

NAPC Revised Files 2/24/72

DR 72-2 - VALLEY CENTER  
SUBDIVISION REGULATIONS

Valley Center City Council      1/4/72 Defered 30 days  
" " " "      2/1/72 Approved

Valley Center Plan Commission      1/3/72 Approved

PROPOSED SUBDIVISION REGULATIONS  
FOR  
VALLEY CENTER, KANSAS

*Approved by the UCPC on  
1/3/72 JH.D.*

*Approved by VCCC  
2/1/72*

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PROPOSED SUBDIVISION REGULATIONS  
FOR  
VALLEY CENTER, KANSAS

AN ORDINANCE ESTABLISHING SUBDIVISION REGULATIONS

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

Section 1. Short Title. This ordinance shall be known as the "Valley Center Subdivision Control Ordinance".

Section 2. Purpose. Responsible land subdivision is the initial step in the process of orderly community development. Once land has been divided into streets, lots and blocks and publicly recorded, the correction of defects is difficult and costly. The purpose of this document is to set forth rules and regulations for the division of real property so that each subdivision shall be properly coordinated with existing streets, utilities and public facilities, and for the future development of these entities. These regulations will be helpful to city officials and private developers by clarifying city requirements and by assuring more uniform application of city standards for new subdivisions.

Section 3. Authority. The requirements and recommendations set forth herein are designed to encourage an orderly municipal growth for Valley Center through responsible land subdivision and are adopted under authority established by Section 12-705, K.S.A. as amended.

Section 4. Jurisdiction. These regulations apply to all subdivisions of land within the corporate limits of the City of Valley Center, as presently exists or are hereafter established, and within the areas described below, all of which are located outside of the City of Valley Center and located in Sedgwick County, Kansas, to-wit:

Section 19-25-1E, W/2 of Section 20-25-1E, W/2 of Section 29-25-1E, Section 30-25-1E, Section 31-25-1E, W/2 of Section 32-25-1E, Section 24-25-1W, Section 25-25-1W, Section 26-25-1W lying east of the Little Arkansas River and east of the Little Arkansas River Floodway, Section 35-25-1W lying north of the Little Arkansas River, Section 36-25-1W lying east and north of the Little Arkansas River, W/2 of Section 5-26-1E, Section 6-26-1E, Section 1-26-1W lying north and east of the Little Arkansas River.

Section 5. Applicability. The regulations of this ordinance shall apply to any person desiring to:

- (1) Divide or further divide land, or
- (2) Otherwise alter the boundaries of lots or parcels of land, or
- (3) Vacate streets or alleys, or
- (4) Dedicate land for use as streets, alleys or sidewalks or for other public or private purposes, except in compliance with the provisions of this ordinance.

Section 6. Exemptions. Notwithstanding the requirements of Section 3 through 5, this ordinance 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 10 acres, where such subdivision does not involve the creation of any new streets or easements of access as determined by the planning commission;
- (2) A transaction between owners of adjoining land which involves only a change in the boundary between the land owned by such persons and which does not create an additional lot;
- (3) A conveyance of land or interest therein for use as right-of-way by railroad or other public utilities subject to state or federal regulation, where no new street or easement of access is created;
- (4) A conveyance made to correct a description in a prior conveyance;
- (5) Any lease for a term not less than 10 years;
- (6) Any transfer by operation of law;
- (7) The division of land in the unincorporated area into no 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 as determined by the planning commission.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT.

Section 1. Division of Responsibility. The administration of this ordinance is vested in the following governmental branches, agencies, departments or individuals of the government of the city:

- (1) Office of the City Clerk of the City of Valley Center
- (2) Valley Center Planning Commission
- (3) Valley Center City Council

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 Valley Center City Clerk. The City Clerk of Valley Center shall administer the provisions of this ordinance and in furtherance of such authority, the City Clerk shall:

- (1) Maintain an up-to-date subdivision ordinance, including amendments thereto.
- (2) Receive and transmit applications, sketch plats, preliminary plats to the Valley Center Planning Commission.
- (3) Inform applicants of procedures required for subdivision approval.
- (4) Review final plat for compliance with the preliminary plat as approved.

Section 3. Duties of the Valley Center Planning Commission. The Valley Center Planning Commission shall:

- (1) Review and approve, approve conditionally, or disapprove the sketch plat.
- (2) Review and approve, approve conditionally, or disapprove the preliminary plats.
- (3) Review and approve or disapprove the final plat and transmit the same to the governing body for approval or disapproval, and the acceptance of dedications of streets, alleys and other public ways and sites.
- (4) Transmit the final plat to the County Commission of Sedgwick County for acceptance of dedications of streets, alleys and other public ways and sites.
- (5) Make such other determinations and decisions as may be required of the Commission from time to time by this ordinance, or the applicable sections of the Kansas Revised Statutes.

Section 4. Duties of the Governing Body. The governing body shall review and approve or disapprove all final plats, and, in cases of approval and where appropriate, accept dedications of streets, alleys and other public ways and sites shown on such plats, and in cases of disapproval shall inform the subdivider in writing of the reasons for disapproval within 60 days time of final consideration of said plats.

Section 5. Enforcement. No plat of subdivision shall be approved which does not comply with the provisions of this ordinance.

ARTICLE III. INTERPRETATION, CONSTRUCTION AND DEFINITIONS

Section 1. Interpretation and Construction.

- (1) Where the conditions imposed by the provision of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- (2) The provisions of this ordinance are not intended to abrogate any easement, covenant or other private agreement, provided that where the regulations of this ordinance are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of this ordinance shall govern.
- (3) No subdivision of land which was not lawfully existing at the time of the adoption of this ordinance shall become or be made lawful solely by reason of the adoption of this ordinance. To the extent and in any manner that any existing subdivision of land is in conflict with the requirements of this ordinance, said subdivision of land remains unlawful hereunder.
- (4) The provisions of this ordinance are cumulative and additional limitations upon all other laws and ordinances theretofore passed or which may be passed hereafter governing any subject matter set forth in the provisions of this ordinance.

Section 2. Definitions. Any word or phrase which is defined in this Section 2 shall have the meaning assigned to it by said Section whenever the word or phrase is used in this ordinance.

- (1) Building line. A line on a plot indicating the limit beyond which buildings or structures may not be erected.
- (2) Board of Appeals. Governing body of the City of Valley Center.
- (3) City Council. The City Council of the City of Valley Center, Kansas.
- (4) Development Plan or Master Plan. Any plan or map adopted by the City for guidance of growth and improvement of the City, including modifications or refinements which may be made from time to time.
- (5) Easement. A grant of the right to use a strip of land for specific purposes.
- (6) Lot. A parcel of land intended as a unit for transfer of ownership or for development.
  - (a) Double Frontage Lot. A lot which runs through a block from street to street and has frontage on two or more streets.
  - (b) Reverse Frontage Lot. A corner lot of which size and shape that a building erected thereon might logically be designed to face on either adjoining street, thus causing it to rear on the side yard of an abutting lot.
- (7) Pedestrian Way. A right-of-way for pedestrian traffic.
- (8) Person. An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including any receiver, assignee, or other similar representative thereof.
- (9) Planning Commission. The Planning Commission of the City of Valley Center, Kansas.

- (10) Plat. A map or drawing on which the subdivider's plan of subdivision is presented and which he submits for approval and intends in final form to record.
- (11) Preliminary Plat. A map or chart of a proposed land subdivision showing the character and general details of the proposed development.
- (12) Final Plat. A map or chart of a proposed subdivision given in a form suitable for filing in the Office of the County Register of Deeds, necessary affidavits, dedications and acceptance, and containing a complete engineering description (including reference to field markers) sufficient to locate on the ground all streets, alleys, blocks, lots and other divisions of the subdivision.
- (13) Planning Area. The area within the city boundaries and within the three-mile perimeter around the city limits.
- (14) Right-of-Way. The area between boundary lines of a street or other easement.
- (15) Roadway. The portion or portions of a street right-of-way developed for vehicular traffic.
- (16) Sidewalk. A pedestrian walkway with permanent surfacing to city standards.
- (17) Sketch Plan. A sketch map of a subdivision of sufficient accuracy to be used for the purpose of discussions and classification.
- (18) Street. The entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic, and the placement of utilities including the term "road", "highway", "land", "place", "avenue", "alley", or other similar designation.
  - (a) Alley. A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
  - (b) Collector or Secondary. A street supplementary to the major street system and a means of intercommunication between this system and smaller areas; used to some extent for through traffic and to some extent for access to abutting properties.

- (c) Cul-de-sac (dead-end street). A short street having one end open to traffic and being terminated by a vehicle turn-around.
  - (d) Expressway. A street of considerable continuity which has limited access and has a minimum of four traffic lanes.
  - (e) Half-street. A portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street could be provided in another subdivision.
  - (f) Arterial Street. A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.
  - (g) Marginal Access Street. A minor or local access street parallel and adjacent to a major street providing access to abutting properties, but protected from through traffic.
  - (h) Local Access. A street intended exclusively for access to abutting properties.
- (19) Subdivision Committess. A committee of the Planning Commission consisting of three members appointed by the Chairman for the purpose of reviewing sketch plans.
- (20) Subdivide Land. To partition a parcel of land into two (2) or more parcels, tracts, lots or sites for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as shown on the tax roll for the year preceding the partitioning.
- (21) Subdivision. Either an act of subdividing land or a tract of land subdivided as defined in this section.

