoning permit shall be issued. No plat, re-plat, dedication or deed shall be filed with the Register of Deeds until such plat, re-plat, dedication or deed has been approved by the Planning Commission and the Governing Body as required by law.

Commented [JW9]: This was changed for clarification.

SECTION 6-5 ADMINISTRATIVE PLAT APPROVAL

6-501. Administrative Minor Plat Approval Process. As an alternative to the procedures for plat approval in accordance with Section 6-2 of this Article, the following plats or replats may be approved administratively upon the approval of the Zoning Administrator without submission to or approval by the Planning Commission or Governing Body, provided that all of the following criteria are met.

- a. No new street right-of-way shall be proposed or required to serve the lots or tracts resulting from subdivision;
- b. The subdivision includes the total contiguous tract of land owned, or under control of, the subdivider(s);
- c. A drainage study has been completed and approved for the proposed plat;
- d. The plat includes no more than five (5) lots or tracts of land;
- e. No dedication of land for public purposes is required, including but not limited to public parks, open spaces or rights-of-way;
- f. All new lots or tracts front onto existing street right-of-way which is improved to City specification;
- g. No extension of lateral or sewer mains is required to serve those lots or tracts;

- h. Existing easements for utilities are not altered, removed or realigned unless expressly agreed to in writing by the utility; and
- i. The plat is consistent with the goals and objectives of the City's Comprehensive Plan and these regulations.

6-502. Administrative Minor Plat Rules and Regulations. The Zoning Administrator shall establish such administrative rules and regulations as necessary to govern the procedure, submission requirements and contents of minor plats. Such administrative rules and procedures may be amended from time to time, and a copy of the current administrative plat approval rules and procedures shall be available for public inspection at the office of the Zoning Administrator.

6-503. Submission/Contents. After the proposed plat has been determined to meet the requirements for administrative minor plat approval, the applicant shall submit the required number of copies of the proposed plat, as specified in the administrative procedures, including the required documents and the appropriate filing fee. The submission requirements and contents of minor plats shall be determined by the administrative procedures.

6-504. Filing Fees. The administrative minor plat approval fee for minor plat approval shall be fifty percent (50%) of the fee for a major plat.

6-505. Action by the Zoning Administrator. The Zoning Administrator shall administratively approve, approve with conditions, or disapprove the minor plat within thirty (30) days after the completed application has been submitted, including the necessary documents and fee. If the Zoning Administrator finds that the application for the proposed plat does not meet requirements, the Zoning Administrator shall advise the applicant in writing stating the reasons for such determination. If the plat is not eligible for administrative minor plat approval because it does not meet all the requirements provided in Section 6-501, or if the Zoning Administrator, at his or her sole discretion, chooses not to accept the application, it may be resubmitted as a plat, in accordance with this Article.

6-506. Recording. The required number of copies of the administratively approved recorded minor plat shall be submitted to the Zoning Administrator within ten (10) days after the plat has been recorded with the Register of Deeds. The Zoning Administrator will distribute the recorded copies to the various government agencies and local utility companies. No building permit shall be issued by the City until the recorded copies of the approved minor plat are on file with the Zoning Administrator.

Article 7: Improvements

Sections:

- 7-1 Subdivision Types [Reserved for Future Use]
- 7-2 Required Improvements
- 7-3 Exceptions for Existing Improvements
- 7-4 Waivers

SECTION 7-1 SUBDIVISION TYPES [Reserved for Future Use]

SECTION 7-2 REQUIRED IMPROVEMENTS

7-201. The subdivider of a proposed subdivision shall install, or provide for installation of, the following facilities and improvements:

- a. Streets. Streets shall be surfaced with concrete, asphaltic concrete, or materials approved by the City and shall include the curb and storm sewer inlets. Prior to constructing any street, the subdivider shall obtain a soil analysis which shall be used in design of the roadway and pavement.
 1. Pavements shall be designed based on the following minimum standard:
 - (a) Pavement thickness shall be established by the *Standard Specifications for Road and Bridge Construction*, a publication of the Kansas Department of Transportation, *Standard Specifications and Design Criteria*, a publication of the Kansas City Metropolitan Chapter of the American Public Works Association.

Proposed pavement types and thicknesses shall be approved by the City Engineer.

Pavement Width	
Street Classification	Minimum Lane Width Not Including Curb & Gutter
Local Residential	12 feet*
Collector	14 feet*
Arterial	14 feet*

* Lane widths do not include curb and gutter sections.

