

Title 17

SUBDIVISIONS

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Chapter 17.04

GENERAL PROVISIONS

Sections:

- 17.04.010 Purpose--Applicability.**
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17.04.010 Purpose--Applicability.

- A. The regulations in this title have been adopted by the City Planning Commission of Arkansas City, Kansas, to provide for the harmonious development of Arkansas City and its environs, for the coordination of streets within subdivisions with other existing or planned streets or with other features of the Comprehensive Plan, for adequate open spaces for traffic, recreation, light and air, for an appropriate distribution of population and traffic and for installation of physical improvements which will tend to create conditions favorable to health, safety, convenience and prosperity.
- B. The regulations apply to subdivisions of land within the City limits of Arkansas City and to subdivisions of land within the jurisdiction of the City Planning Commission in the unincorporated area of Cowley County located entirely or in part within three (3) miles of the City limits of Arkansas City.
- C. It is recommended that each subdivider confer with the City Manager or City Engineer before preparing the preliminary plan in order that he may become familiar with the requirements of these regulations and the proposals of the Comprehensive Plan as they may apply to the land proposed to be subdivided.

(Ord. 3500 § 1 (part), 1990)

17.04.020 Definitions.

For the purpose of these regulations, certain words and terms are herewith defined; the singular includes the plural and the plural includes the singular; the word "shall" is mandatory and not directory.

- A. "Building line" means a line on a plat between which line and a street no building or structure may be erected.
- B. "Commission" means the City Planning Commission of Arkansas City, Kansas.
- C. "Cul-de-sac" means a minor street with only one (1) outlet and culminated by a turn-around.
- D. "Easement" means a grant by the property owner of the use, for a specific purpose, of a strip of land by the general public, corporation, or a certain person or persons.
- E. "Governing body" means the Governing Body of the City of Arkansas City or the County Commission of Cowley County.
- F. "Lot" means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.
- G. "Major thoroughfare" means a street designated as a major thoroughfare in the Major Thoroughfare Plan for Arkansas City, Kansas.
- H. "Minor street" means a street not designated as a major thoroughfare in the Major Thoroughfare Plan for Arkansas City, Kansas.
- I. "Roadway" means that portion of the street available for vehicular traffic and where curbs are laid, the portion from face to face of curbs.
- J. "Street" means all property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle, or however otherwise designated.

- K. "Subdivider" means any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined herein, and includes any agent of the subdivider.
- L. "Subdivision" means any division, redivision, or delineation of land into two (2) or more lots, parcels, tracts, or sites any one of which when divided has an area of five (5) acres or less for the purpose of transfer of ownership or urban development; or any division of land involving the vacation or dedication of right-of-way or alignment of an existing or proposed street or highway or any public utility easement, or the resubdivision of land heretofore divided into lots, sites, or parcels. The term, when appropriate to the context, also shall relate to the process of subdividing or to the land or area subdivided.
1. "Major subdivision" means all subdivisions not classified as minor subdivisions including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities or the creation of any new public improvements.
 2. "Minor subdivision" means a division of land into two (2) but not more than four (4) lots, which does not include any new streets, improvements, easements or rights-of-way; a division of and in which each parcel is five (5) acres or more in area and which does not include any new streets, improvements, easements, rights-of-way, or other provisions for public areas and facilities; the division of land held by a bona fide partnership in existence for two (2) or more years upon dissolution thereof; a division of land among the immediate members of a family for personal use which does not include any new streets, improvements, easements, or rights-of-way.

(Ord. 3500 § 1(17.01.010), 1990)

Chapter 17.08

JURISDICTION AND PROCEDURE

Sections:

17.08.010 **Plat--When Required.**
17.08.020 **Procedure.**

17.08.010 **Plat--When Required.**

It is unlawful for the owner, agent, or persons having control of any land within the corporate limits and, or within the corporate limits and, or within the jurisdiction of the Planning Commission as established by State Statutes, to subdivide or lay out such lands into lots, blocks, streets, avenues, alleys, public ways and grounds unless by plat in accordance with the laws of the State of Kansas and the provisions of these regulations. (Ord. 3500 § 1(17.01.021), 1990)