ARTICLE IV. PROCEDURE FOR APPROVAL OF SUBDIVISION PLATS

Section 1.

Application for Subdivision Approval. Any person desiring to subdivide land that is subject to the provisions of this ordinance shall file with the office of the City Clerk an application which 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 may be attached to the application.

- Section 2. Development of Sketch Plan. Upon receiving an application for approval of a subdivision, the Subdivision Committee 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 the information set out in Section 1 of Article V of this ordinance.
- Section 3. Failure to Agree on Sketch Plan. 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, then 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, then the subdivider may proceed with the preparation of the preliminary plan.
- Section 5. Filing of Preliminary Plat. Twenty-five copies of the preliminary plat shall be filed with the office of City Clerk within six months of the date that the Subdivision Committee, or the Planning Commission in the case of an appeal, has approved the sketch plan. The copies of the preliminary plat and all appropriate information shall then be transmitted to the Planning Commission for appropriate action.
- Section 6. Filing Fee. The preliminary plat shall not be accepted for filing until a filing fee therefore has been paid by the subdivider. Such fee shall be computed at the following rates:

(1) Minimum Fee	\$	5.00
(2) 25 lots or less with \$5.00 minimum		1.00 per lot
(3) Acreage figured with 26 lots or more		
Up to 20 acres		2.00
Minimum		25.00
Maximum		40.00
(4) 20 to 40 acres		1.50
Minimum		40.00
Maximum		60.00

(5)	40 to 80 acres	1.25
	Minimum	60.00
	Maximum	100.00
(6)	80 to 160 acres	1.00
	Minimum	100.00
	Maximum	160.00
(7)	160 or over	.75 per acre
	Minimum	160.00

Section 7. Contents of Preliminary Plat. The preliminary plat shall contain information and data set out in Section 2 Article V of this ordinance.

Section 8. Distribution and Review of Preliminary Plat. At the first regular meeting after the filing of the preliminary plat, the Planning Commission shall make arrangements to distribute one or more copies of the preliminary plat to the following government agencies, departments, and other persons as may be deemed appropriate for the particular proposed subdivision: the fire department, the police department, the appropriate health department, the county zoning administrator, the county engineer, environmental health director, state highway department (if the subdivision is adjacent to a state highway), the Metropolitan Area Planning Commission (if outside the city limits of the City), any utility companies providing gas, telephone or water service in or near the subdivision. The agencies, departments and persons named in this section shall have a minimum of five working days to review the preliminary plat and to make their report and recommendations to the Planning Commission. The agencies, departments and appropriate persons named in this section shall return the preliminary plat, report and recommendations to the Planning Commission not less than five days prior to the next regular meeting at which the preliminary plat is to be considered by the Planning Commission. If not back in five days, it will be considered as approved.

Section 9. Action by the Planning Commission on Preliminary Plat. The Planning Commission shall review the preliminary plat and consider the report and recommendations 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 this ordinance, a development plan of the City, the zoning regulations of the City, and other applicable provisions of the ordinances of the City.
- (2) If the foregoing considerations are satisfied, the Planning Commission shall approve the preliminary plat and endorse such approval on the face of the 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 modifications, 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 and that modifications would be too extensive or impractical, 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 such plat or from the date the subdivider has submitted the last item of required data, whichever date is later, unless such time is extended by mutual consent. If the preliminary plat is disapproved, then within 60 days thereof the Planning Commission shall furnish to the subdivider a statement in writing setting forth the reason for disapproval and specifying with particularity

the aspects in which the proposed preliminary plat fails to conform to the requirements of this ordinance, the development plan and the zoning regulations of the City, and other applicable provisions of the ordinances of the City.

- (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 this ordinance, then such preliminary plat shall be deemed to have been approved unless the subdivider shall have consented to extend or waive such time limitation.

Section 11. Effect of Approval of Preliminary Plat.

- (1) Approval of the preliminary plat shall not constitute acceptance of subdivision by the Planning Commission, but shall signify merely the general acceptability of the proposed subdivision.
- (2) Such approval shall be considered permission to prepare the final plat, detailed plans and specifications for the proposed subdivision and for all public improvements to be constructed therein by the subdivider.
- (3) Such approval shall be effective for no more than 12 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 ordinance within such 12 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 of Final Plat. Final plat, on material acceptable to the County, together with 25 copies thereof, shall be filed with the City Clerk's Office and transmitted to the Planning Commission within 12 months after the date that the preliminary

plat is approved. Copies of the final plat shall be sent to the appropriate agencies or departments specified in Section 8 of this Article. Such agencies shall have review and return to the Planning Commission under the terms of Section 8 of this Article.

Section 13. Application for Approval of Final Plat. The subdivider shall file an application for approval of the final plat with the City Clerk's Office at least 30 days prior to the meeting of the Planning Commission at which the final plat will be considered. The 30 day time limit may be reduced to 14 days where no new improvements are required in the proposed subdivision.

Section 14. 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 a 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 ordinance 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 to it for final approval. If the Planning Commission disapproves the final plat, it shall advise the subdivider in writing of the reasons for such disapproval.

Section 15. 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 16. Submission to Governing Body. Before a final plat is recorded, it shall be submitted to the governing body for its approval and acceptance of streets and other public ways, service and utility easements, and land dedicated for public use. Approval of the plat shall be shown over the signature of the Mayor and attested to by the City Clerk. When any portion of the final plat is located in the unincorporated area of Sedgwick County, it shall also be submitted to the Board of County Commissioners

for approval and acceptance of dedications. If the governing body disapproves the final plat, they shall advise the subdivider in writing of the reasons for such disapproval.

Section 17. Failure of Governing Body to Act on Final Plat. The governing body (City Council or County Commissioners or both) shall either approve or disapprove the final plat within 60 days after it has been submitted for final approval. If the governing body or bodies fail 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 limitation.

ARTICLE V. CONTENTS OF PLANS AND PLATS.

Section 1. 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, playgrounds and other public areas. The sketch plan may be a free-hand sketch made on a map in scale. The subdivider shall submit with the sketch plan:

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

Section 2. Contents of Preliminary Plat. The preliminary plat shall be drawn at a scale of not less than one inch equals 100 feet, however, areas over 100 acres may be at a scale of one inch equals 200 feet. 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 this ordinance.
- (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 distances to a Section Corner to define the location and boundaries of the tract which 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, subdivider and engineer or surveyor.
- (7) Date of the topographic survey.
- (8) Existing Conditions. The following existing conditions shall be shown on the preliminary plat:
  - (a) The location, width and names of all existing 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 related to some established bench mark or mean sea level or other datum having the following intervals:
    - (i) 2 foot contour intervals for ground slopes less than 10%
    - (ii) 5 foot contour intervals for ground slopes exceeding 10%
    - (iii) Spot elevations where the ground is too flat for contours.
  - (c) The location and direction of all water courses and areas subject to flooding.
  - (d) Natural features such as rock out-croppings, marshes, wooded areas, and isolated preservable trees.
  - (e) Existing uses of the property including the location of all existing structures that will remain on the property after the final plat is recorded.

- (f) The horizontal location to the nearest foot, within the subdivision and in the adjoining streets and property of existing sanitary and storm water sewers including flow lines, water mains, culverts, drain pipes, 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 bench mark controlling the vertical survey.
- (9) Proposed Subdivision Plan. 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, names and approximate grades thereof. The preliminary plat shall show the relationship of all streets to any projected streets shown, or any development plan adopted by the Planning Commission, or governing body, shall be shown, or if no such development 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) Location and type of utilities to be installed.
  - (f) Sites, if any, to be dedicated for park, playground, or other public purposes.
  - (g) Proposed building setback lines, if any.
- (10) 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) Proposed deed restrictions, if any, in outline form.

- (b) A statement of the manner in which it is proposed to finance improvements and, if a waiver of the provisions of Article VII of this ordinance is requested, a statement of the improvements that are to be installed by special assessment.
- (c) A statement of the improvements that will be installed by the developer and the appropriate time that such improvements will be completed. This 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 ordinance 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 thirty (30) days prior to the date that approval of the final plat is requested.

Section 3.

Contents of Final Plat. The final plat shall be prepared by a surveyor (if he has submitted and had approved by the Planning Commission a final plat prior to the adoption of these regulations), or by a surveyor and a licensed professional engineer, and drawn in waterproof black (India ink) on a material acceptable by the County. The page or sheet size shall be 22 by 34 inches, or smaller. The scale shall not be less than 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 notation showing the whole number of sheets in the plat and its relation to other sheets (e.g., sheet 1 of 3 sheets). Linear dimensions shall be given in feet and decimals of a foot. The following information shall be shown on the final plat:

- (1) The date, scale, north point, legend and controlling topography and physical features such as water courses, highways and railroads.
- (2) A legal description of the tract boundaries.