- b. Frontage Roads. If a proposed subdivision adjoins or contains an existing or planned arterial street or state or federal highway the Planning Commission may require the subdivision to provide frontage roads, deep lots with rear service alleys or such other design necessary to ensure that access to lots in the subdivision is not taken directly from such street or highway.
- c. Water. Where an approved public water system is proposed to serve the subdivision, said water lines shall be installed in proper easements or within the limits of the street and alley right-of-way. Utility sleeves shall be provided at the time of street construction for extensions of water mains and other utilities if such improvements are to be installed following initial construction of a street. The location and design of utility sleeves shall be approved by the City Engineer.
- d. Sanitary Sewers. Where an approved public sanitary sewer system is proposed to serve the subdivision, the sewer system shall be constructed to provide service to each lot within the subdivision. The system of mains and laterals shall collect the sewage within the subdivision and discharge it into a community disposal system approved by the City and the Kansas Department of Health and Environment.

Commented [JW1]: This and the asterisks are unneeded based on the table heading

- e. Street Signs. Street signs will be supplied and erected by the owner or developer. The type and style of street sign to be erected shall be approved by the City.
- f. Electricity. Poles, power lines, transformers, and street lights shall be installed and paid for in accordance with policies established by the City.
- g. Other Improvements. If other improvements are required, according to policies of the Governing Body, such as tree planting, and retaining walls, such improvements shall be made in accordance with the recommendations of the Planning Commission and specifications of the City Engineer.
- h. Storm Drainage. The subdivider shall install culverts, storm sewers, rip-rap slopes, stabilized ditches and other storm drainage improvements and plans for these improvements shall comply with the minimum standards of the Governing Body, including the City's stormwater management provisions in the Municipal Code, and shall be examined and approved by the City Engineer prior to construction.
- i. Bench Marks, Corners, Monuments and other Markers.
 - 1. Bench Marks.
 - (a) All elevation shown on plats shall be based on USGS datum.
 - (b) The permanent benchmark location and description that is used to extend datum to the project shall be noted on the Preliminary Plat and Final Plat.
 - 2. Monuments.
 - (a) Variations to the monument length and diameter may be allowed by the ~~Public Works Department~~ City Engineer based on subsurface conditions.
 - (b) Installation of lot pins shall commence immediately upon the installation of streets, sewer mains and water mains unless such installation is waived by the ~~Public Works Department~~ City Engineer.
 - 3. U.S. Government Corners. Whenever a survey originates from the United States public land survey corner or any related accessory, the land surveyor shall file a copy of the completed survey and references to the corner or accessory with the Secretary of the State Historical Society and with the County Surveyor. Such survey shall be filed within thirty (30) days of the date the references are made.
 - (a) Any altered, removed, damaged or destroyed corner shall be restored.
 - (b) Whenever such a corner or any related accessory is restored, re-established or replaced due to construction activities, a restoration report shall be filed with the Secretary of the State Historical Society as specified in K.S.A. 21-3724, as amended.
 - 4. Existing Markers. At any time during construction of the subdivision, if a stone marker should be found, the developer shall mark the location of such marker as required by state law.
- j. Provision of Utilities. The subdivider shall be responsible to provide for and pay the full cost for the proper installation of all utilities, including sanitary sewers and connection to approved treatment facilities, water supply, natural gas, electricity and telephone service. Such utilities shall be installed according to the specifications of the controlling utility company or the City.
- k. All telephone and cable television lines, electrical services and distribution lines shall be placed underground, except that this provision shall not include meters, electric and telephone service pedestals, transformers, three-phase feeder lines, subtransmission and transmission lines (34.5kv and above), electrical substations and such other facilities as the utility may deem necessary to install utilizing "overhead" type construction. Variances from this requirement may be authorized by the ~~Public Works Department~~ Zoning Administrator.

Commented [JW2]: Corrects to actual practice. Also the Public Works Department no longer exists in this form.

Commented [JW3]: Same as above.

Commented [JW4]: Same as in i. above but Zoning Administrator seems more appropriate here.

- l. Street Trees. Street trees shall be planted by the subdivider on all streets in the subdivision. Such trees may be planted on both sides but not less than five (5) feet from the back of the curb lines but in no event within three (3) feet of an existing or proposed sidewalk. Variances from this requirement may be authorized by the ~~Public Works Department~~ Zoning Administrator. The size and species of street trees shall be approved by the ~~Public Works Department~~ Zoning Administrator.
- m. Sidewalks. It may be required that sidewalks with a minimum width of four (4) feet and a minimum thickness of four (4) inches of Portland cement concrete shall be installed. Where the property is platted in lots each having an area of at least thirty thousand (30,000) square feet ~~the Public Works Department~~ Zoning Administrator may waive these requirements. The sidewalks shall be constructed to the grade approved by the Governing Body after receiving the report and recommendation of the City Engineer.

Commented [JW5]: Same as k. above.

Commented [JW6]: Same as l. above..

SECTION 7-3 EXCEPTIONS FOR EXISTING IMPROVEMENTS

7-301.

