

**SUBDIVISION REGULATIONS
FOR
HAYSVILLE, KANSAS**

**ARTICLE I.
TITLE, PURPOSE, AUTHORITY, JURISDICTION AND DEFINITIONS**

Section 1. Short Title.

This ordinance shall be known as the “Haysville Subdivision Regulations,” and shall hereinafter be referred to as “these regulations.”

Section 2. Purpose.

These Subdivision Regulations are designed and intended to serve the following purposes: To provide for the harmonious development of the City of Haysville and portions of the unincorporated area of Sedgwick County; to provide for the proper location and width of streets, building lines, open spaces, drainage, safety, and recreational facilities and for the avoidance of congestion of population; to provide for the minimum width, depth, and area of lots; to specify the extent to which, or manner in which road ways shall be graded and improved; and water, sewer, and other utility mains and piping or connections or other physical improvements shall be installed; and to provide for and secure to the proper Governing Body, the actual construction of such physical improvements.

Section 3. Authority.

The requirements and recommendations set forth herein are designed to encourage an orderly municipal growth for Haysville through responsible land subdivision and are adopted under authority established by K.S.A. 12-749, as amended.

Section 4. Jurisdiction.

These regulations shall apply to all subdivisions of land within the corporate limits of the City of Haysville, as presently exists or are hereafter established, and certain land which is located outside of the City of Haysville and in Sedgwick County as shown on the map designated as the subdivision jurisdiction map. The map and all the notations, references and information shown thereon are hereby made as much a part of these regulations as if the same were set forth in full herein.

Section 5. Applicability.

Any owner or owners of land subdividing the same into lots and blocks or tracts or parcels for the purpose of laying out any subdivision, suburban lots, building lots, tracts or parcels or establishing any street, alley or other property intended for public use or for the use of purchaser or owner of lots, tracts, or parcels of land fronting on or adjacent thereto shall cause a subdivision plat to be made in accordance to these regulations unless exempted under Section 6.

Section 6. Exemptions.

This section shall cover only those areas located in the unincorporated area. Prior to consideration of exemption requests in the unincorporated area being considered by the Haysville Planning Commission, the request must be sent to the Metropolitan Area Planning Department and to the Sedgwick County Engineer for approval of drainage and floodways. Notwithstanding the requirements of Sections 2 through 5, this regulation shall not apply in the following instances or transactions;

- (1) The division or further division of land into lots or parcels, each of which contains more than twenty (20) acres, where such subdivision does not involve the creation of any new streets or easements of access.
- (2) A change in the boundary between adjoining lands which does not create an additional lot or tract.
- (3) Land used for street or railroad right-of-way, a drainage easement or other public utility easement subject to local, state or federal regulations; where no new street or easement of access is involved.
- (4) Land used for highway or other public purposes relating to the dedication of a parcel of land for a public use or instruments relating to the vacation of land impressed with a public use.
- (5) A correction of a description in a prior conveyance, provided that such a conveyance shall be clearly labeled as a “correction conveyance” and shall clearly identify the proper conveyance that is the subject of correction and the error contained in such prior conveyance.
- (6) Whenever any lot, parcel, or tract of land located within the area governed by these regulations has been subdivided, resubdivided or replatted prior to the adoption of these regulations.
- (7) The division of land into more than two parcels or tracts (one of which is the original tract) not covered by any other exemption clause of this section and which does not involve any new streets or easements of access.
- (8) Any lot split approved in accordance with these regulations.
- (9) Any transfer by operation of law.

**ARTICLE II.
ADMINISTRATION AND ENFORCEMENT**

Section 1. Division of Responsibility.

The administration of this regulation is vested in the following governmental branches, agencies, departments or individuals of the city government:

- (1) Office of the City Clerk of Haysville, known as the City Clerk.
- (2) Haysville Planning Commission.
- (3) Haysville Governing Body.

Each of the above named governmental branches, agencies, departments or individuals shall have the responsibilities hereinafter set forth.

Section 2. Duties of the Office of the City Clerk Related to These Regulations.

The City Clerk of the City of Haysville shall administer the provision of the regulation and furtherance of such authority, and the City Clerk shall:

- (1) Maintain three copies of an up-to-date subdivision regulation, including amendments thereto.
- (2) Receive and transmit applications, sketch plans, preliminary plats and final plats to the Haysville Planning Commission.

Section 3. Duties of the Haysville Planning Commission.

The Haysville Planning Commission shall:

- (1) Inform applicants of procedures required for subdivision approval.
- (2) The Planning Commission may designate, by rule or resolution, a Subdivision Committee composed of any two or more of its members whose duty shall be to review and approve, approve conditionally, or disapprove the sketch plan.
- (3) Determine appeals by the applicants from the subdivision committee when the subdivision committee and applicant fail to agree on sketch plans. Refer to Article IV, Section 3.
- (4) Review and approve, approve conditionally, or disapprove the preliminary plats.
- (5) Review final plats for compliance with the preliminary plat as approved, and approve or disapprove final plat and transmit same to the Governing Body for approval, or disapproval, and acceptance of dedications of streets, alleys and other public ways and sites.

Section 4. Duties of the Governing Body.

The Governing Body shall approve or disapprove the dedication of land for public purposes within 30 days after the first meeting of the Governing Body following the date of the submission of the plat to the clerk thereof. The Governing Body may defer action for an additional 30 days for the purpose of allowing for modifications to comply with the requirements established by the Governing Body. No additional filing fees shall be assessed during that period. If the Governing Body defers or disapproves such dedication, it shall advise the Planning Commission or committee of the reason therefore.

Section 5. Enforcement.

No plat or subdivision shall be approved which does not comply with the provisions of these regulations.

**ARTICLE III.
INTERPRETATION AND CONSTRUCTION**

Section 1. Interpretation and Construction.

- (1) Where the conditions imposed by the provisions of these regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of any other applicable local law, *ordinance*, regulation, resolution, rule or regulation of any kind, the regulation that is more restrictive and imposes higher standards of requirements shall govern.
- (2) The provisions of these regulations are not intended to abrogate any easement, covenant or other private agreement, provided that where the requirements of this regulation are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of these regulations shall govern.
- (3) No subdivision of land shall be made lawful solely by the adoption of these regulations if such subdivision did not lawfully exist at the time of the adoption of these regulations. If any existing subdivision of land is in conflict with these regulations in any manner, such subdivision shall remain unlawful until the requirements of these regulations have been complied with.
- (4) The provisions of these regulations are cumulative and additional limitations upon all other laws and ordinances therefore passed or which may be passed hereafter governing any subject matter set forth in the provisions of these regulations.

Section 2. Definitions.

Any word or phrase that is defined in this Section shall have the meaning assigned to it by said Section wherever the word or phrase is used in these regulations.

Access Control. The limitation of public access rights to and from properties abutting streets or highway. Access control is used to preserve high-quality traffic service and to improve safety.

Alley. A public right-of-way along the side of or in the area of lots intended to provide a secondary means of access to and from streets and such lots. An alley is not intended for general traffic circulation.

Arterial Street. Any street serving major traffic movements that is designed primarily as a traffic carrier between cities or between various sections of the city, which forms part of a network of through streets, and which provides service and access to abutting properties only as a secondary function.

Benchmark. Surveying mark made in some object that is permanently fixed in the ground, showing the height of that point in relation to North American Vertical Datum of 1988 (NAVD 88).

Blocks. A tract of land bounded by streets, or by a combination of streets, railway rights-of-way or waterways.

Building Setback. A line indicating the limit beyond which buildings or structures may not be erected.

Collector Street. Any street designed primarily to gather traffic from local or residential streets and carry it to the arterial system.

Dead-End Street. A street or road that has no outlet and terminates in a dead-end or cul-de-sac.

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

Developer. The legal or beneficial owner or owners of a lot or of land proposed to be subdivided including the holder of an option or contract to purchase, or other person having enforceable proprietary interests in the land. (see also Owner; Subdivider)

Easement. A grant of specific property rights to land for the use of the public, a corporation or another person or entity.

Easement, Drainage. An easement required for the installation of storm water sewers or waterways and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.

Encroachment. Any obstruction in a delineated floodway, right-of-way, easement, building setback or adjacent land.

Freeway. Any divided street or highway with complete access control and grade separated interchanges with all other public streets and highways.

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

Frontage Lot. That portion of the frontage that lies between the side lot lines of a single lot.

Frontage Road. A public or private marginal access roadway generally paralleling and contiguous to a street or highway and designed to promote safety by eliminating unlimited ingress and egress to the street or highway by providing points of ingress and egress at more-or-less uniformly spaced intervals.

Governing Body. The Mayor and City Council of the City of Haysville.

Half Street. A street bordering one or more property lines of a subdivision tract to which the subdivider has allocated only a portion of the ultimate and intended street width.

Improvements. All facilities constructed or erected by a subdivider within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, business or manufacturing purpose. Improvements shall include all facilities listed in Article VII of these regulations.