- (3) The name and address of the owner, licensed professional engineer or surveyor (if he has submitted and had approved by the Planning Commission a final plat, prior to the adoption of these regulations).
- (4) Reference points of existing surveys identified, related to the plat by distances, angles and bearings.
  - (a) Section 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 center line of the street adjacent or within the proposed subdivision, the location of such center line and monuments found or reset shall be shown.
  - (d) All other monuments required to be installed by the provisions of this ordinance.
- (5) 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.
- (6) Lot lines with dimensions. Side lot lines shall be at right angles or radial to street lines unless otherwise shown. Rear lot lines shall be parallel to block or tract lines unless otherwise indicated. Points of deflection of rear lot lines shall be indicated by angles and distances.
- (7) The width of the portion of the streets being dedicated and the width of any existing right-of-way.
- (8) All easements shall be denoted by fine dashed lines, clearly identified, and if already on record, the recorded reference of such easement. If an easement is not definitely located on 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.

- (9) Lot numbers beginning with the number one, and numbered consecutively in each block.
- (10) Block numbers or letters continuing consecutively without omission or duplication through the subdivision. The numbers or letters shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure.
- (11) Land parcels to be dedicated for any purpose, public or private, to be distinguished from lots or tracts intended for sale.
- (12) Building setback lines, if any.
- (13) The name of each street shown on the subdivision plat.
- (14) The name of the subdivision.
- (15) The names of adjoining subdivisions.
- (16) 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.
  - (c) A certificate signed by the licensed professional engineer or surveyor (if he has submitted and had approved by the Planning Commission a final plat prior to the adoption of these regulations), responsible for the survey and final map. The signature of the engineer or surveyor shall be accompanied by his seal.

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

State of Kansas, County of Sedgwick, ss: Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, a notary public in and for said County and State, came \_\_\_\_\_, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

(Seal)

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_.

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

This plat of \_\_\_\_\_ has been submitted to and approved by the Valley Center Planning Commission, Valley Center, Kansas, and is hereby transmitted to the City Council of the City of Valley Center, Kansas, with the recommendation that such plat be approved as proposed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Valley Center Planning Commission

By \_\_\_\_\_ Chairman  
\_\_\_\_\_ Secretary

- (f) The approval of dedications by the City Council in the following form:

This plat approved and the dedications hereon, if any, are accepted by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Seal) \_\_\_\_\_ Mayor  
\_\_\_\_\_ City Clerk

- (g) The acceptance of dedications by the Board of County Commissioners, in the following form:

This plat approved and the dedications shown hereon, if any, are accepted by the Board of County Commissioners, Sedgwick County, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Commissioner  
Commissioner  
Commissioner  
County Clerk

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

Entered on transfer record this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
County Clerk

- (i) 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 \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock, and is duly recorded.

\_\_\_\_\_  
\_\_\_\_\_  
Register of Deeds  
Deputy

- (j) Provision for all other certifications, approvals and acceptances which are now, or which may hereafter be, required by any statutes, ordinance or regulation.

- (17) Supplemental Information to be Submitted With Final Plat:

The following additional data shall be submitted with final plat:

- (a) Title insurance by an abstract or a title 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 an encumbrance on the plat. The consent of all such persons shall be shown on the plat.
- (b) A certificate showing that all taxes due and payable have been paid in full.

ARTICLE VI. DESIGN STANDARDS.

Section 1. Principles of Acceptability. The subdivision shall be in conformity with any development plans 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 Flooding.

- (1) No land subject to periodic flooding, or the 100 year flood where delineated, shall be subdivided for residential use or any other use which would be incompatible with such flooding.
- (2) If improvements meeting the standards and requirements of the Wichita-Valley Center Flood Control Office, or available published standards and requirements, designed so as to render such land safe for residential or other intended occupancy are made on land which is subject to periodic flooding or which has inadequate drainage, then and only in that event, the provisions of paragraph (1) above shall not bar the approval of such subdivision. The costs of such improvements shall be at no expense to local units of government provided that participation in the costs by state and federal agencies may be accepted.

Section 3. Streets.

- (1) General. The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried considering the terrain. Where location is not shown in a development plan, the arrangement of streets in a subdivision shall either:
  - (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 topographical or other conditions make continuance or conformance to existing streets impractical.

- (2) Minimum right-of-way. Unless otherwise indicated on the development plan, the width of streets in feet shall not be less than the following:

<u>Type of Street</u>	<u>In City Minimum r/w</u>	<u>Outside City Minimum r/w</u>
Arterial street	* 100'	* 100'
Collector street	70'	80'
Local access street	64'	70'
Cul-de-sac approaches	64'	70'
Federal Aid Secondary (FAS)		120'

\* Except that one hundred fifty (150) feet of right-of-way shall be required within two hundred fifty (250) feet from the intersection of the center lines of an arterial street with any other arterial or collector street and taper to one hundred (100) feet right-of-way at a distance of three hundred fifty (350) feet from the intersection center line.

- (3) No individual lot access shall be permitted to arterial streets, except in proposed commercial or industrial areas individual lot access may be permitted at the discretion of the Planning Commission.
- (4) Reserve strips. Reserve strips or street plugs controlling the access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights and in these cases they may be required. The control and disposal of the land composing such strips shall be placed within the jurisdiction of the city under conditions approved by the Planning Commission.
- (5) Alignment. All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuations of the center lines thereof.
- (6) 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 a temporary turn-around easement will be provided at the end of dead-end streets until such time as the street is extended. Reserve strips and plugs may be required to preserve the objectives of street extensions.

- (7) Intersection angles. Streets shall be laid out to intersect at an angle as near to a right angle as practical. But, in no instance shall the angle be less than 80 degrees.
- (8) Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.
- (9) Half streets. Half streets are not acceptable and shall not be approved except whenever an existing half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.
- (10) Cul-de-sacs. A cul-de-sac shall be as short as possible and shall have a maximum length of 600 feet and serve not more than 25 single-family dwellings. All cul-de-sacs shall terminate with a circular turn-around and shall have a turn diameter of at least 70 feet and a property line diameter of at least 100 feet, measured along the center line beginning at the point of intersection of the access street and terminating at the beginning of the turn-around.
- or greater as determined by the appropriate engineer*
- (11) Street names. No street name shall be used which will duplicate or be confused with names of existing streets except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the city; and shall be subject to the approval of the Planning Commission.

Section 4. Blocks.

- (1) General. The length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control, and safety of street traffic, and recognition of limitations and opportunities of topography.
- (2) Sizes. Blocks shall not be limited in length except that in order to preserve the character of an area, or preserve the safety, health and welfare of the community, block lengths may be subject to limitations as approved by the Planning Commission.

(3) Easements.

- (a) Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated wherever necessary. The easements shall be a minimum of 20 feet in width and centered on rear or side lot lines.
- (b) Water courses. Where a subdivision is traversed by a water course such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.
- (c) Pedestrian ways. When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sacs or passed through unusually long or oddly shaped blocks.

Section 5. Lots.

- (1) Size and shape. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Minimum lot standards shall conform to the city zoning ordinance standards or in the case of an area outside of the city, the minimum lot standards shall conform to the Sedgwick County zoning standards. These minimum standards shall apply with the following exceptions:
  - (a) In areas that will not be served by a public sewer, the minimum lot size shall be 25,000 square feet and shall conform to the requirements of the county health department and shall take into consideration problems of water supply and sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.
  - (b) Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. 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.

- X
- (2) Access. Each lot shall abut upon a street other than an alley for a width of at least 35 feet in the city and for a width of at least 60 feet in the county.
  - (3) Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

Section 6. Building Lines. If special building setback lines are to be established in the subdivision, they should be shown on the subdivision plan or included in the deed restrictions.

ARTICLE VII. INSTALLATION OF REQUIRED IMPROVEMENTS.

Section 1. Required Improvements. The developer of a proposed subdivision shall install, or cause to be installed, the following facilities and improvements:

- (1) All roadways, alleys, curbs, gutters and street drainage facilities in accordance with city standards.
- (2) All sidewalks located within the public areas, in accordance with city standards.
- (3) A water supply system for each lot in the proposed subdivision in conformity with the requirements of the City.
- (4) Fire hydrants of the type and quality specified in city standards of the National Board of Fire Underwriters, and shall be subject to the inspection and approval of the Fire Chief.
- (5) A sanitary sewer system for each lot meeting all city specifications. Such sanitary sewer system shall be connected to the sanitary sewer system of the City at such point or points as the city department responsible for sewers shall determine, based upon the location and size of the city's sanitary sewer system in relation to the estimated flow of the sanitary system of the proposed subdivision.
- (6) A storm sewer system, separate and independent of the sanitary sewer system, meeting all of the city specifications. Such approved storm sewer system shall be connected to any existing storm sewer system of the city, where available. If such connection is not available, other adequate means for the discharge of such storm sewer system shall be provided by the subdivider.