17.08.020 **Procedure.**

In obtaining final approval of a proposed subdivision by the Planning Commission and the Governing Body, the subdivider shall submit a preliminary plan, and a final plat in accordance with these regulations:

- A. The subdivider shall first prepare and file with the Planning Commission six (6) copies of a preliminary plan conforming to the requirements set forth in Chapter 17.20 of these regulations. Eight (8) copies of the preliminary plan shall be submitted for subdivisions outside the corporation limits of the City, but within the jurisdiction of the Planning Commission.
- B. The Planning Commission shall forthwith refer two (2) copies to the City Engineer. In the case of subdivision outside the corporate limits of the City, the City Planning Commission shall refer two (2) copies of the preliminary plan to the County Engineer's Office.
- C. A hearing on the proposal will be held before the Planning Commission at its first regular meeting following the filing. No hearing shall be held by the Commission until notice thereof, which shall include the time and place, shall be given to interested parties by the City Clerk on behalf of the Commission by publication of notice of the hearing in a daily newspaper for at least twenty (20) days prior to the date of the hearing, and by mailing a notice to the person or persons who filed the preliminary plan to the address set forth in the filing papers.
- D. The City Engineer shall carefully examine the plan as to its compliance with the laws and regulations of the City, the existing street system, and accepted engineering practices, and shall within thirty (30) days, submit his findings in duplicate to the Planning Commission together with one (1) copy of the plan received.
- E. The Planning Commission shall, upon receiving the City Engineer's report, as soon as possible, but not more than thirty (30) days thereafter, consider said report and pass upon the plan. It shall then set forth its recommendations in writing, whether of approval, modification or disapproval. In case of modification or disapproval, it shall give its reasons therefor. The City Planning Commission shall forthwith return one (1) copy of the approved preliminary plan to the subdivider.
- F. Upon approval of the preliminary plan by the Planning Commission, the subdivider may proceed with the preparation of the final plat.
- G. The approval of the preliminary plan by the Planning Commission is revocable and does not constitute final approval or acceptance of the subdivision or give authorization to proceed on construction of improvements within the subdivision but shall constitute approval of layout and general engineering proposals and plans.
- H. Before submitting the final plat to the Planning Commission for approval, the subdivider shall furnish all plans and information as listed in "final plat requirements" necessary for the detailed engineering

consideration of the improvements required and obtain the approval of the City Engineer which shall be endorsed thereon.

- I. For final plat approval, the subdivider shall submit to the Planning Commission:
 1. Two (2) reproducible mylar copies at least twelve (12) paper copies of the final plat at least twenty-five (25) days prior to the regularly scheduled meeting of the Planning Commission.
 2. A certificate from the City Engineer that the final plat is substantially in accord with the preliminary plan as approved by the Planning Commission.
- J. When the final plat has been approved by the Planning Commission, all copies shall forthwith be transmitted to the Governing Body, together with a certificate showing the action of the Planning Commission. The Governing Body may adopt the recommendation of the Planning Commission by ordinance; or if the Governing Body disapproves the recommendation of the Planning Commission, it may return the action to the Planning Commission with written justification explaining their action; or the Governing Body may override the recommendation of the Planning Commission by two-thirds (2/3) vote of all the members of the City Commission, and such disapproval shall be considered in like manner as that required for the original recommendation; voting in favor thereof.
- K. When the final plat has been accepted by the Governing Body, and all copies duly certified, all copies shall be delivered to the City Clerk for Certification.
- L. Upon receipt of the certified copies by the Planning Department, the City Engineer or his designee shall place upon the plat the official house numbers. Copies of this plat will be transmitted to the subdivider, the electric company, gas company, telephone company and the cable T.V. company; in addition, if the area approved for platting lies outside but within three (3) miles of the corporate limits of the City, the plat shall also be submitted to the County Commission.
- M. Receipt of the duly certified final plat by the subdivider is authorization that he may proceed with the installation and construction of the required improvements, and shall be notification for filing of the plat with the Register of Deeds.