Infrastructure. Facilities and services needed to sustain industry, residential, institutional, and commercial activities.

Local Street. Any street designed primarily to provide access to abutting property, to include lanes, drives, circles, boulevards, or any other designation that might be given to such streets.

Lot. A portion or basic parcel of a subdivision or other tract of land intended to be the parcel by which such land would be individually developed and transferred, or built upon.

Lot Split. The dividing or redividing of a lot or lots in a recorded plat of a subdivision into tracts that meets the criteria established within these regulations.

Master Plan. Any plan or map adopted by the City for guidance of growth and improvement of the City and its environs including modifications or refinements that may be made from time to time.

Original Tract. A tract of land in existence at the time, in 1969, that Sedgwick County adopted Subdivision Regulations. (July 1, 1969)

Owner. Any person or persons, firm or firms, corporation or corporations, or any other legal entity having legal title to land sought to be subdivided under these regulations. (*See also, Developer; Subdivider*)

Pedestrian Way. A right-of-way for pedestrian traffic.

Planning Consultant. Any person, firm, partnership, association, or corporation contacted to provide professional planning advice or service to the city.

Plat. An engineering drawing/map of a tract of land which has been lawfully subdivided meeting the criteria established in the subdivision regulations and duly recorded in the office of the Register of Deeds of Sedgwick County.

Public Way. Any parcel of land unobstructed from the ground to the sky, more than 10 feet in width, appropriated to the free passage of the general public.

Replat. The subdivision of a tract of land that has previously been lawfully subdivided and a plat of such subdivision duly recorded.

Reserve. An area of property within a subdivision that is platted for specific uses, e.g., open space, landscaping, recreational facilities, utilities and drainage, floodway, private street, etc.

Restrictive Covenant. A restriction on the use of land traditionally set forth in a deed. Restrictions are also placed of record by separate instruments including homeowner association agreements. The restrictive covenant usually runs with the land.

Setback Line. The line that is the distance that is required by the City of Haysville Zoning Regulations between a principal structure or accessory structure and the property line of the lot on which the structure is located.

Street. The entire street right-of-way or easement, whether public or private; not limited to the area of the paving or other improvements on the street right-of-way unless such paving or improvements coincide with the boundaries of the street right-of-way.

Subdivider. The owner, or any other person, firm or corporation authorized by the owner, undertaking proceedings under the provisions of these regulations for the purpose of subdividing land. (*See also, Developer; Owner*)

Subdivision. Any division or redivision of land by means of mapping, platting, conveying, changing or rearranging of boundaries, or otherwise, and shall also relate to the process of subdividing or other land subdivided where appropriate to the context.

ARTICLE IV. PROCEDURE FOR APPROVAL OF SUBDIVISION PLATS

Section 1. Application for Subdivision Approval.

Any person desiring or required to subdivide land that is subject to the provisions of these regulations shall file with the office of the City Clerk an application that states the name and address of the person making the application, identifies the location of land to be subdivided, and describes the proposed subdivision in general terms, including the approximate number of proposed lots and typical lot widths and depths. A proposed sketch plan of the subdivision shall be attached to the application.

For any plat required by these regulations, that will consist of a total of one (1) or two (2) lots, the following expedited review process may be permitted, upon Subdivision Committee approval:

- (1) Waiver of the sketch plan requirements, provided the preliminary plat is submitted at the time of application;
- (2) Ability to submit preliminary plat and final plat, along with all additional documentations, concurrently;
- (3) Ability to request simultaneous approval of the preliminary plat and final plat by the Planning Commission, provided that all interested parties have been given the required 15 day response period to review plats.

Contents of plans and plats shall remain the same, as set out in Article V Contents of Plans and Plats.

All other requirements and processes shall remain the same as set out in these regulations.

Section 2. Development of Sketch Plan.

Upon receiving an application for approval of a subdivision, the Subdivision Committee or Planning Commission shall consider the application and shall be available to confer with the subdivider to develop a mutually acceptable sketch plan of the subdivision. The sketch plan shall contain the data and information set out in Section 2, Article V of these regulations.

Section 3. Failure to Agree on Sketch Plan.

If the subdivider meets with the Subdivision Committee and if the subdivider and the Subdivision Committee are unable to reach an agreement on the characteristics of the sketch plan, within 30 days of the date that the application for approval of a subdivision is filed, the subdivider may appeal to the Planning Commission on a determination of the characteristics of the sketch plan on which the subdivider and the Subdivision Committee have been unable to agree. The Planning Commission shall make such determination at its first regular meeting following the conclusion of the aforesaid 30 day period.

Section 4. Approval of Sketch Plan.

When a subdivider has received written approval of a sketch plan from the Subdivision Committee or Planning Commission, then the subdivider may proceed with the preparation of the preliminary plat.

Section 5. Filing of Preliminary Plat.

30 copies of the preliminary plat shall be filed with the office of the City Clerk, or the Clerk's designee, within six months of the date that the Subdivision Committee or Planning Commission has approved the Sketch Plan. Copies of the preliminary plat and all appropriate information shall then be transmitted to the Planning Commission for appropriate action.

Section 6. Reserved.

Section 7. Contents of Preliminary Plat.

The preliminary plat shall contain information and data set out in Section 3, Article V of these regulations.

Section 8. Distribution and Review of Preliminary Plat.

The Secretary of the Planning Commission, after the filing of the preliminary plat, shall make arrangements to distribute one or more copies of the preliminary plat to affected and interested governmental and public and private organizations as may be deemed appropriate for the particular proposed subdivision. Organizations receiving copies shall have 15 days to review the preliminary plat and to make their comments and recommendations to the Planning Commission. A lack of response in 15 days shall, at the discretion of the Planning Commission, signify approval, unless during this period a written request for an extension of time not to exceed 15 days is submitted to the Planning Commission.

Section 9. Action by the Planning Commission on Preliminary Plat.

The Planning Commission shall review the preliminary plat and consider the report and recommendation of the agencies, departments and persons to whom the preliminary plat has been submitted for review. The Planning Commission may also conduct a public hearing, at which time interested persons may attend and offer evidence in support of or against such preliminary plat.

- (1) The Planning Commission shall thereupon determine on the basis of all evidence before it, whether the preliminary plat generally meets the design standards and requirements of these regulations, the development plan of the City and the zoning regulations of the City, other applicable provisions of the ordinances of the City, or the applicable zoning regulations of the unincorporated area.
- (2) If the foregoing considerations are satisfied, the Planning Commission shall approve the preliminary plat.
- (3) If the Planning Commission determines that the preliminary plat does not satisfy the foregoing conditions it may suggest modifications so as to satisfy such conditions and in such event;
 - a. The subdivider may amend the preliminary plat so as to incorporate such modifications and re-submit the preliminary plat to the Planning Commission, which shall then grant its approval if such amendments satisfactorily incorporate the suggested modifications; or
 - b. The subdivider may reject the suggested modification or within the time allowed for Planning Commission action, may refrain from taking any action thereon. In either event the preliminary plat shall be deemed to have been disapproved and the Planning Commission shall thereupon furnish the subdivider a written statement setting forth the reasons for disapproval of the preliminary plat.
- (4) If the Planning Commission determines that the preliminary plat does not satisfy the foregoing conditions, it shall disapprove the preliminary plat and immediately notify the subdivider of its action.
- (5) The foregoing provisions to the contrary notwithstanding, the Planning Commission shall approve or disapprove the preliminary plat within 60 days from the date of filing of the preliminary plat or from the date the subdivider has submitted the last item of the required data, whichever date is later, unless such time is extended by mutual consent. If the preliminary plat is disapproved within 60 days thereafter, the Planning Commission shall furnish the subdivider a statement in writing setting forth the reasons for disapproval and specifying with particularity the aspects in which the proposed preliminary plat fails to conform to the requirements of these regulations.

- (6) The subdivider may appeal the disapproval of his preliminary plat to the Governing Body. Such appeal shall be made in writing and filed with the City Clerk within 60 days after the date the Planning Commission issues its statement setting forth its reasons for disapproval of the preliminary plat.

Section 10. Failure of Planning Commission to Act on Preliminary Plat.

If the Planning Commission fails to approve or disapprove the preliminary plat within the period of time set by Section 9 of Article IV of these Regulations, then such preliminary plat shall be deemed to have been approved unless the subdivider shall have consented to extend or to waive such time limitations.

Section 11. Effect of Approval of Preliminary Plat.

- (1) Approval of the preliminary plat shall signify the general acceptability of the proposed subdivision and shall be considered permission to prepare the final plat and such other items as are needed or required for submission with the final plat.
- (2) Such approval shall be effective for no more than six months from the date approval was granted, unless, upon an application of the subdivider, the Planning Commission grants an extension of time beyond such period. If the final plat has not been approved and recorded as required by the provisions of this regulation within such six month period, or any extensions granted thereto, the preliminary plat must be re-submitted to the Planning Commission as if no such plat had ever been approved, except that no additional fee shall be charged for such re-submission.