- a. Where the proposed subdivision is a re-subdivision or concerns an area presently having any or all required improvements as previously set out, and where such improvements meet the requirements of this Article and are in good condition as determined by the City Engineer no further provision need be made by the subdividers to duplicate such improvements. However, where such existing improvements do not meet said requirements, the subdivider shall provide for the repair, correction, or replacement of such improvements so that all final improvements will then meet said requirements.
- b. Where the proposed subdivision is a re-subdivision 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 so as to provide a minimum street right-of-way width established by these regulations and/or Planning Commission policy, and the subdivider of such proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by these regulations and the City Engineer. The Engineer 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 Engineer may reduce the minimum roadway required by these regulations to match an existing roadway system if the extension of such roadway is already improved at each end of the roadway in the subdivision and the roadway in the subdivision to be reduced is two (2) blocks or less in length. The Engineer may also require lanes to be painted on such widened streets designating driving and parking areas. The foregoing provisions requiring the widening of pavement may be waived by the City Engineer when the length of such pavement is less than one (1) block.

SECTION 7-4 WAIVERS

7-401. The Governing Body is authorized to grant a waiver of any of the improvements required in this Article. Such a waiver may be granted only upon a finding of the Governing Body that the required improvement is either: (1) technically not feasible or (2) no valid public interest is served by requiring the improvement.

Article 8: Improvement Procedures

Sections:

- 8-1 General [Reserved for Future Use]
- 8-2 Submission of Petitions for Improvements
- 8-3 Final Improvement Plans
- 8-4 Content of Engineering Drawings
- 8-5 Review of Plans
- 8-6 Approval by Planning Commission
- 8-7 Construction of Improvements
- 8-8 Construction Observation
- 8-9 Construction Observation Procedures
- 8-10 Final Inspection
- 8-11 Report to Planning Commission and Governing Body
- 8-12 Acceptance of Improvements

SECTION 8-1 GENERAL [RESERVED FOR FUTURE USE]

SECTION 8-2 SUBMISSION OF PETITIONS FOR IMPROVEMENTS

8-201. If petitions are intended to be submitted to meet the requirements of Article 7, the subdivider shall ~~so~~ indicate at the time of submission of the preliminary plat. If the petition method is in accordance with current policies of the Governing Body, said petitions shall meet the requirements of Section 9-1, and shall be submitted to the Governing Body for review and action.

Commented [JW1]: Removed for conciseness

SECTION 8-3 FINAL IMPROVEMENT PLANS

8-301. In all other instances when petitions have not been authorized for submission, upon the approval of the preliminary plat, the subdivider shall have prepared by a licensed professional engineer, engineering drawings for proposed required improvements, containing the data and information specified in Section 8-4. Such drawings shall be certified by a licensed professional engineer and shall be submitted in a number established by the Zoning Administrator for distribution to the City Engineer and other City staff at least thirty (30) days prior to the date that approval of the final plat is requested. Failure to do so will be considered automatic consent, by the subdivider, to a waiver or an extension of waiver of any time limitation for plat approval.

SECTION 8-4 CONTENT OF ENGINEERING DRAWINGS

8-401. Engineering drawings for required improvements shall contain the following data and information.

- a. Plans, profiles, details, specifications and ~~costs~~ estimates for roadway and sidewalk construction, including plans and profiles for each street with a typical cross section of the roadway. The profiles of grade lines shall be shown to a scale ranging from one (1) inch equals twenty (20) to one (1) inch equals fifty (50) feet horizontal. The vertical scale shall be one-fourth (1/4th) the horizontal scale. This information shall be shown on standard plan and profile sheets unless otherwise required by the City Engineer.
- b. Plans, profiles, details, specifications and detailed cost estimates of proposed storm drainage improvements, along with all appurtenant items of work.
- c. Plans, profiles, details, specifications and detailed cost estimates of proposed water distribution systems and proposed water distribution facilities, along with all fire hydrants, valve assemblies and other appurtenant items of work.
- d. Plans, profiles, details, specifications and detailed cost estimates of sewerage collection systems, along with all appurtenant items of work.

Commented [JW2]: Costs changed to cost

- e. All plans shall be based on City U.S.G.S. datum for vertical control.
- f. Grading plans for all lots and other sites in the subdivision.
- g. All plans for underground wiring shall be prepared by or at the direction of the utility involved.
- h. When unusual site conditions exist, the City Engineer may require such additional plans, specifications and drawings as may be necessary for an adequate review of the improvements to be installed.

SECTION 8-5 REVIEW OF PLANS

8-501. The City Engineer and other City staff shall review all engineering drawings ~~in order~~ to determine whether such drawings are consistent with the approved preliminary plat and comply with design standards. The cost attributable to all engineering drawing review shall be charged to and paid by the subdivider prior to the recording of the final plat. If such drawings are consistent and in compliance, the City Engineer shall forward to the Planning Commission a notice that such drawings do ~~so~~ conform and comply. ~~In the event that~~ **If** the drawings do not ~~so~~ conform and comply, the City Engineer shall notify the subdivider of the specific manner in which such drawings do not ~~so~~ conform or comply. The subdivider may then correct such drawings and resubmit the corrected drawings.