(Ord. 3560 § 1, 1992; Ord. 3500 § 1(17.01.022), 1990)

Chapter 17.12

MINIMUM DESIGN REQUIREMENTS

Sections:

17.12.010	Acreage subdivisions.
17.12.020	Relation to existing streets.
17.12.030	Streets in relation to railroads.
17.12.040	Minimum street and alley widths.
17.12.050	Minimum roadway width.
17.12.060	Cul-de-sac and dead-end streets.
17.12.070	Street grades.
17.12.080	Intersections.
17.12.090	Street names.
17.12.100	Blocks.
17.12.110	Lots.
17.12.120	Building lines.
17.12.130	Exceptions in neighborhood or community unit developments.
17.12.140	Character of development.
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17.12.160	Easements along streams and watercourses.
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17.12.180	Surveys and monumentation.
17.12.190	Open spaces other than streets.
17.12.200	Lot splits.
17.12.210	Approval guidelines.

17.12.010 Acreage subdivisions.

Whenever the area is divided into lots containing one (1) or more acres and there are indications that such lots will eventually be resubdivided into smaller building lots, consideration must be given to the highway, street and lot arrangement of the original subdivisions so that additional minor streets can be opened which will permit a logical arrangement of smaller lots; easements or dedications providing for the future opening and extension of such streets, at the discretion of the Governing Body may be made a requirement of the plat. (Ord. 3500 § 1(17.01.031), 1990)

17.12.020 Relation to existing streets.

The arrangement of highways and streets in new subdivisions shall make provisions for the continuation of the existing highways and major streets (or their proper projection where adjoining property is not subdivided) insofar as they may be deemed necessary by the Governing Body for public requirements. The widths of such highways and streets in new subdivisions shall not be less than the minimum street widths established herein. The highway and street arrangements should also be such as to avoid hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. (Ord. 3500 § 1 (17.01.032), 1990)

17.12.030 Streets in relation to railroads.

When the area to be subdivided adjoins a railroad right-of-way, the intersection of the centerline of any street or highway paralleling the railroad with that of any street that crosses the railroad shall not be less than one hundred forty (140) feet from the line of the railroad right-of-way. (Ord. 3500 § 1(17.01.033), 1990)

17.12.040 Minimum street and alley widths.

- A. The widths and locations of major thoroughfares shall conform to the widths and locations designated on the Major Thoroughfare Plan for Arkansas City.
- B. The minimum width of right-of-way for a minor street shall be fifty (50) feet. Where street adjoin unsubdivided property, a half street at least twenty-five (25) feet in width shall be dedicated and whenever subdivided property adjoins a half street, the remainder of the street shall be dedicated. No homes shall be constructed on half streets.
- C. Alleys are encouraged but need not be required in a residential block. Alleys are required in the rear of all business lots and shall be at least thirty (30) feet wide. If alleys are provided in a residential block, they shall be at least twenty (20) feet wide.

(Ord. 3500 § 1(17.01.034), 1990)

17.12.050 Minimum roadway width.

- A. Streets with adjacent average lot sizes of less than thirty thousand (30,000) square feet shall have a minimum roadway width of thirty-two (32) feet curb back to curb back.
- B. Streets with adjacent average lot sizes of thirty thousand (30,000) square feet and more shall have a minimum improvement width of twenty-four (24) feet with four (4) feet shoulder.

(Ord. 3500 § 1(17.01.034-1), 1990)

17.12.060 Cul-de-sac and dead-end streets.

Except where unusual topographic conditions may make it advisable to modify these provisions, the following shall apply:

- A. Maximum length of five hundred (500) feet.
- B. Vehicular turn-around at the closed end of a street having a minimum right-of-way radius of fifty (50) feet and a roadway having a minimum radius of forty (40) feet to the interior curb line.
- C. In the case of temporarily dead ended streets, which are stub streets designed to provide future connection with unsubdivided areas adjoining, the Planning Commission may require a temporary easement for a turn-around of the nature indicated above, or an appropriate area for a back-around, or a roadway at least twenty-six (26) feet in width of not excessive length to connect the temporary dead end with an existing street.

(Ord. 3500 § 1(17.01.034-2), 1990)

17.12.070 Street grades.

- A. Streets shall be so arranged that grades shall not exceed five percent (5%) for major thoroughfares and ten percent (10%) for minor streets. The Planning Commission may permit variation from these grades where it deems modifications advisable to adjust to topographic situations.
- B. Gutter grades on paved gutters shall not be less than one-half of one percent (.5%).
- C. All changes in street grades shall be connected by a vertical curb of reasonable length to assure adequate visibility.
- D. In approaching intersections, there should be a suitable leveling of the street at a grade generally not exceeding four percent and for a distance of generally not less than one hundred (100) feet from the nearest line of the intersection street. The grade within the intersection should be as level as possible, permitting proper drainage.