- (7) If landscaping of public areas is to be provided, a plan shall be prepared and approved by the Planning Commission.
- (8) 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 City or County. The monuments shall be of such material, size and length as may be approved by the requirements of the City or County.

*Underground Utilities*  
Section 2. Exceptions for Existing Improvements.

- (1) Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements set out in Section 1, 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 Section 1, the subdivider shall repair, correct or replace such improvements so that all improvements will then meet the aforesaid requirements of Section 1.
- (2) Where the proposed subdivision is a resubdivision or concerns an area presently abutting or containing any existing public street of less than 50 feet in width, land shall be dedicated so as to provide a minimum right-of-way width of 64 feet, and the subdivider of such proposed subdivision shall provide an additional roadway pavement meeting the minimum city standards set forth in Section 2, Article VI. The Planning Commission 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 Planning Commission may also require lanes to be painted on such widened streets designating driving and parking areas. The foregoing provisions requiring the widening of pavement shall not apply when the total length of such pavement is less than 700 feet.

Section 3. Acceptance of Required Improvements by the City. Upon completion of all improvements required by the provision of this Article VII, a final inspection thereof shall be made by the City Engineer, and, if such improvements are found to be in conformity with the requirements of this ordinance and the other applicable statutes, ordinances and regulations, the City Engineer shall so certify to the Governing Body. The Governing Body shall, by passing a resolution, thereupon formally accept such improvements, at which time they shall become the property of the City, except the actual improvements owned by private corporations.

Section 4. Waiver of Required Improvements. In the event that the Planning Commission shall find that any one or more or any part of the improvements required by Section 1 of this Article of this ordinance can justifiably be constructed at City expense or at the expense of the owners as needed, the foregoing sections of this Article may be waived as to any one or more of such required improvements.

Section 5. Exceptions for Required Improvements. In the event that the land to be subdivided is located outside of the City but within the jurisdictional area specified in Section 4, Article 1, of this ordinance the following regulations shall apply in regards to the installation of required improvements.

- (1) Land which lies outside the corporate limits but within one (1) mile of the City shall be subject to the provisions of all the improvements specified in Section 1 of this Article, except water and sanitary sewer facilities, to City standards. However, this provision may be waived when such land is one or more parcels removed from the corporate limits; provided that the subdivider or developer shall submit an acceptable plan which indicates how all of the improvements specified in Section 1 of this Article shall be provided. In addition, any lot not served by a central water and sewer system shall not be less than one acre in area.
- (2) Land which does not lie within the corporate limits but lies a distance of one (1) mile or greater from the City limits shall be subject to the provision of water and sanitary facilities according to County health standards as may be required. All storm drainage systems shall be constructed to County engineering standards. In addition, any lot not served by a central water and sewer system shall not be less than one (1) acre in area.

All street improvements shall be installed to county engineering standards and specifications.

Section 6. Agreement, Bond and Deposit Guaranteeing Installation of Required Improvements.

- (1) Upon final approval of plans or specification for required improvements, the owners and/or the subdivider of the land proposed to be subdivided shall enter into an agreement with the City or County (depending on the area in which the subdivisions are located), 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.

- (2) Simultaneously with the execution of the agreement provided for in subparagraph (1) 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, the escrow account, or irrevocable letter of credit in favor of the Governing Body, in the amount of the cost as estimated by the official responsible for setting and enforcing the applicable design and construction standards of the installation of the required improvements as aforesaid. Such bond shall be conditioned upon the approval of the final plat and further conditioned upon the actual completion and installation of such required improvements within two (2) years from the date that the final plat is approved by the Planning Commission.

ARTICLE VIII. BUILDING AND OTHER PERMITS.

Section 1. No building permit shall be issued for a building or structure on any lot of any subdivision that is subject to the provisions of any ordinance of the City until a certified copy of the duly recorded or registered plat of subdivision has been filed with the official charged with issuing building permits. No such permits or certificates shall be issued until there has been compliance with all of the provisions of this ordinance, including, but not limited to, the approval by the Governing Body of plans and specifications for required improvements and the posting of bonds and establishment of escrows.

ARTICLE IX. LOT SPLITS.

Section 1. Application Procedure. Requests for lot split approval shall be made to the Valley Center Planning Commission by the owner of the land. Four (4) copies of a drawing to scale of the lots involved if there are no structures on the lot or four (4) copies of a survey if there are structures on the lot, showing the precise location of structures thereon, and the location and dimensions of the split shall accompany the application.

Section 2. Approval Guidelines.

- (1) No lot split shall be approved if:

- (a) A new street or alley is needed or proposed.
  - (b) A vacation of streets, alleys, setback lines, access control or easements is required or proposed.
  - (c) If such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc.; or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.
  - (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) If such split will result in a tract without direct access to a street.
  - (g) A substandard sized lot or parcel will be created.
- (2) The Planning Commission 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, installation of public facilities, dedication of right-of-way and easements, and submission of covenants for the protection of other landowners in the original subdivision.
- (3) The Chairman of the Planning Commission or his designated agent shall, in writing, either approve with or without conditions or disapprove the lot split within thirty (30) days of application. If approved, and after all conditions have been met, he shall sign and furnish a certificate of approval to be affixed to the lot-split survey, and a certified copy thereof shall be filed by the applicant with the Register of Deeds.

ARTICLE X.

EXCEPTIONS IN NEIGHBORHOOD UNIT DEVELOPMENT

Section 1.

Whenever a subdivision is developed as a modern neighborhood unit, where inadequate park or playground area is provided, through traffic is adequately cared for, and the majority of the minor streets are of the cul-de-sac type, the Planning Commission may vary the requirements of Articles VI through VII,

in order to allow the subdivider more freedom in the arrangements of streets and lots, provided, that the variance shall protect the convenience, health, welfare and safety of the probable future residents of the subdivision as well as the character of the surrounding property and the general welfare of the urban area. In order to qualify for the unit development the following conditions must be met.

- (1) The owner or owners of any contiguous tract of land of not less than five (5) acres may qualify.
- (2) In no case shall the average lot area per family be less than the requirement for the R District as required in the City Zoning Ordinance. The Planning Commission will determine the lot area requirements for multiple family dwellings.
- (3) That the development proposed is of the quality desired by the community and is unique in the approach to land development that the desired freedom and flexibility cannot be obtained through the normal requirements of these subdivision regulations.

The Planning Commission may require the developer to provide evidence, in the form of a plan, that it would be advantageous and of benefit to the community to approve the unit development approach to the subdivision of a particular parcel of land.

ARTICLE XI. VARIATIONS.

- Section 1. In cases where there is unwarranted hardship in carrying out the literal provision of this ordinance, the Planning Commission may recommend to the Board of Appeals that a variance from such provision be granted.
- Section 2. Such recommendation to the Board of Appeals should be made in writing, shall set forth all pertinent facts and circumstances in the case and shall present the Planning Commission's reasons for recommending such variance. Such recommendation shall be made before the Board of Appeals takes any action on the matter before it.
- Section 3. An application for a variance shall be made to the Administrator's office which shall in turn transmit the application to the Board of Appeals. The Board of Appeals shall give the applicant and any other interested persons an opportunity to be heard with respect to the proposed application for a variance.

Section 4. The Board of Appeals shall not approve any recommendation for a variance unless it shall find that the strict application of the ordinance will create an unwarranted hardship, and unless the proposed variance is in harmony with the intended purpose of this ordinance and the public safety and welfare will be protected.

Section 5. Variances permitted under the provision of this Article shall not include variances from the provisions of the Zoning Ordinance of this City, except as to variances for minimum lot width and/or area requirements. Consideration of an application for a variance pursuant to this Article of this ordinance does not relieve the applicant from the necessity of proceeding under the applicable provisions of the Zoning Ordinance of the City relating to variances.

Section 6. When used in this Article, the term "unwarranted hardship" shall mean hardship which constitutes complete deprivation of use as distinguished from the mere grant of a privilege.

ARTICLE XII. AMENDMENTS

Section 1. The rules and regulations imposed by this ordinance may be amended at any time, but no such amendment shall be adopted until after the Planning Commission shall have held a public hearing on a proposed amendment. A notice of such public hearing shall be published at least 20 days prior to such hearing in a newspaper having general circulation in the city.

NOTE: Sections providing for Validity, Penalties, Repeal of any Conflicting Ordinances to be provided by City Attorney.

340 (Published in The Valley Center Index, Feb. 10, 1972)

ORDINANCE NO. 457

AN ORDINANCE ADOPTING SUBDIVISION REGULATIONS FOR THE CITY OF VALLEY CENTER, KANSAS, BY INCORPORATING BY REFERENCE "PROPOSED SUBDIVISION REGULATIONS FOR VALLEY CENTER, KANSAS" AS AUTHORIZED BY K.S.A. 12-3009 AND AS DEFINED BY K.S.A. 12-3001, AS AMENDED.