Commented [JW3]: This paragraph was edited for conciseness. There is still a bit of legalese left though but many more edits would not get the same message across.

SECTION 8-6 APPROVAL BY PLANNING COMMISSION

8-601. The Planning Commission shall approve a final plat only when the approval of the City Engineer has been received indicating that the plans have been approved or that the appropriate petitions, if authorized, have been filed with the City Engineer.

SECTION 8-7 CONSTRUCTION OF IMPROVEMENTS

8-701. Except where such is otherwise expressly allowed under these regulations, or where authorized by the ~~Utility~~ **Technical** Advisory Committee, no improvements shall be constructed nor shall any work preliminary thereto be done until such time as a final plat and the engineering drawings accompanying it shall have been approved by the Governing Body and there shall have been compliance with all of the requirements relating to an agreement, bond deposit or petition as specified in these regulations.

Commented [JW4]: Changed to match the committee name as noted in Article 2

SECTION 8-8 CONSTRUCTION OBSERVATION

8-801.

- a. All improvements constructed or erected shall be subject to construction observation by the City to determine compliance with the construction plans and City standards. The cost attributable to all inspections required by this regulation shall be charged to and paid by the subdivider. Before any required inspections take place, the subdivider may be required to post a deposit with such official or such agency entrusted to keep such security for the official, to cover the cost of such inspections. The subdivider shall give at least two (2) business days' written notification to such official prior to the performance of any of the following work:
 1. All phases of roadway and sidewalk construction.
 2. All phases of construction including, but not limited to, water lines, sanitary sewer lines, storm sewer, underground wiring and other required improvements.

SECTION 8-9 CONSTRUCTION OBSERVATION PROCEDURES

8-901. The City Engineer may conduct an on-site inspection to determine that the work complies with the approved engineering plans and specifications. If, in the opinion of the City Engineer, such work does not comply with the approved engineering plans and specifications, he or she shall have authority to order that all such work shall be terminated until necessary steps are taken to correct any defects, deficiencies or deviations. Upon the correction of such defects, deficiencies or deviations, the subdivider shall again notify the City Engineer as provided in Section 8-8.

SECTION 8-10 FINAL INSPECTION

8-1001. Upon completion of all improvements within the area covered by the final plat, the subdivider shall notify the City, which shall thereupon conduct a final inspection of all improvements installed.

SECTION 8-11 REPORT TO PLANNING COMMISSION AND GOVERNING BODY

8-1101. When a final inspection or re-inspection indicates that all installed improvements contain no defects, deficiencies or deviations, the inspecting official shall, within ten (10) days of such final inspection, certify to the Governing Body that all improvements have been installed in conformance with the engineering plans and specifications accompanying the final plat. If the Governing Body determines, after consideration of such certification, that there are no defects, deficiencies or deviations in any such improvements as installed, the Governing Body shall so notify the subdivider in writing.

SECTION 8-12 ACCEPTANCE OF IMPROVEMENTS

8-1201. Upon the receipt by the Governing Body of the certificate of the official designated in Section 8-8 that all improvements have been installed in conformance with the approved engineering drawings, and with the requirements of these regulations, and all other applicable statutes, ordinances and regulations, the Governing Body and/or such appropriate utility may thereupon by resolution or by letter, respectively, formally accept such improvements. Upon acceptance, the improvements shall become the property of the City or appropriate utility company involved.

Article 11: Lot Splits

Sections:

- 11-1 Objective
- 11-2 Approval of Lot Splits; Application Procedure
- 11-3 Approval Guidelines
- 11-4 Staff Review and Action
- 11-5 Filing Fee
- 11-6 Appeals

SECTION 11-1 OBJECTIVE

11-101. The objective of this Article is to provide for the division of a tract of land or lot into not more than two buildable lots which meet the minimum size and area requirements for the zoning district in which said lots are located without having to comply with the platting requirements described in Article 6 of these Regulations. The new lots cannot, thereafter, be further subdivided without replatting. The Zoning Administrator may approve or disapprove lot splits in accordance with the requirements of this Article.

11-102. A property owner shall apply for a lot split prior to the construction or placement of a non-abutting, non-accessory building or other structure on a lot already containing a building or other structure if the new lot, building or structure (a) has a different owner than the rest of the lot or (b) the new building or other structure may create increases in service requirements or interfere with maintaining existing services levels, such as those described in Section 11-301(a)(3).