(Ord. 3500 § 1(17.01.035), 1990)

17.12.080 Intersections.

- A. Street intersections shall be rounded by radii of at least twenty (20) feet.
- B. Streets should be laid out to intersect at right angles, and may be curved approaching the intersection in order to bring this about; no street shall intersect any other street at right angle of less than sixty (60) degrees.
- C. The design of the intersection should be such that a clear sight distance will be maintained for seventy-five (75) feet at the roadway center line with no obstruction to sight within the triangle formed by these points.

(Ord. 3500 § 1(17.01.036), 1990)

17.12.090 Street names.

Streets that are obviously in alignment with others already existing and named shall bear the name of the existing streets. The proposed names of new streets shall be shown on the final plat and such names shall not duplicate or sound similar to existing street names. The City Engineer shall approve street names and determine house numbers. (Ord. 3500 § 1(17.01.037), 1990)

17.12.100 Blocks.

- A. No block shall be longer than one thousand (1,000) feet between street lines. An easement near the center of the block not less than ten (10) feet wide for a cross walk may be required on blocks that are over seven hundred fifty (750) feet in length.
- B. The width of the blocks, except for special reasons, shall not be less than two hundred sixty (260) feet and not more than three hundred fifty (350) feet. (Ord. 3500 § 1(17.01.038), 1990)

17.12.110 Lots.

- A. The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.
- B. The width and area of all lots shall comply with the requirements of the zoning district in which they are located. Unless otherwise determined by zoning regulations, no residential lot shall be less than seventy (70) feet in width at the building line, or less than one hundred thirty (130) feet in depth, or less than nine thousand one hundred (9,100) square feet in area.
- C. The foregoing requirements apply only to residential lots served by public sanitary sewer. In the case of lots not so served, such lots shall be of sufficient additional area to properly accommodate a suitable private sewage disposal device. The Planning Commission will determine the required lot size upon report of appropriate tests and adequate determination and recommendation of the County Health Officer or State Board of Health.
- D. Corner lots shall have extra width sufficient to permit the establishment of front building lines on both adjoining streets.
- E. In all lots so far as possible, the side lines shall be at right angles to straight street lines or radial to curved street lines except where a variation of this rule will provide a better street and lot layout.
- F. Double frontage and reverse frontage lots shall be avoided except where their use will produce definite advantages in meeting special situations in relation to topography, sound site planning, and proper land use.

(Ord. 3500 § 1(17.01.038-1), 1990)

17.12.120 Building lines.

Building lines conforming with zoning regulations shall be shown on all lots within the platted area. Where the subdivided area is not under zoning control, the Planning Commission may require building lines in accordance with the needs of each subdivision. The minimum building line permitted for residential lots shall be twenty-five (25) feet. Provisions shall be made by the owner's declaration of plat, requiring all enclosed parts of buildings to be set back to such building lines. (Ord. 3500 § 1(17.01.039), 1990)

17.12.130 Exceptions in neighborhood or community unit developments.

Whenever a subdivision is developed as a modern neighborhood or community unit, wherein adequate park area is provided and through traffic is adequately cared for and the majority of the minor streets are of the cul-de-sac type, the Commission may vary the requirements of Sections 17.12.040, 17.12.050, 17.12.060, 17.12.100, 17.12.110 and 17.12.120 in order to allow the subdivider more freedom in the arrangements of the street and lots, but at the same time protect the convenience, health and safety of the probable future residents of the subdivision as well as the general welfare of the surrounding area. (Ord. 3500 § 1(17.01.039-1), 1990)

17.12.140 Character of development.

The Planning Commission and the Governing Body may require that certain minimum regulations regarding type and character of development be incorporated in the owner's declaration of plat. Such regulations shall be intended to protect the character and development of the platted subdivision, as well as that of the surrounding development. (Ord. 3500 § 1(17.01.039-2), 1990)