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

Section 1: That the City of Valley Center hereby adopts by incorporating by reference "Proposed Subdivision Regulations for Valley Center, Kansas" as subdivision regulations for the area defined in said code and set out hereinafter as follows:

The City of Valley Center, Kansas, Section 19-25-1E, W/2 of Section 20-25-1E, W/2 of Section 29-25-1E, Section 30-25-1E, Section 31-25-1E, W/2 of Section 32-25-1E, Section 24-25-1W, Section 25-25-1W, Section 26-25-1W lying east of the Little Arkansas River and east of the Little Arkansas River Floodway, Section 25-25-1W lying north of the Little Arkansas River, Section 32-25-1W lying east and north of the Little Arkansas River, W/2 of Section 5-26-1E, Section 6-26-1E, Section 1-26-1W lying north and east of the Little Arkansas River, all in Sedgewick County, Kansas, all as provided by K.S.A. 12-3009 as amended.

Section 2: Not less than five copies of such code above-referred to shall be marked "Official Copy as Incorporated by Ordinance No. 457" with all sections and portions thereof intended to be omitted clearly marked to show any deletion or change and to which shall be attached a copy of this ordinance and filed with the City Clerk to be open for inspection and available at all reasonable hours. All appropriate departments of the City of Valley Center, Kansas, shall be furnished with copies of said ordinance and code properly marked.

Section 3: Any violations of the above code shall be considered violations for each day on which they exist after written notice by the City of Valley Center, Kansas, to the last known address of the owner or occupant of said property on which said violation exists and shall be punishable by a fine of not to exceed \$100.00 per each day of violation thereof. The City shall have further remedies of seeking injunctions to either prevent the violation of said code or to seek the correction of any violations under said code.

Section 4: Any provision of this ordinance which shall be declared to be invalid shall not affect the validity and authority of any other sections of said ordinance.

Section 5: Any ordinances in conflict with this ordinance are hereby repealed.

Section 6: This ordinance shall be effective upon its publication once in the official city paper of the City of Valley Center, Kansas.

PASSED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR this 14 day of February, 1972.

J. K. Arnold - MAYOR

ATTEST:

G. C. Baxter - City Clerk

CITY OF VALLEY CENTER  
VALLEY CENTER, KANSAS

February 14, 1972

Robert A. Lakin  
Sedgwick W.M.A.P.D.  
102 S. Main  
City Annex Bldg.  
Wichita, Kansas

Dear Sir,

This is to advise you the Valley Center Planning Commission in their regular meeting, January 3, 1972 recommended to the Governing Body they adopt attached Sub-Division Regulations.

The Governing Body in their regular meeting, February 1, passed by unanimous vote, Ordinance #457, adopting Sub-Division Regulations, this Ordinance published and became effective, February 10, 1972.

Yours Truly,  
*G.C. Baxter*  
G.C. Baxter  
Sec. Planning Commission





ORDINANCE NO. 457

AN ORDINANCE ADOPTING SUBDIVISION REGULATIONS FOR THE CITY OF VALLEY CENTER, KANSAS, BY INCORPORATING BY REFERENCE "PROPOSED SUBDIVISION REGULATIONS FOR VALLEY CENTER, KANSAS" AS AUTHORIZED BY K.S.A. 12-3009 AND AS DEFINED BY K.S.A. 12-3301, AS AMENDED.

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

Section 1: That the City of Valley Center hereby adopts by incorporating by reference "Proposed Subdivision Regulations for Valley Center, Kansas" as subdivision regulations for the area defined in said code and set out hereinafter as follows:

The City of Valley Center, Kansas, Section 19-25-1E, W/2 of Section 20-25-1E, W/2 of Section 29-25-1E, Section 30-25-1E, Section 31-25-1E, W/2 of Section 32-25-1E, Section 24-25-1W, Section 25-25-1W, Section 26-25-1W lying east of the Little Arkansas River and east of the Little Arkansas River Floodway, Section 35-25-1W lying north of the Little Arkansas River, Section 36-25-1W lying east and north of the Little Arkansas River, W/2 of Section 5-26-1E, Section 6-26-1E, Section 1-26-1W lying north and east of the Little Arkansas River, all in Sedgwick County, Kansas, all as provided by K.S.A. 12-3009 as amended.

Section 2: Not less than five copies of such code above-referred to shall be marked "Official Copy as Incorporated by Ordinance No. 457" with all sections and portions thereof intended to be omitted clearly marked to show any deletion or change and to which shall be attached a copy of this ordinance and filed with the City Clerk to be open for inspection and available at all reasonable hours. All appropriate departments of the City of Valley Center, Kansas, shall be furnished with copies of said ordinance and code properly marked.

Section 3: Any violations of the above code shall be considered violations for each day on which they exist after written notice by the City of Valley Center, Kansas, to the last known address of the owner or occupant of said property on which said violation exists and shall be punishable by a fine of not to exceed \$ 100.00 per each day of violation thereof. The City shall have further remedies of seeking injunctions to either prevent the violation of said code or to seek the correction of any violations under said code.

Section 4: Any provision of this ordinance which shall be declared to be invalid shall not affect the validity and authority of any other sections of said ordinance.

Section 5: Any ordinances in conflict with this ordinance are hereby repealed.

Section 6: This ordinance shall be effective upon its publication once in the official city paper of the City of Valley Center, Kansas.

PASSED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR this 1st day of FEBRUARY, 1972.



[Signature]  
City Clerk

MAYOR

[Signature]

January 4, 1972

Mr. Ronald H. Rogg  
301 North Market  
Wichita, Kansas 67202

Re: Valley Center Subdivision  
Regulations

Dear Ron:

As we discussed by phone this morning, the Valley Center Planning Commission at its regular meeting last night unanimously approved the proposed Subdivision Regulations subject to 2 additions. In Article VI, Section 3.(10), on page 23, the word Cul-de-sacs, the 6th line, after 100 feet, the following was added: "or greater as determined by the appropriate engineer,".

Also, in Article VII. Section 1. Required Improvements, on page 26, a 9th requirement was added which reads as follows:

- (9) Underground wiring in residential subdivisions including both electric power and telephone service, except:
  - (1) For lines rated over 12,000 volts.
  - (2) Appurtenance serving such lines which may be mounted on the ground, such as transformers, transformer pads, and telephone service pedestals.
  - (3) For those proposed subdivisions or replats of existing subdivisions located in areas which presently have an overhead type of distribution system.

Page 2 - Ronald H. Rogg  
January 4, 1972

All such construction and installation shall be under contract with the utility. Construction or installation shall occur after sanitary sewer lines, if any, are in place. CATV, if installed, shall be placed underground in accordance with the above requirements.

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

At such time as the City Council of Valley Center adopts the Subdivision Regulations, we would appreciate you or the City Clerk advising the Wichita-Sedgwick County Metropolitan Area Planning Commission of their action. At such time as the Subdivision Regulations are printed, we would appreciate 2 copies for our permanent files.

If you have any questions on these additions, please contact our office.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ls

(First published in the Valley Center Index, Thursday, December 9, 1971.)

IN THE MATTER OF )  
ADOPTING SUB-DIVISION REGULA- )  
TIONS FOR AN AREA INCLUDING )  
THE CITY OF VALLEY CENTER, )  
KANSAS, AND ADJOINING TERRI- )  
TORY AS MORE COMPLETELY DES- )  
CRIBED HEREIN )

**NOTICE**

**TAKE NOTICE** that a public hearing will be held on the 2nd day of January, 1972, at 7:30 p.m. at the City Hall in Valley Center, Kansas, to consider the adoption of sub-division regulations concerning the sub-division of land in an area described as follows:

Section 19-25-1E, W1/2 of Section 19-25-1E, W1/2 of Section 19-25-1E, Section 20-25-1E, Section 21-25-1E, W1/2 of Section 21-25-1E, Section 22-25-1W, Section 23-25-1W, Section 24-25-1W lying east of the Little Arkansas River and east of the Little Arkansas River Floodway, Section 25-25-1W lying north of the Little Arkansas River, Section 26-25-1W lying east and north of the Little Arkansas River, W1/2 of Section 1-24-1E, Section 2-24-1E, Section 1-24-1W lying north and east of the Little Arkansas River, all in Sedgwick County, Kansas.

**BE IT HEREBY NOTED** that at the above time and place, the adoption of said Sub-Division Regulations will be considered by the Valley Center Planning Commission and that public comment will be received at said time.

A copy of said proposed Sub-Division Regulations is available for review in the office of the City Clerk of the City of Valley Center, Kansas, during the regular business hours.

DATED this 6th day of December, 1971.

Fred H. McHugh, Chairman  
Valley Center Planning Commission

**ATTEST:**

G. C. Baxter  
City Clerk and  
Planning Commission Clerk

*Hearing Date  
January 3, 1972*

PROPOSED SUBDIVISION REGULATIONS  
FOR  
VALLEY CENTER, KANSAS  
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*Published this  
Thursday.*

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PROPOSED SUBDIVISION REGULATIONS  
FOR  
VALLEY CENTER, KANSAS

AN ORDINANCE ESTABLISHING SUBDIVISION REGULATIONS

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

Section 1. Short Title. This ordinance shall be known as the "Valley Center Subdivision Control Ordinance".