Section 12. Filing the Final Plat.

The final plat, together with 30 copies thereof, shall be filed with the City Clerk's office, or Clerk's designee, and transmitted to the Planning Commission within six months after the date the preliminary plat is approved.

Section 13. Action by the Planning Commission on the Final Plat.

The Planning Commission shall review and act upon the final plat within 60 days after it has been submitted for final approval. The Planning Commission shall approve the final plat if it is:

- (1) Substantially the same as the approved preliminary plat.
- (2) There has been compliance with all conditions, restrictions and requirements of this regulation and of all other applicable ordinances of the city.
- (3) There has been compliance with any conditions that may have been attached to the approval of the preliminary plat.

The Planning Commission shall approve or disapprove the final plat within 60 days after it has been submitted for final approval. If the Planning Commission disapproves the final plat, the subdivider shall be advised in writing of the reasons for such disapproval.

Section 14. Failure of Planning Commission to Act on the Final Plat.

If the Planning Commission fails to act on the final plat within 60 days, it shall be deemed to have been approved unless the subdivider shall have consented to extend or waive such time limitations.

Section 15. Submission to the Governing Body.

Before a final plat is recorded, it shall be submitted to the Governing Body for approval and acceptance of streets and other public ways, service and utility easements, land dedicated for public use, and Developers Agreement for construction and payment of streets and utilities.

Section 16. Action of Governing Body.

The Governing Body shall approve or disapprove the dedication of land for public purposes and the Developers Agreement within 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 30 days for the purpose of allowing for modification to comply with the requirements established by the Governing Body. If the Governing Body disapproves or defers action on the final plat, it shall advise the Planning Commission in writing the reason for disapproval or deferment.

Section 17. Disapproval or Deferment by the Governing Body.

In the event the Governing Body disapproves or defers action on the final plat, as referred to in Section 16, the Planning Commission shall meet with the subdivider to modify the final plat or Developers Agreement to comply with the requirements of the Governing Body.

Section 18. Failure of the Governing Body to Act on the Final Plat.

If the Governing Body fails to act on the final plat within the time period specified in Article IV, Section 16, it shall be deemed to have been approved unless the subdivider shall have consented to extend or waive such time limitation.

**ARTICLE V.
CONTENTS OF PLANS AND PLATS**

Section 1. Engineering Accuracy.

Plats shall be prepared with the following accuracy:

- (1) Sketch plans shall be to scale. They may be submitted in free hand form.
- (2) Preliminary plats shall be drawn to scale with such accuracy as to determine the location of a lot, block, property and boundary lines, utility and other facilities, to the nearest foot.

- (3) Final plats shall be prepared with the accuracy required for traverse data. The following sheets or drawings shall be submitted with the final plat:
 - a. Traverse data, for the plat, including the coordinates of the boundary of the subdivision with the error of closure. The error of closure for a perimeter distances less than ten thousand (10,000) feet in length, the error of closure shall be less than one (1) in ten thousand (10,000).
 - b. The computation of all distances, angles and courses that are shown on the final plat.
 - c. All stakes, monuments or other evidence found on the ground in use to determine the boundaries of the plat.

Section 2. Contents of Sketch Plan.

The sketch plan shall show the location of the proposed subdivision (vicinity map), the proposed layout of streets, lots and other features of the subdivision in relation to existing conditions, proposed use of land, proposed parks, playground and other public areas. The subdivider shall submit with the sketch plan:

- (1) A statement describing the covenants and available community features and utilities on and adjacent to the property to be subdivided;
- (2) A statement of the approximate number of lots the subdivision will contain, together with the typical proposed lot width and depth.

Section 3. Contents of Preliminary Plat.

The preliminary plat shall be drawn at a scale of one inch equals 100 feet. A variation in scale may be allowed where the Planning Commission determines it is necessary for a proper exhibit of the subdivision. The following general information shall be shown on the preliminary plat:

- (1) The proposed name of the subdivision. This name shall not duplicate or resemble the name of any existing subdivision within the area subject to these regulations.
- (2) Date, north point, and scale of drawing.
- (3) An identification clearly stating that the map is a preliminary plat.
- (4) Location of the subdivision by measured distance to a government corner to define the location and boundaries of the tract that will be subdivided.
- (5) Names of adjacent subdivisions or, in the case of unplatted land, the name of the owner or owners of adjacent property.

- (6) The name and address of the owner, the subdivider, and the registered land surveyor who prepared the plat.
- (7) The following existing conditions shall be shown on the preliminary plat:
 - a. The location, width and names of all existing public or private streets within or adjacent to the tract, together with easements, railroad rights-of-way and other important features such as section lines and corners, city boundary lines and monuments.
 - b. Contour lines or spot elevations based on North American Vertical Datum 1988 (NAVD88) having the following intervals:
 - i. Two foot contour intervals for ground slopes less than 10 percent
 - ii. Five foot contour intervals for ground slopes exceeding 10 percent
 - iii. Spot elevations where the ground is too flat for contours.

The date of the topographic surveys shall be shown.
 - c. The location and direction of all water courses and areas subject to flooding.
 - d. Natural features such as rock outcroppings, marshes, lakes, wooded areas, and isolated preservable trees.
 - e. Existing use of the property including the location of all existing structures showing the location of those that will be removed and those that will remain on the property after the final plat is recorded.
 - f. The horizontal location within the subdivision and in the adjoining streets and property of existing sanitary and storm water sewers including flow lines, water mains, culverts, underground wiring, and gas lines proposed to serve the property to be subdivided.
 - g. Zoning on and adjacent to the tract, if any.
 - h. Location, elevation and description of the benchmark controlling the vertical survey.
- (8) The following information with respect to the manner in which the tract is to be subdivided and developed shall be included on the preliminary plat:
 - a. Streets, showing the location, width and names thereof. The preliminary plat shall show the relationship of all streets to any

projected streets shown, or any Master Plan adopted by the Planning Commission, or Governing Body; or if no such Master Plan has been completed, then as suggested by the Planning Commission.

- b. Easements showing width and purpose.
 - c. Lots showing approximate dimensions, minimum lot sizes and proposed lot and block numbers.
 - d. Sites, if any, to be allocated for development with other than single family dwellings.
 - e. Sites, if any, to be dedicated or reserved for park, playground or other public purposes.
 - f. Proposed building setback lines, if any.
- (9) Additional data and information to be submitted with the preliminary plat. The following data and information shall be submitted in separate statements and or maps accompanying the preliminary plat, or, if practical, such data and information may be shown on the preliminary plat:
- a. A vicinity map showing existing subdivision, streets and unsubdivided tracts adjacent to the proposed subdivision and showing the manner in which the proposed streets may be extended to connect with existing streets. Such vicinity map shall also include a location map that identifies the area of the municipality in which the tract to be subdivided is to be located.
 - b. A copy of any existing or proposed deed restrictions or covenants that affect the property, in outline form.
 - c. A statement as to the general nature and type of improvements proposed for the subdivision, and in what manner the subdivider intends to finance and provide for their installation, e.g., petition, actual construction, fiscal guarantee, etc. If other than by petition, the approximate time that such improvements will be completed should be indicated. If the latter, the statement shall contain sufficient detail with respect to the proposed improvements to permit a determination to be made with respect to whether such improvements will comply with this regulation and other applicable statutes, ordinances and regulations. If the nature of the improvement is such that it is not practical to prepare and submit all necessary details prior to the approval of the preliminary plat, then the Planning Commission may waive the submission of such details provided that the additional data is submitted at least 30 days prior to the date that approval of the final plat is requested.

- d. A drainage concept showing the means by which storm waters shall be accepted from adjacent properties, handled internally and drained from the tract, to include an analysis of adjacent properties.

Section 4. Contents of Final Plat.

The final plat shall be prepared by a registered land surveyor and drawn in waterproof black on Mylar or its equivalent. Alternatively, a final plat may be prepared with a photographic process provided it is submitted on .004 inch polyester photographic film such as Mylar or its equivalent. The page or sheet size shall be 24 by 36 inches or smaller. Larger sizes will not be accepted. The scale shall be 100 feet to one inch. A variation in scale may be allowed where the Planning Commission determines it is necessary for a proper exhibit of the subdivision. When more than one sheet is used for any plat, each such sheet shall be numbered consecutively and each such sheet shall contain a notion showing the whole number of sheets in the plat and its relation to other sheets (e.g., 1 of 3 sheets.) Linear dimensions shall be given in feet and decimal of a foot. The following information shall be shown on the final plat:

- (1) The name of the subdivision.
- (2) The date, scale, north point, legend and controlling topography; and physical features such as water courses, highways and railroads.
- (3) A legal description of the tract boundaries.
- (4) The name of the owners and the registered land surveyor.
- (5) Reference points of existing surveys identified, related to the plat by distances, angles and bearings.
 - a. Government corners and/or adjoining corners of all adjoining subdivisions, or corners of existing plats, when a replat.
 - b. Section, township and range.
 - c. When the city or county has established the centerline of the street adjacent or within the proposed subdivision, the location of such centerline and monuments found or reset shall be shown.
 - d. All other monuments required to be installed by the provisions of this regulation.
- (6) Tract boundary, block boundary, street and other right-of-way lines with distances and angles and/or bearings. Where these lines follow a curve (all curves must be circular). The central angle, the radius, points of curvature, length of curve and length of intermediate tangents shall be shown.
- (7) Lot lines with dimensions. Side lot lines shall be at right angles or radial to street lines unless otherwise shown. Rear lot lines shall be parallel to block of

tract lines unless otherwise indicated. Points of deflection of rear lot lines shall be indicated by angles and distances.