11-103. No building permit shall be issued for any structure to be located on a lot produced by a lot split until (a) the lot split has been approved by the Zoning Administrator in accordance with the requirements of this Article, or (b) upon which a lot split has been denied under Section 11-301(a) without thereafter complying with Article 6 of these Regulations.

SECTION 11-2 APPROVAL OF LOT SPLITS; APPLICATION PROCEDURE

11-201. A request for lot split approval shall be made by the owner of the land to the Zoning Administrator. ~~Four (4) copies of a scale drawing of the lots involved if there are no structures thereon or, if structures are located on any part of the lot being split, four (4) copies of~~ A survey of the lot and the location of the structure(s) thereon together with the precise nature, location and dimensions of the proposed lot split, shall accompany the application. The application shall provide a legal description for the original lot and legal descriptions for each of the lots produced by the proposed lot split, and such legal description shall be certified by a registered land surveyor and monuments placed.

Commented [JW1]: This paragraph was edited to match practice. There is no need for multiple copies but a scale drawing is not acceptable for a lot split application. A survey must always be provided for approval.

SECTION 11-3 APPROVAL GUIDELINES

11-301. The division of lots pursuant to this Article shall comply with applicable zoning laws, these Subdivision Regulations, and all other applicable regulations.

- a. No lot split shall be approved if any of the following applies:
1. A new street or alley is needed or proposed.
 2. A vacation of streets, alleys, setback lines, access control or easements is required or proposed.
 3. If such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc.; or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.
 4. If 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. If all easement requirements have not been satisfied.
 6. If such splits will result in a tract without direct access to a public street.

7. If a substandard sized lot or parcel will be created, unless a variance for the lot or parcel has been approved by the Board of Zoning Appeals.
 8. If the lot has been previously split in accordance with these regulations.
- b. The Zoning Administrator may make such additional requirements as deemed necessary to carry out the intent and purpose of existing land development regulations and policy. Requirements may include, but not be limited to, installation of public improvements and dedication of rights-of-way and easements.

SECTION 11-4 STAFF REVIEW AND ACTION

11-401. The Zoning Administrator shall, in writing, either approve with or without conditions or disapprove the lot split within thirty (30) days of application. If approved, and after all conditions have been met, the Zoning Administrator shall sign and furnish a certificate of approval to be affixed to the lot split survey. ~~and a certified copy thereof shall be filed with the Cowley County Register of Deeds, the official designated to issue building or occupancy permits, and a copy shall be furnished to the applicant.~~

Commented [JW2]: Edited to match practice. Currently fees are being waived for lot split applications due to compliance issues. Since no fee is being charged the responsibility of filing the certificate with the Register of Deeds falls on the applicant.

SECTION 11-5 FILING FEE

11-501.

- a. The filing fee for lot split shall be in an amount as established by ordinance of the Governing Body.
- b. Cost of recording documents, publications, writs, and engineering costs are payable in addition to filing fees. These costs will be billed to the applicant.

SECTION 11-6 APPEALS

11-601. Appeals of any determinations by the Zoning Administrator made pursuant to the provisions of this Article may be made by any aggrieved party to the Board of Zoning Appeals.

Article 12: Vacations and Corrections

Sections:

- 12-1 Review and Recommendation by Planning Commission
- 12-2 Vacation of Unrecorded Plat
- 12-3 Correction of Platting Errors
- 12-4 Vacation of Streets, Alleys, Easements and Plats

SECTION 12-1 REVIEW AND RECOMMENDATION BY PLANNING COMMISSION

12-101.

- a. Before any application for the vacation of any public right-of-way, street, alley, easement, plat, setback or access control shall be approved or recommended for approval by the Governing Body, the application shall be submitted to the Planning Commission for review and recommendation. Said recommendation shall include conditions which are appropriate to protect the best interests of the public, Governing Body and utilities. All vacation applications shall be submitted to the ~~Director of Public Works~~ Technical Advisory Committee for review and comments prior to the Planning Commission taking action.
- b. The recommendation of the Planning Commission shall be submitted to the Governing Body. No vacation shall be recommended for approval unless it is established that no private rights will be injured or endangered by such vacation and that the public will suffer no loss or inconvenience by such vacation.
- c. All requests for vacations shall be accompanied by the name and mailing address of all record owners of property touching upon the property proposed to be vacated.
- d. An application for vacation shall be submitted to the Zoning Administrator and shall be accompanied by fees in the amounts established by the Governing Body.
- e. A written receipt shall be issued to the person(s) making such a payment and records thereof shall be kept in such a manner as prescribed by law. ~~No fee shall be required when said application is submitted by any agency.~~ No fee shall be refunded in the event of disapproval by the Planning Commission or Governing Body.

Commented [JW1]: This was changed to match practice.

Commented [JW2]: This is confusing. Agency isn't defined. In general the only time fees are waived is when the City is the applicant or would otherwise directly benefit from the vacation.