17.12.150 Easements for Public Utilities.

Where alleys are not provided in the plat, easements of not less than seven and one-half (7 1/2) feet in width shall be granted to the City by the owner on each side of all rear lot lines and where necessary, side lot lines for public utility requirements. Easements of greater width may be required along lot lines or across lots where necessary for the extensions of main sewers or other utilities. No buildings or structures will be permitted on easements without authorization of the Governing Body. (Ord. 3500 § 1(17.01.039-3), 1990)

17.12.160 Easements along streams and watercourses.

Wherever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall at his own expense, make adequate provisions for the proper drainage of surface water and shall also provide and dedicate to the City of Arkansas City (or Cowley County, as required) an easement along such streams and watercourses meeting the approval of the Planning Commission. (Ord. 3500 § 1(17.01.039-4), 1990)

17.12.170 Maintenance of improvements outside corporate limits.

Where a subdivision outside the corporate limits contains sewer, sewage treatment plants, water supply systems, park areas, street trees or other physical facilities necessary or desirable for the welfare of the area and which are of common use or benefit and which the City does not desire to or cannot maintain, provision shall be made by trust agreements, made a part of the deed restrictions acceptable to the City, for the proper and continuous maintenance and supervision of such facilities by the lot owners in the subdivision. (Ord. 3500 § 1(17.01.039-5), 1990).

17.12.180 Surveys and monumentation.

- A. All surveys in connection with the subdivision of lands shall be conducted by or under the direct supervision of a land surveyor registered in the State of Kansas. They shall comply with minimum Standards For Property Surveys as adopted by the Kansas Society of Land Surveyors.
- B. The land surveyor shall establish, or confirm the prior establishment of permanent monuments, at each and every controlling corner on the boundaries of the parcel or tract of land being surveyed. In such cases where the placement of a required monument at its proper location is impractical, it shall be permissible to set a reference monument close by the point, and if such reference monument is set, its location shall be properly shown on the survey plat. When conditions warrant setting a monument on an offset, the location shall be selected so the monument lies on a line of the survey or on the prolongation of such line. Offsets shall not be in fractional feet from the center unless a physical obstruction affects their location.
- C. Permanent monuments shall be constructed of material capable of being detected by commonly used magnetic or electronic equipment. Monuments shall be solid and free from movement, and shall extend below the normal frost line. These monuments shall have affixed thereto a cap or other device bearing the registration number of the surveyor in charge, or the company name legibly stamped or imprinted thereon. The minimum size monument shall be an iron pipe not less than one half (1/2) inch O.E. or a solid steel rod not less than one-half (1/2) inch in diameter, the minimum length shall be twenty-four (24) inches.

(Ord. 3500 § 1(17.01.039-6), 1990)

17.12.190 Open spaces other than streets.

Where an area being subdivided includes lands proposed to be used for parks, or schools under the duly adopted Comprehensive Plan of the City or any adopted plan of Cowley County or portion thereof, the subdivider shall indicate the location of such areas on the subdivision plat. Park sites within the City limits are to be purchased within one (1) year of the recording date of the subdivision by the City at the appraised raw land value prior to subdivision plus one-half (1/2) of the cost of grading and paving, including curbs, of the portion of any streets that are contiguous to the site. Park sites outside the City limits are to be reserved for two (2) years giving the County Commissioners or other authorized public agency option to purchase the land at the appraised raw land value prior to subdivision plus one-half (1/2) of the cost of grading and paving, including curbs, of the portion of any streets that are contiguous to the site. School sites are to be reserved for three (3) years giving the appropriate school district the right to purchase the land at the appraised raw land value prior to subdivision plus one-half (1/2) the cost of grading and paving, including curbs, of any streets continuous to the site. Should the park or school sites not be purchased within the time limit specified above, the subdivider may then sell them for an alternate purpose as shown on the approved subdivision plat. (Ord. 3500 § 1(17.01.039-7), 1990)