- (8) The width of the portion of the streets being dedicated and the width of any existing right-of-way.
- (9) All easements shall be denoted by fine dash lines, clearly identified, and if already on record, the recorded reference of such easements. If an easement is not definitely located of record a statement of such easement shall be included. The width of the easements, with sufficient ties to locate it definitely with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of identification.
- (10) Lot numbers beginning with the number one, and numbered consecutively in each block. The numbers shall be solid and of sufficient size and thickness to stand out, and so placed as not to obliterate any figure.
- (11) Block letters continuing consecutively without omission or duplication throughout the subdivision. The letters shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure.
- (12) Land parcels to be dedicated for any purpose, public or private, to be distinguished from lots or tracts intended for sale. If the plat proposes the creation of reserves, the text shall state the purposes of the reserve, as well as, who will own and be responsible for the maintenance of reserves. Future ownership and maintenance responsibilities for a reserve may also be documented by a restrictive covenant filed with the register of deeds that provides that a homeowners association, or similar entity, will hold title to the reserve and therefore be responsible for the reserve's maintenance.
- (13) Building setback lines, if any.
- (14) The name of each street shown on the subdivision plat.
- (15) The location and elevation of permanent on-site and off-site benchmarks if the plat is establishing minimum building pad or lowest floor elevations.
- (16) If street rights-of-way, building setbacks, access controls, minimum building pad elevations, public easement or other public reservations are being vacated by the plat, proper reference to K.S.A. 12-512b, amended, shall be made in the plat's text.
- (17) 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 the said subdivision map.

- b. A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final plat and intended for any public use except those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants and servants. If the subdivision abuts or is within 100 feet of any FEMA-regulated floodplain or regulatory floodway, the dedicating certificate shall also recite that, "FEMA floodplain and regulatory floodway boundaries are subject to periodic change, and such change may affect the intended land use within the subdivision."
- c. A certificate signed by the registered land surveyor responsible for the survey and final map. The signature of the surveyor shall be accompanied by his seal and shall state the month and year the survey was made.
- d. The acknowledgment of a notary in either of the following forms:

- i. For acknowledgement in an individual capacity:

State of Kansas, County of Sedgwick, SS:

This instrument was acknowledged before me on (date) by name(s) of person(s).

Seal or stamp _____, Notary Public
(Signature of Notarial Officer)

My commission expires:_____

- ii. For an acknowledgement in a representative capacity:

State of Kansas, County of Sedgwick, SS

This instrument was acknowledged before me on (date) by name(s) of person(s) as (type of authority, e.g., officer, trustee, president, etc.) of (name of party on behalf of whom instrument was executed) on behalf of (company, partnership, trust, etc.)

Seal or stamp _____, Notary Public
(Signature of Notarial Officer)

My commission expires:_____

- e. The certificate of the Planning Commission in the following form:

This plat of _____ has been submitted to and approved by the Haysville Planning Commission, Haysville, Kansas, and is hereby transmitted to the City

Council of the City of Haysville, Kansas, with the recommendation that such plat be approved as proposed.

Dated this ____ day of _____, ____

Haysville Planning Commission

_____, Chairperson
(Typed Name)

_____, Secretary
(Typed Name)

- f. The approval of the City Attorney as required for additions to or within the City of Haysville under K.S.A. 12-401 et. req in the following form.

The title evidence of the land included in this plat has been reviewed by me and this plat approved the ____ day of _____, ____.

_____, City Attorney
(Typed Name)

- g. The approval and acceptance of dedications by the Governing Body in the following form:

This plat approved and all dedications shown hereon, if any, are accepted by the City Council of Haysville, Kansas, this ____ day of _____, ____.

_____, Mayor
(Typed Name)

(SEAL)

ATTEST:

_____, City Clerk
(Typed Name)

- h. The acceptance of dedications by the Board of County Commissioners of Sedgwick County for plats outside of the city limits in the following form:

This plat approved and all dedications shown hereon, if any, are accepted by the Board of County Commissioners of Sedgwick County, Kansas, this ____ day of _____, ____.

_____, Chairman

(SEAL) (Typed Name)

ATTEST:

_____, County Clerk
(Typed Name)

- i. A blank space for noting entry on the transfer record in the following form:

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

_____, County Clerk
(Typed Name)

- j. The certificate of the Register of Deeds in the following form:

State of Kansas, County of Sedgwick, SS

This is to certify that this instrument was filed for record in the Register of Deeds Office on the ____ day of _____, ____ at ____ o'clock and is duly recorded.

_____, Register of Deeds
(Typed Name)

_____, Deputy
(Typed Name)

- k. Provision for all other certifications, approvals and acceptances that are now, or that may hereafter be, required by any statute, ordinance or regulation.

- l. The form of certificates may be modified as necessary with the approval of the Planning Commission and the City Attorney to meet Kansas State requirements.

- m. The Certificate of the Deputy County Surveyor in the following form:

Reviewed in accordance with K.S.A. 58-2005 on this ____ day of _____, _____

_____, Deputy County Surveyor
(Typed Name) Sedgwick County, Kansas

- (18) Supplemental information to be submitted with final plat. The following additional data 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 of the land and all other persons who have an interest in, or any encumbrance on the plat. The consent of all such persons shall be on the plat.
 - b. A certificate showing that all taxes due and payable have been paid in full, or if such taxes 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, may be placed on deposit with such officials or governing bodies to meet this requirement.
 - c. A list identifying the amount of square feet within each lot and reserve within the perimeter of the final plat.
 - d. A copy of any deed restrictions or covenants applicable to the subdivision.
 - e. A developers agreement to be approved, accepted and recorded.
 - f. An electronic copy of the plat in a format designated by the Public Works Director.
 - g. A drainage plan shall be submitted to the appropriate engineer prior to, or at the time of, submitting the final plat for approval, to include analysis of surrounding properties.

The Subdivision plat shall clearly state that a drainage plan has been developed for the subdivision and that all drainage easements, rights-of-way, or reserves shall remain at the established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of storm water.

ARTICLE VI. DESIGN STANDARDS

Section 1. Principles of Acceptability.

The subdivision shall be in conformity with any development plans of the City of Haysville or of the Metropolitan Area, and shall take into consideration any preliminary plans made in anticipation thereof. The subdivision shall conform with the requirements of state laws and the standards established by these regulations.

Section 2. Land Subject to Flood.

- (1) Whenever a subdivision of land including platting for manufactured home parks and other developments on one-lot plats is located on flood prone land

identified on a Flood Insurance Rate Map(s) (F.I.R.M.) prepared by the Federal Emergency Management Agency, the following requirements shall apply: (See Ordinance 912 for Model Floodplain Management.)

- a. Show on the preliminary and final plats the boundary lines and elevations for both floodway, if any, and base flood (100-year flood level); and
 - b. Assure that (a) all such subdivisions are consistent with the need to minimize flood damage, (b) all public utilities and facilities, such as sewer, water, gas and electrical systems are located, elevated and constructed to minimize or eliminate flood damage, and (c) adequate drainage is provided so as to reduce exposure to flood hazards.
- (2) All plats should be designated in North American Vertical Datum 1988 (NAVD88) and City Datum to conform to the National Flood Insurance Program Studies.

Section 3. Access.

All lots located in any subdivision shall be served directly by public street except that private streets may be permitted as a part of a plat approved by the governing body. Private streets may be permitted to serve an unplatted tract, parcel or platted lot if there is an irrevocable covenant of record to provide for the perpetual ownership, continuance and maintenance of the private street. The covenant must be approved by the governing body.

Section 4. Parks, Playgrounds, Open Space, Schools, Streets and Public Facility Sites.