Section 2. Purpose. Responsible land subdivision is the initial step in the process of orderly community development. Once land has been divided into streets, lots and blocks and publicly recorded, the correction of defects is difficult and costly. The purpose of this document is to set forth rules and regulations for the division of real property so that each subdivision shall be properly coordinated with existing streets, utilities and public facilities, and for the future development of these entities. These regulations will be helpful to city officials and private developers by clarifying city requirements and by assuring more uniform application of city standards for new subdivisions.

Section 3. Authority. The requirements and recommendations set forth herein are designed to encourage an orderly municipal growth for Valley Center through responsible land subdivision, and are adopted under authority established by Section 12-705, K.S.A. as amended.

Section 4. Jurisdiction. These regulations shall apply to all subdivisions of land within the corporate limits of the City of Valley Center, as presently exists or are hereafter established, and within the areas described below all of which are located outside of the City of Valley Center and located in Sedgwick County, Kansas.

Section 19-25-1E, W $\frac{1}{2}$  of Section 20-25-1E, W $\frac{1}{2}$  of Section 29-25-1E, Section 30-25-1E, Section 31-25-1E, W $\frac{1}{2}$  of Section 32-25-1E, Section 24-25-1W, Section 25-25-1W, Section 26-25-1W lying east of the Little Arkansas River and east of the Little Arkansas River Floodway, Section 35-25-1W lying north of the Little Arkansas River, Section 36-25-1W lying east and north of the Little Arkansas River, W $\frac{1}{2}$  of Section 5-26-1E, Section 6-26-1E, Section 1-26-1W lying north and east of the Little Arkansas River.

Section 5. Applicability. The regulations of this ordinance shall apply to any person desiring to:

- (1) Divide or further divide land, or
- (2) Otherwise alter the boundaries of lots or parcels of land, or
- (3) Vacate streets or alleys, or
- (4) Dedicate land for use as streets, alleys or sidewalks or for other

public or private purposes, except in compliance with the provisions of this ordinance.

Section 6. Exemptions. Notwithstanding the requirements of Section 3 through 5, this ordinance 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 10 acres, where such subdivision does not involve the creation of any new streets or easements of access as determined by the ~~city~~ *Plans Inspector* *Plans*
- (2) A transaction between owners of adjoining land which involves only a change in the boundary between the land owned by such persons and which does not create an additional lot;
- (3) A conveyance of land or interest therein for use as right-of-way by railroad or other public utilities subject to state or federal regulation, where no new street or easement of access is created;
- (4) A conveyance made to correct a description in a prior conveyance;
- (5) Any lease for a term not less than 10 years;
- (6) Any transfer by operation of law;
- (7) The division of land in the unincorporated area into no 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 as determined by the ~~city inspector~~ *Plans Commission*.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Section 1. Division of Responsibility. The administration of this ordinance is vested in the following governmental branches, agencies, departments or individuals of the government of the city:

- (1) Office of the City Clerk of the City of Valley Center
- (2) Valley Center Planning Commission
- (3) Valley Center City Council

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 Valley Center City Clerk. The City Clerk of Valley Center shall administer the provisions of this ordinance and in furtherance of such authority, the City Clerk shall:

- (1) Maintain an up-to-date subdivision ordinance, including amendments thereto.
- (2) Receive and transmit applications sketch plats, preliminary plats to the Valley Center Planning Commission.
- (3) Inform applicants of procedures required for subdivision approval.
- (4) Review final plat for compliance with the preliminary plat as approved.

Section 3. Duties of the Valley Center Planning Commission. The Valley Center Planning Commission shall:

- (1) Review and approve, approve conditionally, or disapprove the sketch plat.
- (2) Review and approve, approve conditionally, or disapprove the preliminary plats.
- (3) Review and approve or disapprove the final plat and transmit the same to the governing body for approval or disapproval, and the acceptance of dedications of streets, alleys and other public ways and sites.
- (4) Transmit the final plat to the County Commission of Sedgwick County for acceptance of dedications of streets, alleys and other public ways and sites.
- (5) Make such other determinations and decisions as may be required of the Commission from time to time by this ordinance, or the applicable sections of the Kansas Revised Statutes.

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Section 4. Duties of the Governing Body. The governing body shall review and approve or disapprove all final plats and, in cases of approval and where appropriate, accept dedications of streets, alleys and other public ways and sites shown on such plats, and in cases of disapproval shall inform the subdivider in writing of the reasons for disapproval within 60 days time of final consideration of said plats.

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Section 5. Enforcement. No plat of subdivision shall be approved which does not comply with the provisions of this ordinance.

ARTICLE III. INTERPRETATION, CONSTRUCTION AND DEFINITIONS

Section 1. Interpretation and Construction.

- (1) Where the conditions imposed by the provisions of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- (2) The provisions of this ordinance are not intended to abrogate any easement, covenant or other private agreement, provided that where the regulations of this ordinance are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of this ordinance shall govern.
- (3) No subdivision of land which was not lawfully existing at the time of the adoption of this ordinance shall become or be made lawful solely by reason of the adoption of this ordinance. To the extent and in any manner that any existing subdivision of land is in conflict with the requirements of this ordinance, said subdivision of land remains unlawful hereunder.
- (4) The provisions of this ordinance are cumulative and additional limitations upon all other laws and ordinances theretofore passed or which may be passed hereafter governing any subject matter set forth in the provisions of this ordinance.

Section 2. Definitions. Any word or phrase which is defined in this Section 2 shall have the meaning assigned to it by said Section whenever the word or phrase is used in this ordinance.

- (1) Building line. A line on a plot indicating the limit beyond which buildings or structures may not be erected.
- (2) Board of Appeals. Governing Body of the City of Valley Center.
- (3) City Council. The City Council of the City of Valley Center, Kansas.
- (4) Development Plan or Master Plan. Any plan or map adopted by the City for guidance of growth and improvement of the City.

*2nd Amendment  
to Ordinance*

*City Council*

including modifications or refinements which may be made from time to time.

- (5) Easement. A grant of the right to use a strip of land for specific purposes.
- (6) Lot. A parcel of land intended as a unit for transfer of ownership or for development.
  - (a) Double Frontage Lot. A lot which runs through a block from street to street and has frontage on two or more streets.
  - (b) Reverse Frontage Lot. A corner lot of which size and shape that a building erected thereon might logically be designed to face on either adjoining street, thus causing it to rear on the side yard of an abutting lot.
- (7) Pedestrian Way. A right-of-way for pedestrian traffic.
- (8) Person. An individual, firm partnership, corporation, company association, syndicate, or any legal entity, and including any receiver, assignee, or other similar representative thereof.
- (9) Planning Commission. The Planning Commission of the City of Valley Center, Kansas.
- (10) Plat. A map or drawing on which the subdivider's plan of subdivision is presented and which he submits for approval and intends in final for to record.
- (11) Preliminary Plat. A map or chart of a proposed land subdivision showing the character and general details of the proposed development.
- (12) Final Plat. A map or chart of a proposed subdivision given in a form suitable for filing in the Office of the County Register of Dead, necessary affidavits, dedications and acceptance, and containing a complete engineering description (including reference to field markers) sufficient to locate on the ground all streets, alleys, blocks, lots and other divisions of the subdivision.
- (13) Planning Area. The area within the city boundaries and within the three-mile perimeter around the city limits.
- (14) Right-of-Way. The area between boundary lines of a street or other easement.
- (15) Roadway. The portion or portions of a street right-of-way developed for vehicular traffic.

- (16) Sidewalk. A pedestrian walkway with permanent surfacing to city standards.
- (17) Sketch Plan. A sketch map of a subdivision of sufficient accuracy to be used for the purpose of discussions and classification.
- (18) Street. The entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic, and the placement of utilities and including the term "road", "highway", "land", "place", "avenue", "alley", or other similar designation.
  - (a) Alley. A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
  - (b) Collector or Secondary. A street supplementary to the major street system and a means of intercommunication between this system and smaller areas; used to some extent for through traffic and to some extent for access to abutting properties.
  - (c) Cul-de-sac (dead-end street). A short street having one end open to traffic and being terminated by a vehicle turn-around.
  - (d) Expressway. A street of considerable continuity which has limited access and has a minimum of four traffic lanes.
  - (e) Half-street. A portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street could be provided in another subdivision.
  - (f) Arterial Street. A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.
  - (g) Marginal Access Street. A minor or local access street parallel and adjacent to a major street providing access to abutting properties, but protected from through traffic.
  - (h) Local Access. A street intended exclusively for access to abutting properties.
- (19) Subdivision Committees. A committee of the Planning Commission consisting of three members appointed by the Chairman for the purpose of reviewing sketch plans.
- (20) Subdivide Land. To partition a parcel of land into two (2) or more parcels, tracts, lots or sites for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the partitioning.

(21) Subdivision. Either an act of subdividing land or a tract of land subdivided as defined in this section.