SECTION 12-2 VACATION OF UNRECORDED PLAT

12-201.

- 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 Planning Commission.
- b. Upon written request of the subdivider to the Zoning Administrator, 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 Zoning 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.

SECTION 12-3 CORRECTION OF PLATTING ERRORS

12-301. 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 same 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 Cowley 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 Cowley County 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 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 Zoning Administrator.

SECTION 12-4 VACATION OF STREETS, ALLEYS, EASEMENTS AND PLATS

12-401.

a. 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 within the corporate limits of the City:

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 Zoning Administrator.
2. The petition shall be reviewed by and comments submitted to the Planning Commission by the ~~Utility~~ **Technical** Advisory Committee.
3. Following its receipt of the comments of the ~~Utility~~ **Technical** Advisory Committee, the Planning Commission shall make a recommendation to the Governing Body as to whether the vacation should be approved or disapproved and with or without conditions attached. If the Planning Commission determines that:
 - (a) due and legal notice has been given;
 - (b) no private rights will be injured or endangered; and
 - (c) the public will suffer no loss or inconvenience;

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 petition shall not be recommended by the Planning Commission nor granted by the Governing Body if a written objection is filed with the City Clerk 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 City 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 as provided by K.S.A. 12-752 for the submission and approval of a final plat, and the Governing Body may approve or disapprove the vacation or approve it with or without reservation of lesser easements than as recommended by the Planning Commission.

4. Following the approval of the vacation by the Governing Body, the City Clerk shall certify a copy of the order to the Cowley County Register of Deeds.

Commented [JW3]: Changed to match the name of the committee per Article 2.

Article 13: Site Plan Review

Sections:

- ~~13.1 Intent~~
- ~~13.2 Applicability~~
- ~~13.3 Authority~~
- ~~13.4 Filing Fee~~
- ~~13.5 Submission Requirements~~
- ~~13.6 Standard of Review~~
- ~~13.7 Development Standards~~

Commented [JW1]: This article will be removed in its entirety. Much of its contents will be relocated to Article 29 of the Zoning Regulations in accordance with Chapter 8 (Section 8.5) of the 2022 Comprehensive Plan. There will be some from 13-7 that will end up in Articles 9 & 15 of the Zoning Regulations. Since this is the last article, it will not be reserved for future use.

SECTION 13.1 INTENT

~~13.101.~~

- a. ~~The very nature of land development creates potential for traffic congestion, overcrowding, adverse visual environmental impacts, and health problems. Also, the City strives to achieve the goal of promoting growth in Arkansas City, while stabilizing the established residential patterns of the area. The City seeks to ensure that any location that accommodates intense urban use be subject to Site Plan Review by the zoning administrator in accordance with this Article. Site Plan Review helps ensure that the meaning and intent of these subdivision regulations are fully complied with and so property owners and developers understand City requirements under these regulations before projects begin.~~
- b. ~~Site Plan Review regulates the development of structures and sites in a manner that considers the following:~~
 1. ~~The balancing of landowners rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances, including, for example, noise, smoke, fumes, dust, odor, glare and stormwater runoff;~~
 2. ~~The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;~~
 3. ~~The adequacy of waste disposal methods and protection from pollution of surface or groundwater;~~
 4. ~~The protection of historic and natural environmental features of the site under review, and those of adjacent areas; and~~
 5. ~~The stability of the built environment, particularly residential neighborhoods, by promoting urban development that is compatible with clearly identified natural resources.~~

SECTION 13.2 APPLICABILITY

~~13.201.~~

- a. ~~The Zoning Administrator shall require that all applications for building permits for residential, commercial and industrial developments, other than applications for accessory buildings, be subject to site plan review in accordance with these regulations, and for redevelopments which enlarge the size of the original structure by more than fifty percent (50%) in the case of a renovation or alteration. The Zoning Administrator may require a site plan review in accordance with the regulations for any development requiring a building permit upon a determination that such development may impact parking, storm water, traffic or create other impacts upon public health, safety or welfare. The Zoning Administrator may require a site plan review regardless of whether a development involves the subdivision of land. Developments shall be encouraged to implement the objectives of the adopted City of Arkansas City Comprehensive Plan to foster compatibility among land uses in the City.~~

- b. ~~Prior to application, a pre-application conference shall be held between the applicant and city staff to discuss the site review requirement and other site or application issues specific to the proposed development or redevelopment. The applicant should submit preliminary plans for initial review and comment at this time.~~

SECTION 13-3 AUTHORITY

~~13-301. Building permits shall not be issued for any use of land or proposed construction for which site plan review is applicable, unless site plan review approval has been granted.~~

SECTION 13-4 FILING FEE

~~13-401. A filing fee shall be paid as part of the plan review fee at or prior to the time of building permit application in an amount established by the City Commission by ordinance.~~

SECTION 13-5 SUBMISSION REQUIREMENTS

13-501.