Proposed subdivision land should provide open spaces suitably located and of reasonable size for parks, playgrounds, play lots and other recreational areas as well as reservation of land for school sites, fire stations sites, other public facilities and future streets (such as freeways or expressways). The Planning Commission, based on the Master Plan, may require as a condition precedent to approval of any subdivision plat:

- (1) That said subdivider shall dedicate to the appropriate public body, agency, or authority, an area of land not to exceed 10 percent of the tract being subdivided, for parks, playgrounds, open space, or other public facilities. The subdivider may make payment to the city in lieu of dedicating 10 percent of the subdivided land, providing this payment is equal in value to the estimated acreage value of 10 percent of the total subdivision. Determination of the land value for making in lieu of payments will require an appraisal to be presented to the Planning Commission for their concurrence. The fund that accumulates from payments in lieu of dedication shall be expended by the Governing Body for the acquisition of public land in accordance with the City's Master Plan related to open space or public facilities. The method of payments in lieu of dedication of land shall be established prior to final approval of the plat. The need for public open space is related to population density, an area of higher density requires a greater percentage of land for uses such as parks and other

public facilities. Therefore, the decision reached by the Planning Commission regarding whether to accept an in lieu of payment should be based in large part on the number of lots (proposed dwelling units) being proposed in the subdivision. Adequate provisions should be made to allow for public open space displaced throughout residential areas of the city.

- (2) If the body receiving notice replies in writing that they desire to acquire land within the subdivision, they shall have an additional 45 days after making such reply to make arrangements for such land acquisition.
- (3) The time allocated for making the above determination may be extended with the mutual consent of the subdivider and the agency involved.

Section 5. Specific Standards. Streets Layout and Design.

- (1) The arrangement, character or type, extent, and location of all streets shall conform to the Master Plan and shall be considered in their relation to existing and planned streets, topographical conditions, to public convenience and safety, and their appropriate relation to the proposed uses of the land to be served by such streets.

Where such is not shown on the Master Plan, the arrangement of streets shall be considered in their relation to existing and planned streets, topographical conditions, to public convenience and safety, and their appropriate relation to the proposed uses of the land to be served by such streets.

Where such is not shown on the Master Plan, the arrangement of streets in a subdivision shall meet the following criteria or standards:

- a. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or,
 - b. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographic or other conditions make continuance or conformance to existing streets impracticable.
- (2) Local streets (residential) shall be laid out so that their use by through traffic will be discouraged.
 - (3) If a subdivision abuts or contains an existing or proposed limited access highway or arterial street, reverse frontage lots with access control provisions along the rear property line, deep lots with rear service alleys such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic shall be provided.
 - (4) If a subdivision borders on, or contains a railroad right-of-way or a limited access highway, the Planning Commission may require a street approximately

parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

- (5) Reserve strips controlling access to streets shall be prohibited except where their control is placed with the Governing Body under conditions approved by the Planning Commission.
- (6) Street jogs are to be avoided on arterial and collector streets. On local streets with a right-of-way of 64 feet or less, centerline offsets of less than 150 feet shall be avoided.
- (7) Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved, without a turnaround.
- (8) Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 80 degrees.
- (9) Street rights-of-way and roadway widths shall be as follows, except as designated by the Planning Commission.
 - a. All Subdivisions within the City of Haysville, or within its growth area as defined within the City Master Plan or in any plat having multiple type sanitary sewer service.

Street Type	Street Right-of-Way	Roadway Width*
Arterial	100 feet, except that 150 feet of the right-of-way shall be required within 350 feet from the intersection of the centerline of an arterial street with any other street.	48 feet and up
Collector	80 feet	35 feet
Local, Residential: Single, two, three and four-family dwellings on continuous street more than 3 blocks in length.	64 feet	35 feet
Local, Residential: Street to be no more than 3 blocks in	58 feet	29 feet

length with a maximum of 24 single-family lots (12 each side) per block and a covenant providing for 4 off-street parking spaces per dwelling unit on each lot

Local Residential: Street to be no more than 1 block in length with a maximum of 24 single-family lots (12 each side). Cul-de-sacs no longer than 300 feet to the center of the turnaround radius. A covenant providing for 4 off-street parking spaces per dwelling unit on each lot shall be submitted	50 feet	21 feet
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Local, for business commercial and industrial areas	64 feet	35 feet
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Alley (if required)	25 feet	25 feet
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Sidewalks	N/A	6 feet
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*Face to face curb

b. All other subdivision not included in sub-paragraph (a) above:

Street Type	Street Right-of-Way	Roadway Width*
Arterial	100 feet	As per County Engineer
Collector, or industrial or Commercial – two moving lanes (17.5) plus shoulder, ditches and border area	80 feet	41 feet
Residential – two moving lanes (12.5) plus shoulder, ditches and border area	70 feet	35 feet

+including three foot shoulder adjacent to the outside of each moving lane

- (10) Dead-end streets, designed to be so permanently, shall not be longer than seven times the average lot width or 500 feet, whichever is less, and shall have a turnaround at the closed end that has an outside roadway diameter of at least 80 feet and a street property line diameter of at least 110 feet. In the unincorporated areas of jurisdiction the turnaround at the closed end of a street shall have an outside roadway diameter of at least 75 feet and a street property line diameter of at least 150 feet (as per standards set forth by the County Engineer.)
- (11) No roadway grade shall be less than 0.32 percent unless approved by the appropriate engineer. Greater percentages of grade may be required where necessary to provide adequate drainage.

Section 6. Alleys.

- (1) Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking spaces consistent and adequate for the uses proposed.
- (2) When provided, the width of an alley should be 25 feet.
- (3) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, a turning radius shall be provided to permit safe vehicular movement.
- (4) Dead-end alleys shall be avoided where possible, but if unavoidable, such alleys shall be provided with adequate turnaround facilities at the dead-end.

Section 7. Blocks.

- (1) The lengths, widths and shapes of blocks shall be determined with due regard to:
 - a. Provision of adequate building sites suitable for the special needs of the type of use contemplated.
 - b. Zoning requirements as to lot sizes and dimensions.
 - c. Need for convenient access, circulation, control and safety of street traffic.
 - d. Limitations and opportunities of topography.
- (2) A block should not exceed 1,200 feet in length, unless such block is adjacent to a limited access highway or arterial street or unless the previous adjacent layout or topographical conditions justify a variation of this requirement.

- (3) All blocks should be so designed so as to provide two tiers of lots, unless a different arrangement is required by other physical limitation such as railroads, streams, etc.
- (4) Blocks may be irregular in shape, provided they are harmonious with the overall pattern of blocks in the proposed subdivision, and provided their design meets the requirements of lot standards, traffic flow and control considerations, and development plan requirements.
- (5) In blocks of 800 feet or more in length, a public crosswalk for pedestrian travel may be required to provide access to public or private facilities such as schools or parks. Such crosswalk shall have a right-of-way not less than 10 feet, and extend entirely across such block at approximately the mid point of the length of such block. A sidewalk shall be placed along the length of such right-of-way and constructed in accordance with the requirements for sidewalk improvements.

Section 8. Lots.

- (1) The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (2) The maximum depth of all residential lots shall not exceed two and one-half times the width thereof. For all other lots, the depth shall not exceed three times the width.
- (3) The minimum widths of residential lots measured as that required by zoning regulations.
- (4) Where lots front upon a cul-de-sac or curved street having a radius of 200 feet or less, the minimum lot widths set forth in Subparagraph (3) above, shall be measured at the building setback line along an arc parallel to the right-of-way of such cul-de-sac or curved street. Such lots shall also be laid out so that their lot frontages, as measured on the arc of such right-of-way line, is not less than 50 percent of the required lot width measured at the building line.
- (5) The area of the street right-of-way shall not be included and calculated in the area of the lot with respect to minimum lot area requirements of these regulations or of any zoning ordinance applicable to the property. Lots shall be required to have more than the minimum area dimensions provided for in this section where such greater area or dimensions are required to meet the yard requirements of the zoning ordinance.
- (6) There shall be no double frontage lots for individual dwellings (e.g., single and two family units); except where the lots abut upon a limited access highway or arterial street or where the topography of the land prevents reasonable subdivision in small units. Double frontage lots shall not have

vehicular access between such lots and an abutting limited access highway or arterial street.

- (7) The depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (8) Corner lots for residential use shall have extra width to permit appropriate building setback for an orientation to both streets.
- (9) For lots adjacent to or near local platted floodways, or in areas of inadequate drainage, the platting of a minimum building opening elevation shall be required. For lots in the mapped floodplain, the platting of the lowest floor shall be required. The minimum building opening elevation shall be expressed in NAVD88. The elevation requirement shall be indicated on the face of the plat as well as referenced in the platting's text.

Section 9. Easements.

Easements shall be provided for utilities, where necessary, and centered on rear or side lot lines and shall be at least 20 feet wide along rear lot lines and 10 feet wide along side lot lines, except that easements for street lighting purposes shall not in any event be required to exceed 10 feet. If a subdivision is traversed by a water course, drainage way, channel or stream, then storm water easement or drainage right-of-way shall be provided. Such easement or right-of-way shall conform substantially to the lines of such water course and shall be of such width or construction or both, as may be necessary to provide adequate storm water drainage and for access for maintenance thereof. Parallel streets or parkways may be required in connection herewith. Pedestrian access easements may be required on plats when an access easement is needed to provide a connecting link to public or private parks or school site.