17.12.200 Lot splits.

- A. INTENT. The intent of this section is to authorize the division of a lot and the issuance of a building permit on a lot divided into two (2) separate lots without having to replat the lot provided that the resulting lots shall not again be divided without replatting.
- B. PROCEDURE. An application for lot split approval shall be made by the owner of the land to the City Clerk or his designee. A fee of Fifty Dollars (\$50.00) is established for any person seeking a lot split and shall be paid in advance to the City Clerk and will be used to defray the cost of administration and processing of the lot split application. The fee will not be returned unless authorized by the Governing Body. The application shall submit four (4) copies of a scale drawing of the lots involved if there are no structures thereon or, if structures are located on any part of the lot being split, four (4) copies of a survey of the lot and the location of the structures thereof, together with the precise nature, location, and dimensions of the proposed lot split shall accompany the application. Formal approval or disapproval shall be made by the Planning Commission. (Ord 4047 § 8, 2005; Ord. 3818 § 1, 1999; Ord. 3500 § 1(17.01.039-8), 1990)

17.12.210 Approval guidelines.

- A. No lot split shall be approved if:
1. A new street or alley right-of-way is needed or proposed.
 2. Vacation of streets, alleys, change of setback lines, access control or easement is required or proposed.
 3. Such action will result in a substantial increase in services to be provided by the City.
 4. There is less street right-of-way than required by the Land Subdivision Rules and Regulations, or the Current Comprehensive Plan of the City of Arkansas City, Kansas.
 5. All easement requirements have not been satisfied.
 6. Such split will result in a tract without direct access to a street.
 7. A substandard size lot or parcel will be created.
 8. The lot has been previously split in accordance with these regulations.
- B. The Planning Commission may make such additional requirements as deemed necessary to carry out the intent and purpose of existing land development regulations or governing body policy.
- C. The Planning Commission shall either approve or disapprove the lot split within thirty (30) days. If approved and after all conditions have been met, a certificate of approval shall be furnished which shall be affixed to the lot split survey. A certified copy thereof shall be filed with the Register of Deeds, the official designated to issue building or occupancy permits, and to the applicant.

(Ord. 3500 § 1(17.01.039-9), 1990)

Chapter 17.16

IMPROVEMENTS

Sections:

17.16.010	Requirements generally.
17.16.020	Streets and alleys.
17.16.030	Roadways.
17.16.040	Sidewalks.
17.16.050	Water lines.
17.16.060	Sewers.

17.16.010 Requirements generally.

The subdivider shall install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with the specifications and under the supervision of the City and to its satisfaction. (Ord. 3500 § 1(17.01.040), 1990)

17.16.020 Streets and alleys.

All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the Governing Body and after receiving the report and recommendation of the City/County Engineer's Office. (Ord. 3500 § 1(17.01.041), 1990)

17.16.030 Roadways.

It may be required that all roadways shall be paved with concrete or equivalent, or bituminous material, as approved by the Governing Body after receiving the report and recommendation of the City/County Engineer's Office. (Ord. 3500 § 1(17.01.042), 1990)

17.16.040 Sidewalks.

It may be required that sidewalks with a minimum width of four (4) feet and a minimum thickness of four (4) inches of Portland cement concrete shall be installed; provided, however, that where the property is platted in lots having an area of at least thirty thousand (30,000) square feet and the Governing Body may waive these requirements. The sidewalks shall be constructed to the grade approved by the Governing Body after receiving the report and recommendation of the City Engineer. (Ord. 3500 § 1(17.01.043), 1990)

17.16.050 Water lines.

It may be required that where a public water main is reasonably accessible, the subdivider shall connect with such water main and provide a water connection for each lot in accordance with City standards, procedure and supervision. (Ord. 3500 § 1(17.01.044), 1990)

17.16.060 Sewers.

- A. It may be required that where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for the connection with such sanitary sewer, and shall provide within the subdivision the sanitary sewer system required to make the sewer accessible to each lot in the subdivision. Sewer

systems shall be approved by the Governing Body and Board of Health of the State of Kansas and the construction subject to the supervision of the City Engineer.

- B. Where sanitary sewers are not available, other facilities, as approved by the Governing Body and the Board of Health of the State of Kansas, must be provided for the adequate disposal of sanitary wastes.
- C. Adequate provisions shall be made for the disposal of storm water subject to the approval of the Governing Body and to the supervision of the City/County Engineer.