ARTICLE IV. PROCEDURE FOR APPROVAL OF SUBDIVISION PLATS

- Section 1. Application for Subdivision Approval. Any person desiring to subdivide land that is subject to the provisions of this ordinance shall file with the office of City Clerk an application which 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 may be attached to the application.
- Section 2. Development of Sketch Plan. Upon receiving an application for approval of a subdivision, the Subdivision Committee 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 the information set out in Section 1 of Article V of this ordinance.
- Section 3. Failure to Agree on Sketch Plan. 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, then 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, then the subdivider may proceed with the preparation of the preliminary plan.
- Section 5. Filing of Preliminary Plat. <sup>Twenty Five</sup> ~~Five~~ copies of the preliminary plat shall be filed with the office of City Clerk within six months of the date that the Subdivision Committee, or the Planning Commission in the case of an appeal, has approved the sketch plan. The copies of the preliminary plat and all appropriate information shall then be transmitted to the Planning Commission for appropriate action.
- Section 6. Filing Fee. The preliminary plat shall not be accepted for filing until a

*Handwritten:* Date 25  
15 copies

filing fee therefore has been paid by the subdividor. Such fee shall be computed at the following rates:

(1) Minimum Fee	\$ 5.00
(2) 25 lots or less with \$5.00 minimum	1.00 per lot
(3) Acreage figured with 25 lots or more	
Up to 20 acres	2.00
Minimum	25.00
Maximum	40.00
(4) 20 to 40 acres	\$ 1.50
Minimum	40.00
Maximum	60.00
(5) 40 to 80 acres	1.25
Minimum	60.00
Maximum	100.00
(6) 80 to 160 acres	1.00
Minimum	100.00
Maximum	160.00
(7) 160 or over	.75 per acre
Minimum	160.00

Section 7. Contents of Preliminary Plat. The preliminary plat shall contain information and data set out in Section 2 Article V of this ordinance.

Section 8. Distribution and Review of Preliminary Plat. At the first regular meeting after the filing of the preliminary plat, the Planning Commission shall make arrangements to distribute one or more copies of the preliminary plat to the following government agencies, departments, and other persons as may be deemed appropriate for the particular proposed subdivision; the fire department, the police department, the appropriate health department, the zoning administrator, state highway department (if the subdivision is adjacent to a state highway), any utility companies providing gas, telephone or water service in or near the subdivision. The agencies, departments and persons named in this section shall have a minimum of five working days to review the preliminary plat and to make their report and recommendations to the Planning Commission. The agencies, departments and appropriate persons named in this section shall return the preliminary plat, report and recommendations to the Planning Commission not less than five days prior to the next regular meeting at which the preliminary plat is to be considered by the Planning Commission. If not back in five days will be considered as approved.

- Conty Z.A. -  
County Engineer

... and Metropolitan Area Planning Commission if outside the city limits of the city.

Question--Should all those listed in Section 8 actually receive copies?

Section 9.

Action by the Planning Commission on Preliminary Plat. The Planning Commission shall review the preliminary plat and consider the report and recommendations of the agencies, departments and persons to whom the preliminary plat has been submitted for review. The Planning Commission may also hold a public hearing, at which time interested persons may attend and give 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 generally meets the design standards and requirements of this ordinance, a development plan of the City, the zoning regulations of the City, and other applicable provisions of the ordinances of the City.
- (2) If the foregoing considerations are satisfied, the Planning Commission shall approve the preliminary plat and endorse such approval on the face of the 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 modifications, 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 and that modifications would be too extensive or impractical, 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 such plat or from the date the subdivider has submitted the last item of required data, whichever date is later, unless such time is extended by mutual consent. If the preliminary plat is disapproved, then within 60 days thereof the Planning Commission shall furnish to the subdivider a statement in writing setting forth the reason for disapproval and specifying with particularity the aspects in which the proposed preliminary plat fails to conform to the requirements of this ordinance, the development plan and the zoning regulations of the City, and other applicable provision of the ordinances of the City.
- (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 this ordinance, then such preliminary plat shall be deemed to have been approved unless the subdivider shall have consented to extend or waive such time limitation.

Section 11. Effect of Approval of Preliminary Plat.

- (1) Approval of the preliminary plat shall not constitute acceptance of subdivision by the Planning Commission, but shall signify merely the general acceptability of the proposed subdivision.
- (2) Such approval shall be considered permission to prepare the final plat, detailed plans and specifications for the proposed subdivision and for all public improvements to be constructed therein by the subdivider.
- (3) Such approval shall be effective for no more than 12 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 ordinance within such 12 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.

25  
Section 12. Filing of Final Plat. Final plat, on material acceptable to the County, together with 15 copies thereof, shall be filed with the City Clerk's office and transmitted to the Planning Commission within 12 months after the date that the preliminary plat is approved. Copies of the final plat shall be sent to the appropriate agencies or departments specified in Section 8 of this Article. Such agencies shall have review and return to the Planning Commission under the terms of Section 8 of this Article.

*Why not  
15 copies  
to PSI*

~~Section 12. Question - How many copies will be needed to distribute?~~

Section 13. Application for Approval of Final Plat. The subdivider shall file an application for approval of the final plat with the City Clerk's office at least 30 days prior to the meeting of the Planning Commission at which the final plat will be considered. The 30 day time limit may be reduced to 14 days where no new improvements are required in the proposed subdivision.

Section 14. 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 a 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 ordinance 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 to it for final approval. If the Planning Commission disapproves the final plat, it shall advise the subdivider in writing of the reasons for such disapproval.

Section 15. 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 16.** **Submission to Governing Body.** Before a final plat is recorded, it shall be submitted to the governing body for its approval and acceptance of streets and other public ways, service and utility easements, and land dedicated for public use. Approval of the plat shall be shown by the signature of the Mayor and attested to by the City Clerk. When any portion of the final plat is located in the unincorporated area of Sedgwick County, it shall also be submitted to the Board of County Commissioners for approval and acceptance of dedications. If the governing body disapproves the final plat, they shall advise the subdivider in writing of the reasons for such disapproval.

**Section 17.** **Failure of Governing Body to Act on Final Plat.** The governing body (City Council or County Commissioners or both) shall either approve or disapprove the final plat within 60 days after it has been submitted for final approval. If the governing body or bodies 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 limitation.

ARTICLE V. CONTENTS OF PLANS AND PLATS

Section 1. 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, playgrounds and other public areas. The sketch plan may be a free-hand sketch made on a map in scale. The subdivider shall submit with the sketch plan:

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

Section 2. Contents of Preliminary Plat. The preliminary plat shall be drawn at a scale of not less than one inch equals 100 feet, however, areas over 100 acres may be at a scale of one inch equals 200 feet. 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 this ordinance.
- (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 distances to a Section Corner to define the location and boundaries of the tract which 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, subdivider and engineer or surveyor.

*Can't check w/ one*

- (7) Date of the topographic survey.
- (8) Existing Conditions. The following existing conditions shall be shown on the preliminary:
- (a) The location, width and ... existing or private streets within or adjacent to the ... with easements, railroad rights-of-way, and other ... features such as section lines and corners, city boundary lines and monuments.
  - (b) Contour lines or spot elevations related to some established bench mark or mean sea level or other datum having the following intervals:
    - (i) 2 foot contour intervals for ground slopes less than 10%.
    - (ii) 5 foot contour intervals for ground slopes exceeding 10%.
    - (iii) Spot elevations where the ground is too flat for contours.
  - (c) The location and direction of all water courses and areas subject to flooding.
  - (d) Natural features such as rock out-croppings, marshes, wooded areas, and isolated preservable trees.
  - (e) Existing uses of the property including the location of all existing structures that will remain on the property after the final plat is recorded.
  - (f) The horizontal location to the nearest foot, within the subdivision and in the adjoining streets and property of existing sanitary and storm water sewers including flow lines, water mains, culverts, drain pipes, 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 bench mark controlling the vertical survey.

(9) Proposed Subdivision Plan. 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, names and approximate grades thereof. The preliminary plat shall show the relationship of all streets to any projected streets shown, or any development plan adopted by the Planning Commission, or governing body, shall be shown, or if no such development 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) Location and type of utilities to be installed.
- (f) Sites, if any, to be dedicated for park, playground, or other public purposes.
- (g) Proposed building setback lines, if any.

(10) 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) Proposed deed restrictions, if any, in outline form.
- (b) A statement of the manner in which it is proposed to finance improvements and, if a waiver of the provisions of Article VII, of this ordinance is requested, a statement of the improvements that are to be installed by special assessment.
- (c) A statement of the improvements that will be installed by

the developer and the appropriate time that such improvements will be completed. This 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 ordinance 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 thirty (30) days prior to the date that approval of the final plat is requested.