Section 10. Business, Commercial and Industrial Subdivisions.

- (1) Streets. Notwithstanding the other provisions of this regulation, the minimum width of streets adjacent to areas designed, proposed or zoned for business-commercial or industrial use may deem necessary to assure the free flow of through traffic without interference from parked or parking motor vehicles.
- (2) Blocks. Blocks intended for business, commercial or industrial use shall be designed specifically for such purpose, with adequate space set aside for off-street parking and loading.
- (3) Frontage Road. When lots or blocks in a proposed business, commercial or industrial subdivision front on any limited access highway or arterial street the subdivider may be required to dedicate and improve a marginal access street to provide ingress and egress to and from such lots or blocks.

Section 11. Planned Unit Developments.

A comprehensive group development including, the townhouses, garden apartment complexes and condominiums together with necessary drives and ways of access may be approved by the Planning Commission although the design of the project does not include standard streets, lot and subdivision arrangements; provided that departure from the standards of the regulations can be made without destroying their intent.

Condominium plats shall conform to the following:

- (1) The plat must be in three-dimensions relating vertical control to NAVD88.
- (2) A bench mark must be set on or near the building site at ground level for future reference in locating units in the plat.
- (3) Each floor plan of the permanent structure must be shown, as well as basement and roof levels and area of plot plan. The dimensions and ties shown for each parcel must be definite enough with respect to both vertical and horizontal control so that the boundaries of each apartment may be accurately located by the use of standard survey methods.
- (4) All unit or apartment property lines shall be the interior surfaces of the perimeter walls, ceiling, windows and doors thereof.
- (5) A condominium plat must contain all of the certifications and approvals required for any plat. There must also be an approval by the official authorized to issue building, zoning or occupancy permits indicating that the building plan has been approved by his office and certification by the architect that the plat is in agreement with the building plan. If not within the city, a copy shall be submitted to the County Engineer and the Township Trustee of the Township in which located.

Section 12. Drainage

- (1) Drainage concepts and drainage plans, as required by Sections V.3(9)(e) and V.4(16)(f) of these regulations, shall be submitted to the engineer having jurisdiction. Plans for the mitigation of stormwater pollution may also be required by the engineer.
- (2) If the drainage plan for a multiple-family, commercial or industrial subdivision calls for the passage of storm water runoff from one proposed lot onto another proposed lot, the subdivider shall submit a cross-lot drainage agreement for recording with the plat. The cross-lot drainage agreement shall clearly state which lots within the proposed subdivision are to accept storm waters from other lots within the subdivision.
- (3) If the drainage plan for a subdivision calls for the passage of storm water runoff from the proposed subdivision onto property that is outside the perimeter of the plat, the platting engineer and/or surveyor shall work with the engineer having jurisdiction. Based upon a determination by the engineer

having jurisdiction, the subdivider may be required to provide for on-site detention of storm waters and/or acquire an off-site drainage easement or agreement. Any off-site drainage easement or agreement shall clearly state that the proposed subdivision may continue to drain onto the property that is beyond the subdivision's perimeter.

- (4) If the drainage plan for subdivision calls for the proposed subdivision to accept drainage from property that is outside the perimeter of the proposed subdivision, the subdivider shall provide either specific drainage easements to handle the passage of storm water onto the plat or, by separate instrument, establish a drainage agreement or covenant with the owner of adjacent properties. The drainage agreement or covenant shall clearly state that the proposed subdivision will continue to accept drainage from the affected adjacent properties. The choice between whether a specific drainage easement or a drainage agreement/covenant is needed shall be the discretion of the engineer having jurisdiction.
- (5) When a subdivider proposes the dedication of right-of-way for drainage purposes, the subdivider shall also guarantee the construction of an improved channel or swale within the dedication, if necessary. The design of the channel or swale shall be approved by the engineer having jurisdiction.
- (6) A detailed drainage plan shall be submitted for urban-scale, multi-lot subdivisions and shall specify existing contour lines, finish grade elevations at all corners and, if the lot is crowned to drain two or more directions, the direction of storm water flow by arrows. For lots in the federal flood management areas, the required building pad elevations will be the lowest floor level, and for lots in the local flood area, it will be the elevation of the lowest opening. The detailed drainage plan shall be marked "approved by the applicable Engineer."

The submitting of the detailed drainage plan does not have to occur prior to review of the final plat by the Planning Commission. The detailed plan shall, however, be on file in both the appropriate engineer's office and the office of the appropriate building permit issuing official prior to release of the plat for recording. Modifications may be made to the plan by the appropriate engineer after the plat has been approved.

ARTICLE VII. INSTALLATION OF REQUIRED IMPROVEMENTS

Section 1. Required Improvements.

The subdivider of a proposed subdivision shall provide by one of the methods set out in these regulations in Article VIII for the installation of the following facilities and improvements:

- (1) When within the City of Haysville:

- a. All roadways, alleys, curbs, gutters and street drainage facilities in accordance with the standards set by the City Engineer.
 - b. All sidewalks located within the public areas, in accordance with the standards set by the City Engineer.
 - c. A water supply system for each lot in the proposed subdivision in conformity with the requirements of the City Engineer. In addition thereto and where feasible, such water supply system shall be connected to the size of the city water main at such point and the expected demand of the proposed subdivision.
 - d. Fire hydrants, which are in accordance with the standards of the City Engineer and County Fire Chief.
 - e. A sanitary sewer system for each lot meeting all specifications of the City Engineer, and when required by law, the State Board of Health and/or local Health Department authorities. Such sanitary sewer system shall be connected to the sanitary sewer system of the city at such point or points as the City Engineer shall determine, based upon the location and size of the sanitary system of the proposed subdivision.
 - f. A storm sewer system, separate and independent of the sanitary sewer system, meeting all of the specifications of the City Engineer. If such connection is not available, other adequate means for the discharge of such storm sewer system shall be provided by the subdivider.
 - g. A street lighting system meeting the requirements of the City Engineer.
 - h. Street signs of such location, type and size as shall be approved by the City Engineer, giving due regard to the prevailing type, size and pattern of location utilized throughout the city.
 - i. Monuments shall be placed at all block corners, and at points as shall be required by the City Engineer. The monuments shall be of such material size, and length as may be approved by the City or County Engineer.
- (2) When outside the City of Haysville:
- a. All roadways, alleys, curbs, gutters and street drainage facilities in accordance with the standards set by the County Engineer.
 - b. A water supply system for each lot in the proposed subdivision in conformity with the requirements of the appropriate jurisdiction. In addition thereto, and where feasible, such water supply systems shall

be connected to the city water system, at the most advantageous points, taking into account the size of the water main at such point and the expected demand of the proposed subdivision. Where reasonable practical dead-end water mains shall be avoided.

- c. A sanitary sewer system for each lot in conformity with all specifications of the City of Wichita Department of Environmental Health/Sedgwick County Code Enforcement, as applicable.
- d. A storm sewer system, separate and independent of the sanitary sewer system meeting all of the specifications of the County Engineer.
- e. Street signs of such location, type and size as shall be approved by the County Engineer, giving due regard to the prevailing type, size and pattern of location utilized throughout the county.
- f. Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shall be required by the County Engineer.

Section 2. Exceptions for Existing Improvements

- (1) Where the proposed subdivision is a resubdivision and concerns an area presently having any or all required improvements set out in the preceding section, and where such improvements meet the requirements of said section, no further provision need be made by the subdividers to duplicate such improvements. However, where such existing improvements do not meet the requirements of the preceding section, the subdivider shall repair, correct, or replace such improvements so that all improvements will then meet the aforesaid requirements.
- (2) Where the proposed subdivision is a resubdivision or concerns an area presently abutting or containing an existing street of less than 50 feet in width or a roadway of less than 20 feet in width, land shall be dedicated so as to provide the minimum required street width, except as designated by the Planning Commission, and the subdivider of such proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by the appropriate engineer. The appropriate 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 foregoing provisions requiring the widening of pavement shall not apply when the length of such pavement is less than 120 feet, or two dwelling units deep, whichever is less.

Section 3. Waiver of Required Improvements or Guarantees of Installation of Same.

Any waiver of the required improvements may be made only by the Haysville Governing Body on a showing that such improvement is technically not feasible.

**ARTICLE VIII.
IMPROVEMENT PROCEDURES**

Section 1. Alternate Methods.

Alternate methods available to subdivider as approved by the Governing Body for providing for the installation of improvements are as follows:

- Method A. Petitions from the subdivider to Governing Body.
- Method B. Construction by Governing Body with monetary guarantees by the subdivider as provided herein.
- Method C. Installation by the subdivider with fiscal guarantees as provided herein.

Section 2. When Used.

Method A or B should be used whenever possible for improvements within the City or in the unincorporated area if any of the improvements connect, join or tie, or are intended to connect, join or tie, to a city system. Method C is intended to be used in the unincorporated areas with non-urban or suburban plats. Method C shall be used within the city only with permission of the Planning Commission.