(Ord. 3500 § 1(17.01.045), 1990)

Chapter 17.20

PRELIMINARY PLAN REQUIREMENTS

Sections:

17.20.010 **Scale.**
17.20.020 **Contents.**

17.20.010 **Scale.**

The preliminary plan shall be clearly and legibly drawn to a scale of one (1) inch to one hundred (100) feet or less and shall be plainly marked "Preliminary Plan." (Ord. 3500 § 1(17.01.051), 1990)

17.20.020 **Contents.**

The plan shall show:

- A. The proposed name of the subdivision and, if different, the title under which the subdivision is to be recorded;
- B. The name and address of the owner and the name, address and profession of the person preparing the plan;
- C. The date, scale and northpoint and key map showing the general location of the proposed subdivision in relation to surrounding development;
- D. The legal description of the area being platted;
- E. The boundary line (accurate in scale), the dimensions and location of the property to be platted and the location of section lines;
- F. Contours with intervals of not less than five (5) feet;
- G. The names and location of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted land;
- H. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses and other existing features affecting the plan;
- I. The layout, numbers and approximate dimensions of proposed lots;
- J. The layout of all existing and proposed building lines and easements;
- K. The location, width and dimensions of all streets, alleys and ground proposed to be dedicated for public use;
- L. Proposed names for all streets in the area being platted;
- M. Written and signed statements explaining how and when the subdivider proposes to provide and install all required sewers or other disposal of sanitary wastes, pavement, sidewalks and drainage structures;
- N. Written and signed statements of the appropriate officials of the availability of gas, electricity, and water to the proposed subdivision;
- O. Any restrictions proposed to be included in the owner's declaration of plat.

(Ord. 3500 § 1(17.01.052), 1990)

Chapter 17.24

FINAL PLAT REQUIREMENTS

Sections:

17.24.010 **Scale.**
17.24.020 **Contents.**

17.24.010 **Scale.**

The final plat shall be clearly and legibly drawn to a scale of one (1) inch to one hundred (100) feet or less as approved by the City Engineer and in ink on tracing cloth. (Ord. 3500 § 1(17.01.061), 1990)

17.24.020 **Contents.**

The plat shall show:

- A. The title under which the subdivision is to be recorded;
- B. The name or names of the owners and subdividers;
- C. The date, scale and northpoint, and a key map showing the general location of the proposed subdivision;
- D. The legal description of the area being platted;
- E. Accurate distances and bearings of all boundary lines of the subdivision including all sections, U.S. Survey and Congressional township lines;
- F. Centerlines of all proposed and adjoining streets with their right-of-way width and names;
- G. Lines of all lots with a simple method of numbering to identify all lots and blocks;
- H. All building lines and all easements provided for public service together with their dimensions and any limitations of the easements;
- I. Any and all dimensions necessary for accurate location of the boundaries of the site to be developed and all streets, lots, easements and dedicated areas. These dimensions shall be expressed in feet and decimals of the foot;
- J. All radii, arcs, points of tangency, central angles and lengths of curves;
- K. Certification by a registered land surveyor that the final plat as shown is a correct representation of the survey as made;
- L. All survey monuments and bench marks, together with their description;
- M. Private restrictive covenants and their period of existence;
- N. The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public use or is to be reserved by deed covenant for the common use of the property owners in the subdivision.

(Ord. 3500 § 1(17.01.062), 1990)

Chapter 17.28

IMPROVEMENT PROCEDURES

Sections:

- 17.28.010 Plans, profiles and cross sections.**
- 17.28.020 Building permits.**
- 17.28.030 Construction of improvements.**
- 17.28.040 Inspection.**
- 17.28.050 Acceptance of improvement.**

17.28.010 Plans, profiles and cross sections.

Prior to final plat approval the subdivider shall submit to the Governing Body a petition requesting the improvements required above pursuant to Kansas Statutes Annotated 12-6A, or in lieu thereof, submittal of a performance surety bond, cashier's check, deposit of funds in an appropriate escrow account, or other form of financial assurance acceptable to the Governing Body in an amount that will guarantee the total cost of construction of the required improvements within a specified period of time as may be approved by the Governing Body. Such assurance shall be concluded prior to the commencement of any work. Such surety requirements may be released in segments upon written approval of the Governing Body. (Ord. 3500 § 1(17.01.071), 1990)