- a. ~~The site plan shall include the following data, details, and supporting plans which are found relevant to the proposal. The applicant shall make notations explaining the reasons for any omissions.~~
- b. ~~Site plans shall be prepared by a registered professional engineer, architect, land surveyor or landscape architect at the largest scale possible, but no less than a scale of one (1) inch equals 20 feet, on standard 24" x 36" sheets, with one copy on 8 1/2" x 11" or 11" x 17". The number of copies of the site plan to be submitted for review shall comply with the City's schedule of copies. Items required for submission include:~~
 1. ~~Name of the project, address, boundaries, date, north arrow and scale of the plan.~~
 2. ~~Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect.~~
 3. ~~All existing lot lines, easements and rights of way. Include area in acres or square feet, abutting land uses and structures.~~
 4. ~~The location and use of all existing and proposed structures within the development. Include all dimensions of height and floor area, show all exterior entrances and all anticipated future additions and alterations, side views of structure, building elevations of structure, and proposed building materials. For developments in the Historic District and/or C-4 Central Business District, indicate design details to make new construction compatible with existing structures and conformance to the adopted Comprehensive Plan and Zoning Regulations.~~
 5. ~~The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs and fences. Location, type and screening details for all waste disposal containers shall also be drawn.~~
 6. ~~The Zoning Administrator may require location, height, intensity and bulb type of all external lighting fixtures. The direction of illumination and methods proposed to eliminate glare onto adjoining properties must also be shown.~~
 7. ~~The location, height, size, materials, and design of all proposed signage.~~
 8. ~~The location, size and common name of all existing plant materials to be retained on the site, including a description of the methods by which such materials could be preserved; mature sizes of plant material drawn to scale and identified by common name or appropriate key; location of all trees, twelve inch (12") caliper or larger measured at four and one-half feet (4 1/2') above ground level that are proposed for removal.~~
 9. ~~The location of all present and proposed utility systems including:~~

- (a) ~~sanitary sewage system;~~
 - (b) ~~water supply system;~~
 - (c) ~~telephone, telecommunication, cable and electrical systems; and~~
 - (d) ~~storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes and drainage swells.~~
10. ~~Construction and post construction best management practices (BMPs) may be required as part of the plan to prevent stormwater pollution. This must include run-off calculations and must be approved by the city engineer following a determination that the plan is in conformance with the City's adopted Stormwater ordinance. A Storm Water Pollution Prevention Plan (SWPPP) must be submitted to the State if more than 1 acre is disturbed.~~
11. ~~Existing and proposed topography shown at not more than two foot contour intervals. All elevations shall refer to the United States Geodetic Survey (USGS) datum. If any portion of the parcel is within the 100-year flood plain, the area shall be shown with base flood elevations and the developer shall present plans for meeting Federal Emergency Management Agency (FEMA) requirements.~~
12. ~~Zoning district boundaries adjacent to the site's perimeter shall be drawn and identified on the plan.~~
13. ~~Access Management plan in accordance with the AASHTO "A Policy on Geometric Design of Highways and Streets". Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site shall be shown.~~
~~The Zoning Administrator may require a traffic study for developments in heavy traffic areas, to include:~~
- (a) ~~The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;~~
 - (b) ~~The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and~~
 - (c) ~~The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities, existing and proposed daily and peak hour traffic levels, as well as road capacity levels.~~
 - (d) ~~Other information as requested by the Zoning Administrator.~~
14. ~~For new nonresidential construction or alterations to any existing nonresidential structure, a table containing the following information must be included:~~
- (a) ~~Area of structure to be used for a particular use, such as retail operation, office, storage, etc.;~~
 - (b) ~~Estimated maximum number of employees;~~
 - (c) ~~Maximum seating capacity, where applicable;~~
 - (d) ~~Number of parking spaces existing and required for the intended use; and~~
 - (e) ~~A landscape plan for paved parking may be required.~~

SECTION 13.6 STANDARD OF REVIEW

13-601. The recommendations of the Zoning Administrator shall be based on the following standards:

- a. ~~The extent to which the proposal conforms to this Article and these regulations.~~
- b. ~~The extent to which the development would be compatible with the surrounding area.~~
- c. ~~The extent to which the proposal conforms to the provisions of the City's zoning regulations and/or comprehensive plan.~~
- d. ~~The extent to which the proposal conforms to the standard specifications used in the City.~~
- e. ~~The extent to which the location of streets, paths, walkways, and driveways are located so as to enhance safety and minimize any adverse traffic impact on the surrounding area.~~

SECTION 13.7 DEVELOPMENT STANDARDS

13-701. Other than one- and two-family dwelling units, no building shall be erected that does not meet the following minimum standards:

- a. ~~Rooftop equipment shall be screened from view from the ground near the building with vertical extensions of the building walls or with parapets or other architectural design features of the same materials used on the wall of the building. Where the topography permits, it is desirable to screen such equipment from adjacent property, but it is not the intent of this requirement to increase the height of the screening significantly above that of the equipment in order to screen it from view from tall buildings or from higher ground. Raised exterior walls or screen walls should be designed to enclose groups of equipment.~~
- b. ~~Dumpster Enclosure and Improvements:~~
 - 1. ~~Exterior refuse shall be kept in an enclosed area large enough to contain one week's production of refuse and shall be contained in a refuse bin equipped with a lid.~~
 - 2. ~~The enclosure shall be a minimum of 12 feet wide to allow access for the truck picking up the refuse bin. The depth of the enclosure should be the depth of the refuse bin being used plus an additional four (4) feet to allow for the mechanical dumping of the refuse bin. The enclosure shall have a minimum height of five (5) feet.~~
 - 3. ~~The floor of the enclosure shall be reinforced concrete with a minimum thickness of four inches (4") with #4 reinforcing at twenty four inches (24") each direction.~~
 - 4. ~~There shall be a 12' x 12' concrete pad in front of the enclosure. This pad should be a minimum depth of eight inches (8") and have #4 reinforcing rods every twenty four inches (24") in each direction, and have a test strength of 4,000 psi.~~
 - 5. ~~The enclosure should be shielded on three sides by a wall or decorative fence and positioned in such a manner to shield the refuse bins from sight of any public thoroughfare or adjoining property to extent possible. When decorative fence is used the corner post should be made of steel pipe with a four inch (4") diameter and filled with concrete.~~
 - 6. ~~The number and location of refuse bins shall be located on site plans prior to approval.~~
- c. ~~The form and proportion of building should be consistent or compatible with the scale, form and proportion of existing development in the immediate area.~~
- d. ~~The rhythm of structural mass to voids, such as windows and glass doors, of a front facade should relate favorably to the rhythms established in adjacent buildings.~~
- e. ~~Overly long horizontal facades (walls) should be articulated with variations in the building plane and parapet height, materials and colors, entrance canopies, landscaping and other design or site plan~~

features. Parking lots along the facade can also relieve horizontally through the use of landscaped fingers and island-containing trees and shrubs.

- f. ~~Architectural design should create visual interest through the use of different textures, complementary colors, shadow lines and contrasting shapes. The use of walls in a single color, with little detailing or completely bland, is discouraged.~~
- g. ~~Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest.~~
- h. ~~Careful consideration of durable materials, proportions, and shapes, emphasizing the importance of roofs as integral and embracing elements of the over-all design, is encouraged.~~
- i. ~~Use of masonry materials (face brick, stucco, stone) is encouraged. The use of aluminum siding, metal ribbed panels, and extensive mirrored glass surfaces is discouraged. Evaluation of building materials shall be based on the quality of its design and relationship and compatibility to building materials in the immediate neighborhood. Corrugated metal facades should be complemented with abundant use of masonry, whether brick, stone, stucco or split face block, especially along perimeter streets. Architectural metal panels may be an acceptable substitute for masonry. Appropriate landscaping can be used to complement and enhance a building's design, color and material.~~
- j. ~~Architectural treatments (e.g., building material, colors, facade design, roof lines, screening) shall be consistent and compatible on all sides. Treatment that is uniform on all sides will be deemed to meet the requirements of this principle. Adjacent land uses, visibility from public streets, use of screening devices (walls, fences, berms, landscaping) are criteria to be considered when varying this treatment.~~

13-702. Mini-warehouse facilities shall be developed in accordance with the following minimum standards:

- a. Off street parking shall be provided as follows:
 - 1. ~~Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty feet (20') wide for one way access lanes and at least twenty five feet (25') wide for two way access lanes.~~
 - 2. ~~One parking space for every one hundred fifty (150) storage cubicles shall be located adjacent to the leasing office. A minimum of three (3) such spaces shall be required.~~
 - 3. ~~Required parking spaces may not be rented as or used for vehicle storage, unless identified on the site plan or development plan.~~
- b. ~~There shall be landscaped screening and fencing around the perimeter of the project. The fencing shall be a minimum of six feet (6') in height. When a development borders an arterial street, adjoining residential or commercial development, the fence shall be constructed of decorative material approved by the Zoning Administrator along those sides. Chain link fencing may be used on sides that adjoin other industrial property of similar or greater intensity, as approved by the Zoning Administrator.~~
- e. ~~The buildings shall be architecturally compatible with the existing neighborhood. To that end, newly constructed mini-warehouse storage units either shall (a) install a screen to shield door openings from residentially zoned property and public right of way, or (b) face door openings away from any residentially zoned property or public right of way.~~