Section 3. Method A.

Petitions may be submitted only when the following conditions exist:

- (1) The petitions (to be secured from the appropriate engineer) must be valid petitions as may be provided for under Kansas Law.
- (2) The engineer must concur in said petitions, and said petitions must be accepted and approved by the Governing Body, concurrently with the approval of the subdivision.
- (3) The initiating resolution for such improvement must be adopted by the Governing Body concurrently with the petition approval, or as soon thereafter as may be provided by law.
- (4) With each requested improvement, the applicant for the plat shall, prior to the award of the design contract, file with the City Clerk a surety bond or letter of credit guaranteeing the payments required to amortize and pay thirty-five percent (35%) of the principal on bonds which may be used to finance such special improvement. Such bond or letter of credit shall be issued by a financial institution in an amount satisfactory to conditions required by the city. The city will release the bond or letter of credit requirement when thirty-five percent (35%) of the total area assessed for the improvement shall have construction thereon and had occupancy permits issued. This requirement is not applicable to any subdivision that had an Application for Subdivision Approval on file prior to May 10, 2004.

Section 4. Method B.

If the subdivider proposed to use Method B, he shall, prior to the release of the plat for recording, deposit with the city, cash or a cashier's check in an amount as established by the City Engineer to reimburse the city for all costs and work necessary to prepare plans and specifications, contracts, let contracts, perform inspections, and administer the projects. The city shall give the subdivider a true and accurate account of such monies expended, and, after completion and acceptance of the improvement, refund to him all unexpended monies. In addition, the subdivider shall deposit with the city, cash, a cashier's check, letter of credit, or corporate payment bond of such amount as estimated by the City Engineer, to be used to pay the cost of making or constructing the required improvements. Any monies remaining after all bills and expenses have been paid shall be returned to the subdivider.

Section 5. Method C.

When Method C is used, wherein the subdivider is responsible for actual construction, then the subdivider shall have prepared by a licensed professional engineer, engineerings for proposed required improvements containing the date and information specified in these regulations. Such drawings shall be certified by a licensed professional engineer, and shall be submitted in duplicate to the City Engineer or County Engineer, if appropriate, at least thirty days prior to the date that approval of the final plat is requested. Failure to do so will be considered automatic consent to an extension of or waiver by the subdivider of any time limitation for plat approval.

- (1) Content of Engineering Drawings. Engineering drawings for required improvements shall contain the following data and information:
 - a. Plans, details, specifications and cost estimates for roadway and sidewalk (if any) construction, including plans, profile indicating existing topography and elevation, indicating curb and sidewalk elevation and paving geometrics for each street with a typical cross section of the roadway. On non-paved roadways, detailed grading plans and cross sections shall be provided. The profiles of grade lines shall be shown to a scale of one inch equals 100 feet horizontal and one inch equals 10 feet vertical. This information shall be shown on standard plan and profile sheets unless otherwise required by the appropriate engineer.
 - b. Plans, profiles, details, specifications, and cost estimates of proposed storm drainage improvements.
 - c. Plans, profiles, details, specifications, and cost estimates of proposed water distribution systems and proposed water supply facilities and fire hydrants, if any.
 - d. Plans, profiles, details, specifications and cost estimates of sewage systems and of sewage treatment plants, if any.
 - e. Grading plans for all lots and other sites in the subdivision.

- f. When unusual site conditions exist, the Planning Commission may require such additional plans, specifications and drawings as may be necessary for an adequate review of the improvements to be installed.
 - g. All plans shall be based on MSL or MGL datum for vertical control.
- (2) Review of Plans. The appropriate engineer, either city or county, shall review all engineering drawings in order to determine whether such drawings are consistent with the approved preliminary plat and comply with their design standards. If such drawings are consistent and so comply, the engineer shall forward to the Planning Commission, a notice that they so conform and comply. In the event that the drawings do not so conform or comply, the engineer shall notify the subdivider of the specific manner in which such drawings do not so conform or comply, and he may then correct such drawings. If such drawings are not corrected, the reviewing official shall forward to the Planning Commission, a notice as to the items of nonconformity or noncompliance.
- (3) Approval of Planning Commission. The Planning Commission shall approve a final plat only when the approval of the engineer has been received that the plans and engineering drawings have been approved or that the appropriate petitions, if authorized, have been filed with the Governing Body.
- (4) Construction of Improvements. 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 and there shall have been compliance with all of the requirements relating to an agreement, bond and deposit specified in subsection F, Article VIII, of these regulations.
- (5) Inspection. All improvements constructed or erected shall be subject to inspection by the appropriate engineer. The cost attributable to all inspections required by this regulation shall be charged to and paid by the subdivider. Before any construction or required inspections take place, the subdivider shall post a deposit with the City or County Engineer or such agency entrusted to keep such security for the official, to cover the cost of such inspections. The subdivider shall give at least 48 hours written notification to such official prior to the performance of any of the following work:
- a. All phases of roadway and sidewalk construction.
 - b. All phases of construction, including, but not limited to water lines, sanitary sewer lines, storm sewer, underground wiring and other required improvement.

After notice is received as specified in Article VII, the official designated in Article VII 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 engineer, such work does not comply with such final drawings, he shall have authority to order that all such work shall be terminated until such time as necessary steps are taken to correct any defects or deficiencies. Upon the correction of such defects or deficiencies, the subdivider shall again notify the official as provided in the preceding subsection.

Upon completion of all improvements within the area covered by the final plat, the subdivider shall notify the appropriate engineer, who shall thereupon conduct a final inspection of all improvements installed. If such final inspection indicates that there are any defects or deficiencies in any such improvements as installed, or if there are any deviations in such improvements as installed from the final engineering plans and specifications, he shall notify the subdivider in writing of such defects, deficiencies, or deviations and the subdivider shall, at his sole cost and expense, correct such defects or deviations within six months of the date and notification. When such defects, deficiencies or deviations have been corrected, the subdivider shall notify the engineer that the improvements are again ready for final inspection.

If a final inspection indicates that all improvements as installed contain no defects, deficiencies, or deviations, within 10 days from the completion of such inspection, the official shall certify to the Planning Commission, the Governing Body and utility that all improvements have been installed in conformity with the engineering plans and specifications accompanying the final plat. The receipt of such notification by the Governing Body or utility shall constitute the date on which the six month period specified in Section 13, Article IV shall commence.

Upon the receipt by the Governing Body of the certificate of the appropriate engineer that all improvements have been installed in accordance with the engineering drawings, as approved and in conformity with the requirements of this regulation and all other applicable statutes, ordinances and regulations, the Governing Body shall thereupon by resolution or utility by letter formally accept such improvements. The improvements shall become the property of the Governing Body.

(6) Agreement, Bond, Deposit and Petitions Guaranteeing Installation of Required Improvements. Except for monuments and underground wiring, one of the following methods shall be used by the subdivider to guarantee that improvements, required by these regulations, can or will be installed in accordance with approved plans and specifications.

- a. Fiscal sureties may be offered and the following shall apply:
 - i. Upon final approval of plans or specifications for required improvements, the owners and/or the subdivider of the land proposed to be subdivided shall enter into an agreement with the city of county (depending on the location of the plat and the

final ownership of the improvement) under which the owners and/or subdivider agree to install such required improvements at their own expense in accordance with the theretofore approved plans and specifications, within the time prescribed by the provisions of these regulations. Such agreement shall be conditioned upon the approval of the final plat of subdivision

- b. Simultaneously with the execution of the agreement provided for in Subparagraph (a)(i) above, the owner and the subdivider of the land proposed to be subdivided shall furnish a corporate completion bond, with good and sufficient sureties thereon, or a cashier's check, escrow account, or irrevocable letter of credit in favor of the Governing Body, in the amount of the estimated cost as approved by the official responsible for setting and enforcing the applicable design and construction standards of the installation of the required improvements as aforesaid. Such financial guarantee shall be conditioned upon the approval of the final plat and further conditioned upon the actual completion and the installation of such required improvements within two years from the date that the final plat is approved by the Planning Commission.

- c. Simultaneously with the execution of the agreement provided for in Subparagraph (a)(i) above, if the subdivider furnishes a corporate completion bond, he shall also deposit in escrow with the Governing Body who is to accept such improvements, cash in the amount of 15 percent of the cost of all improvements to be made in accordance with the plans and specifications for required improvements therefore approved by the Planning Commission. If a subdivider furnishes a cashier's check, escrow account or irrevocable letter of credit in favor of the Governing Body, 15 percent of the amount of such cashier's check, escrow account or letter of credit shall be returned by, or held as a deposit in escrow after the final completion of such improvements. The subdivider shall agree that such deposit in escrow may be held by the Governing Body for a period of 18 months of such improvements for the purpose of:
 - i. Guaranteeing and securing the correction of any defect in material or workmanship furnished for such improvements, latent in character, and not discernible at the time of final inspection or acceptance by the Governing Body; and
 - ii. Guarantee against any damage to such improvements by reason of the settling of the ground, base, or foundation thereof.