17.28.020 Building permits.

Unless required improvements have been installed and approved by the City or guaranteed by a bond or other financial assurance, no building permits shall be issued for a lot or tract within the subdivision. (Ord. 3500 § 1(17.01.072), 1990)

17.28.030 Construction of improvements.

No improvements shall be constructed nor shall any work preliminary thereto be done except as set forth herein and until such time as a final plat and the engineering drawings have been approved and compliance with all of the requirements relating to a petition, agreement, bond or deposit specified in Section 17.28.010. (Ord. 3500 § 1(17.01.073), 1990)

17.28.040 Inspection.

All improvements constructed or erected shall be inspected by the City Engineer or his designee to determine if the work complies with the approved engineering plans and specifications. If, in the opinion of such official, such work does not comply with such engineering plans, he shall have the authority to order that all such work shall be terminated until necessary steps are taken to correct any defects or deficiencies. Upon the correction of such defects or deficiencies, the subdivider shall cause said improvements to be reinspected by the official. (Ord. 3500 § 1(17.01.074), 1990)

17.28.050 Acceptance of improvement.

Upon the receipt by the Governing Body of the certificate of the City Engineer or his designee that all improvements have been installed in conformance with the approved engineering drawings, the regulations, and all other applicable statutes, ordinances and regulations, the Governing Body shall by resolution accept such improvements. Upon acceptance by the Governing Body, the improvements shall become the property of the City. (Ord. 3500 § 1(17.01.075), 1990)

Chapter 17.32

EXCEPTIONS

Sections:

17.32.010 Modification of requirements.

17.32.010 Modification of requirements.

- A. Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulations would result in extraordinary hardship to the subdivider because of unusual topography; or other such nonselfinflicted condition, or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the City Planning Commission may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured; provided, that such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of these regulations or interfering with carrying out the Comprehensive Plan of the City of Arkansas City or Cowley County.
- B. In no case shall any variation or modification be more than a minimum easing of the requirements and in no instance shall it have the effect of reducing the traffic capacity of any street below that shown on the Comprehensive Plan or be in conflict with any zoning ordinance, resolution or map.
- C. Such variances and waivers may be granted only by the affirmative vote of three-fourths (3/4) of the members of the City Planning Commission.
- D. In granting variances and modifications, the City Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

(Ord. 3500 § 1(17.01.081), 1990)

Chapter 17.36

AMENDMENTS

Sections:

17.36.010 **Changes and amendments.**

17.36.010 **Changes and amendments.**

Any regulations or provisions of these regulations may be changed and amended from time to time by the Governing Body; provided, however, that such changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation in the City of Arkansas City at least twenty (20) days prior to such hearing. (Ord. 3500 § 1(17.01.091), 1990).

APPENDIX

ARKANSAS CITY SUBMISSION PROCESS STAGES

PLAT	PREPARATION	SUBMISSION	REVIEW
PRELIMINARY PLAT	Obtain information and prepare sketch - See Chapter 17.20	Submit six (6) copies to Planning Commission. Note: Eight (8) copies are required for subdivisions outside the City limits. Planning Commission forwards two (2) copies to City Engineer or County Engineer	City Engineer reviews plans and submits findings to Planning Commission Public notification made in newspaper Planning Commission reviews plans and makes finding of: 1) Approval 2) Modification 3) Disapproval
FINAL PLAT	Prepare Final Plat - See Chapter 17.24	Submit fourteen (14) copies to the Planning Commission, two (2) of which are reproducible mylar and twelve (12) of which are paper copies Submit copies and City Engineer Approval Certificate at least twenty-five (25) days prior to regular meeting	Planning Commission reviews Final Plat and forwards it with their recommendation to the City Commission City Commission rules on Final Plat and send to City Clerk and City Engineer for certification
LOT SPLITS	Prepare Application - See Chapter 17.12	For lots containing no structures, submit four (4) copies of a scale drawing of lots For lots containing structures, submit four (4) copies of lot survey	Planning Commission reviews application/plan and makes finding of: 1) Approval 2) Modification 3) Disapproval If approved, certified copies are distribution to appropriate agencies

Note: In addition to the above requirements, subdivisions must comply with:

- 1) Chapter 17.12 - Minimum Design Requirement
- 2) Chapter 17.16 - Improvements