Such escrow agreement shall provide that, as such defects have so developed, that the deposit may be applied by the Governing Body for any amounts incurred correcting such defects; and that the balance of

such deposit, if any, held at the end of the eighteen month period shall be returned by the Governing Body to the depositor, or paid to the order of the depositor without payment of interest by the Governing Body.

- d. Prior to offering any improvement to the Governing Body, the subdivider shall furnish good and sufficient guarantees that all indebtedness incurred for supplies, material, labor furnished, or engineering and professional services in the construction of improvements shall have been paid in full and that there are no claims for damage or suits against such contractor involving said improvements.
- e. Petitions to the Governing Body of any city or of the county may be submitted as a means of guaranteeing to the Governing Bodies the authority to install improvements at such time as they deem appropriate. Petitions may be submitted only when the following conditions exist:
 - i. The petitions must be valid petitions as may be provided for under Kansas Law.
 - ii. The petitions must be accepted and approved by the Governing Body concurrently with the approval of the subdivision.
 - iii. The initiating resolution for such improvement must be adopted by the Governing Body concurrently with the petition approval or as soon thereafter as may be provided by law. The cost of the publication of said resolution shall be born by the subdivider.
 - iv. Recording with the Register of Deeds either the petitions or a certificate signed by the petitioners stating that such petitions have been filed and approved by the Governing Body, that certain lands as described will be liable in the future for special assessments for the required improvements which are to be listed on the certificate.
- f. Monuments and benchmarks shall be installed by the subdivider before the subdivision plat is released for recording with the Register of Deeds.
- g. The subdivider shall, prior to the release of the subdivision plat, submit a letter from the utility(s) involved stating that satisfactory arrangements have been made by the subdivider guaranteeing the installation of underground wiring, if required.

Section 6. Vacation of Undeveloped Subdivision.

When no lots on a plat of subdivision have been sold, the subdivider may request the vacation of the plat prior to the time that the improvements covered by the bond are installed, and when such plat is vacated, all fiscal sureties shall be returned to the subdivider.

**ARTICLE IX.
BUILDING AND OTHER PERMITS**

Section 1.

No building permit, zoning certificate or occupancy certificate shall be issued for a building or structure on any lot of any subdivision that is subject to the provisions of this regulation until a certified copy of the duly recorded or registered plat of subdivision has been filed with the official charged with issuing building permits and/or zoning certificates. No such permits or certificates shall be issued until there has been compliance with all of the provisions of these regulations, including but not limited to provisions of these regulations related to approval of plans and specifications for required improvements and the posting of bonds and establishment of escrows to secure the completion of such improvements.

**ARTICLE X.
APPEALS AND VARIANCES**

Section 1. Appeals General.

The subdivider of a proposed subdivision may appeal decisions made in the enforcement of these regulations by the Planning Commission, to the Governing Body of the City of Haysville. Any such appeal shall provide a hearing de novo (hearing of new evidence). In the event the Governing Body sustains the Planning Commission, the action of the Planning Commission shall be final, except, as otherwise provided by law. If the Governing Body over rules the Planning Commission, the Governing Body shall make its decision, in writing, stating the reason therefore and return such decision and plat to the Planning Commission for reapproval as required by law.

Section 2. Variances.

In cases in which there is unwarranted hardship in carrying out the literal provisions of these regulations as to design criteria, e.g. lot width, lot depth, block length, etc., the Planning Commission may grant a variance from such provision.

- (1) The Planning Commission shall not grant a variance unless it shall find that the strict application of these regulations will create an unwarranted hardship and unless the proposed variance is in harmony with the intended purpose of these regulations and that the public safety and welfare will be protected.
- (2) Variances permitted under the provisions of this Article shall not include variances from the requirements of making improvements required in Article VII, unless approved by the Governing Body as provided for in the preceding Section. Consideration of an application for a variance pursuant to this

condition does not relieve the applicant from the necessity of proceeding under the applicable provisions of any other regulations (including zoning regulations) of the city or county relating to variances.

- (3) When used in this Section, the term “unwarranted hardship” shall mean the complete deprivation of use as distinguished from a mere inconvenience.

Section 3. Variance – Planned Unit Development.

When a plat or subdivision is prepared in connection with a planned unit development authorized by any legally adopted zoning regulation regulating the same area, then the Planning Commission may vary the design standards contained in this regulation to such extent as may be necessary to permit the preparation of a planned development plan in accordance with the standards, conditions and restrictions of such zoning regulation.

**ARTICLE XI.
LOT – SPLITS**

Section 1. General Intent and Purpose

In order to provide a less time consuming and costly procedure for the division of existing platted lots, resulting in the creation of additional building sites, the Planning Commission hereby delegates to the planning staff, authority for approving or disapproving lot splits in accordance with the following regulations. Lots zoned residential, office, or commercial may be split to create a maximum of four(4) lots; industrially zoned lots may have unlimited lot splits subject to the approval guidelines listed below. A lot split is required before a building permit can be issued for any property that is the remainder of an original lot from which other portions have been split or replatted.

Section 2. Application Procedure.

Requests for lot split approval shall be made by the owner of the land to the planning staff. The request for approval shall consist of the following:

- (1) A completed lot split application form.
- (2) The appropriate filing fee as established by the Governing Body.
- (3) Four (4) copies of a drawing to scale shall be submitted of the lot(s) involved if there are no structures present; and if structures exist on any part of the lot(s) being split, four (4) copies of a survey of the lot(s) showing the precise location of structures thereon shall be submitted. The drawing or survey shall depict or provide the following:
 - a. The precise nature, location and dimensions of the proposed split;
 - b. The legal description(s) for the proposed split;
 - c. The amount of square footage contained in each portion of the original lot;

- (1) A lot split shall **not** be approved unless **all** the following requirements have or can be satisfied:
 - a. A new street or alley is needed or proposed.
 - b. A vacation of streets, alleys, setback lines, access control or easements is required and has not been satisfied.
 - c. Such action will result in significant increases in service requirements, e.g., utilities, drainage, schools, traffic control, streets, etc.; or will interfere with maintaining existing services, e.g., additional curb cuts, repaving, etc.
 - d. 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.
 - e. All easement requirements have not been satisfied.
 - f. Such split will result in a landlocked tract. (Access easements are an appropriate means to provide access to lots without public road frontage.)
 - g. A substandard sized lot or parcel will be created or an existing structure will not be able to meet all yard requirements according to applicable zoning regulations or sanitary code.
 - h. The lot is subject to periodic flooding which cannot be feasibly corrected by fill.
- (2) Review of lot splits by affected and interested governmental and public and private organizations as appropriate may be required for lot splits that may result in significant increases in service requirements (e.g., utilities, schools, traffic controls, etc.), interfere with maintaining existing service levels (e.g., additional curb cuts, repaving, etc.) or propose private easements for access and/or utilities. Such determination shall be made by the Planning Staff. If a review by these organizations is necessary, 25 additional copies of the lot split drawing or survey shall be provided by the applicant along with information regarding the location of existing utilities.
- (3) The Planning Staff may make such additional requirements as deemed necessary to carry out the intent and purpose of existing land development regulations and Governing Body policy. Requirements may include, but not be limited to, the installation of public facilities, dedication of right-of-way and easements, and submission of covenants for the protection of other land owner (s) in the original subdivision.

- (4) The Planning Staff shall, in writing, either approve with or without conditions or disapprove the lot-split within 30 days of application. If approved, and after all conditions have been met, the appropriate Planning Staff shall sign the certificate of approval on the lot split drawing or survey. A certified copy thereof shall be filed with the Register of Deeds, the official designated to issue building or occupancy permits, the official files of the Planning Commission, and a copy shall be furnished to the applicant.

ARTICLE XII. AMENDMENTS

Section 1. Procedure.

Before adopting or amending any subdivision regulations, the Planning Commission shall call and hold a hearing on such regulations or amendments thereto. Notice of such hearing shall be published at least once in the official city newspaper. Such notice shall be published at least 20 days prior to the hearing. Such notice shall fix the time and place for such hearing and shall describe such proposal in general terms. The Planning Commission shall prepare its recommendations and by a majority vote adopt the proposed subdivision regulations and shall submit them in writing with a written summary of the hearing to the Governing Body.

The Governing Body either may approve, override or return amendments for reconsideration to the Planning Commission. The Planning Commission may resubmit original, new or amended recommendations to the Governing Body. Upon return from the Planning Commission to the Governing Body, the Governing Body by simple majority may adopt, revise, or amend and adopt 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, the Governing Body shall consider it 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 respective adopting ordinance.

ARTICLE XIII. EFFECTIVE DATE

These regulations shall be effective November 28, 2011 after their adoption by the Haysville Planning Commission and approved by the City Council of the City of Haysville.