**Section 3.** Contents of Final Plat. The final plat shall be prepared by a surveyor (if he has submitted and had approved by the Planning Commission, a final plat prior to the adoption of these regulations), or by a surveyor and a licensed professional engineer, and drawn in waterproof black (India ink) on a material acceptable by the County. The page or sheet size shall be 22 by 34 inches, or smaller. The scale shall not be less than 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 notation showing the whole number of sheets in the plat and its relation to other sheets (e.g., sheet 1 of 3 sheets). Linear dimensions shall be given in feet and decimals of a foot. The following information, shall be shown on the final plat:

- (1) The date, scale, north point, legend and controlling topography and physical features such as water courses, highways and railroads.
- (2) A legal description of the tract boundaries.
- (3) The name and address of the owner, licensed professional engineer or surveyor, (if he has submitted and had approved by the Planning Commission, a final plat, prior to the adoption of these regulations.)
- (4) Reference points of existing surveys identified, related to the plat by distances, angles and bearings.

- (a) Section 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 center line of the street adjacent or within the proposed subdivision, the location of such center line and monuments found or reset shall be shown.
  - (d) All other monuments required to be installed by the provisions of this ordinance.
- (5) 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.
- (6) Lot lines with dimensions. Side lot lines shall be at right angles or radial to street lines unless otherwise shown. Rear lot lines shall be parallel to block or tract lines unless otherwise indicated. Points of deflection of rear lot lines shall be indicated by angles and distances.
- (7) The width of the portion of the streets being dedicated and the width of any existing right-of-way.
- (8) All easements shall be denoted by fine dashed lines, clearly identified, and if already on record, the recorded reference of such easement. If an easement is not definitely located on 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 certificate of identification.
- (9) Lot numbers beginning with the number one, and numbered consecutively in each block.
- (10) Block numbers or letters continuing consecutively without

omission or duplication throughout the subdivision. The numbers or letters shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure.

- (11) Land parcels to be dedicated for any purpose, public or private, to be distinguished from lots or tracts intended for sale.
- (12) Building setback lines, if any.
- (13) The name of each street shown on the subdivision plat.
- (14) The name of the subdivision.
- (15) The names of adjoining subdivisions.
- (16) 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.
  - (c) A certificate signed by the licensed professional engineer or surveyor (if he has submitted and had approved by the Planning Commission, a final plat prior to the adoption of these regulations), responsible for the survey and final map. The signature of the engineer or surveyor shall be accompanied by his seal.
  - (d) The acknowledgement of a notary in the following form:

State of Kansas, County of Sedgwick, ss: Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_, before me a notary public in and for said County and State, came \_\_\_\_\_ to me personally known to be the same person who executed the foregoing

1.

instrument of writing and duly acknowledged the execution of same. In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.

(Seal) \_\_\_\_\_, Notary Public  
My commission expires \_\_\_\_\_

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

This plat of \_\_\_\_\_ has been submitted to and approved by the Valley Center Planning Commission, Valley Center, Kansas, and is hereby transmitted to the City Council of the City of Valley Center, Kansas, with the recommendation that such plat be approved as proposed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
Valley Center Planning Commission  
By \_\_\_\_\_ Chairman  
\_\_\_\_\_ Secretary

(f) The approval of dedications by the City Council in the following form:

This plat approved and the dedications hereon, if any, are accepted by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Mayor  
(Seal) \_\_\_\_\_  
City Clerk

(g) The acceptance of dedications by the Board of County Commissioners, in the following form:

This plat approved and the dedications shown hereon, if any, are accepted by the Board of County Commissioners, Sedgwick County, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Commissioner  
\_\_\_\_\_  
Mayor  
(Seal) \_\_\_\_\_  
City Clerk  
\_\_\_\_\_

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

Entered on transfer record this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_ County Clerk

- (ii) 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 \_\_\_\_\_, 19\_\_\_\_ at \_\_\_\_\_ o'clock, and is duly recorded.

\_\_\_\_\_ Register of Deeds

\_\_\_\_\_ Deputy

- (j) Provision for all other certifications, approvals and acceptances which are now, or which may hereafter be, required by any statute, ordinance or regulation.

- (17) Supplemental Information to be Submitted With Final Plat:  
The following additional data shall be submitted with final plat:

- (1) ~~with a title report~~ title insurance by an abstract or a title 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 an encumbrance on the plat. The consent of all such persons shall be shown on the plat.
- (2) A copy of any deed restrictions applicable to the subdivision. ?
- (3) A certificate showing that all taxes due and payable have been paid in full.

*Check Title  
Rays Program  
reference*

ARTICLE VI. DESIGN STANDARDS

Section 1. Principles of Acceptability. The subdivision shall be in conformity with any development plans 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.

*Flooding*

**Land Subject to Flooding**

- \*\***
- (A) No land subject to periodic flooding, or the 100 year flood where delineated, shall be subdivided for residential use or any other use which would be incompatible with such flooding.
  - (B) If improvements meeting the standards and requirements of Wichita-Valley Center Flood Control Office, or available published standards and requirements, designed so as to render such land safe for residential or other intended occupancy are made on land which is subject to periodic flooding or which has inadequate drainage, then and only in that event, the provisions of paragraph (A) above shall not bar the approval of such subdivision. The costs of such improvements shall be at no expense to local units of government provided that participation in the costs by state and federal agencies may be accepted.

Section 2. Streets.

(1) General. The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried considering the terrain. Where location is not shown in a development plan, the arrangement of streets in a subdivision shall either:

- (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 topographical or other conditions make continuance or conformance to existing streets impractical.

(2) Minimum right-of-way. Unless otherwise indicated on the development plan, the width of streets in feet shall not be less than the following:

*7*  
*Drivings*

Type of Street	Urban Minimum right-of-way	Rural Min. r/w
Arterial street	* 100'	* 100'
Collector street	70'	80'
Local access street	64'	70'
Cul-de-sac approaches	64'	70'
Federal Aid Secondary (FAS)		120'

\* 150' Right of way required within 350 feet of right-of-way shall be required within two hundred of an arterial street from the intersection of the center lines of an arterial street with any other arterial or collector street and taper to one-hundred (100) feet right-of-way at a distance of three hundred fifty (350) feet from the intersection center line. ~~Federal Aid Secondary (FAS) roads in unincorporated areas shall not be less than 120 feet.~~

- 21
- (3) No individual lot access shall be permitted to arterial streets, except in proposed commercial or industrial areas individual lot access may be permitted at the discretion of the Planning Commission.
  - (4) Reserve strips. Reserve strips or street plugs controlling the access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights and in these cases they may be required. The control and disposal of the land composing such strips shall be placed within the jurisdiction of the city under conditions approved by the Planning Commission.
  - (5) Alignment. All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuations of the center lines thereof.
  - (6) 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 a temporary turn-around easement will be provided at the end of dead-end streets until such time as the street is extended. Reserve strips and plugs may be required to preserve the objectives of street extensions.
  - (7) Intersection angles. Streets shall be laid out to intersect at an angle as near to a right angle as practical. But, in no instance shall the angle be less than 80 degrees.
  - (8) Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.
  - (9) Half streets. Half streets are not acceptable and shall not be approved except whenever an existing half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.
  - (10) Cul-de-sacs. A cul-de-sac shall be as short as possible and shall have a maximum length of 300 <sup>600</sup> feet and serve not more than 25 single-family dwellings. All cul-de-sacs shall terminate with a circular turn-around and shall have a turn diameter of at least 70 feet and a property line diameter of at least 100 feet. Measured along the center line beginning at ...

*Handwritten:*  
800'  
Widened

the point of intersection of the access street and terminating at the beginning of the turn-around.

- (11) Street names. No street name shall be used which will duplicate or be confused with names of existing streets except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the city; and shall be subject to the approval of the planning commission.

Section 3. Blocks.

- (1) General. The length, width, and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control, and safety of street traffic, and recognition of limitations and opportunities of topography.

- (2) Sizes. Blocks shall not be limited in length except that in order to preserve the character of an area, or preserve the safety, health and welfare of the community, block lengths may be subject to limitations as approved by the planning commission.

(3) Easements.

- (a) Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated wherever necessary. The easements shall be a minimum of 20 feet in width and centered on rear or side lot lines.

- (b) Water courses. Where a subdivision is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.

- (c) Pedestrian ways. When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sacs or passed through unusually long or oddly shaped blocks.

Section 4. Lots.

(1) Size and shape. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development, and use contemplated. Minimum lot standards shall conform to the city zoning ordinance standards or in the case of an area outside of the city, the minimum lot standards shall conform to the Sedgwick County zoning standards. These minimum standards shall apply with the following exceptions:

(a) In areas that will not be served by a public sewer, the minimum lot size shall be 25,000 square feet and shall conform to the requirements of the county health department and shall take into consideration problems of water supply and sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.

(b) Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the planning commission. 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.

(2) Access. Each lot shall abut upon a street other than alley for a width of at least 35 feet. *the City and 60 feet in the County*

(2) Question--This should probably be larger as in county, a minimum lot frontage by zoning is 60 feet. *W. W. W. W.*

(3) Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

Section 5. Building Lines. If special building setback lines are to be established in the subdivision, they should be shown on the subdivision plan or included in the deed restrictions.

ARTICLE VII. INSTALLATION OF REQUIRED IMPROVEMENTS

Section 1. Required Improvements. The developer of a proposed subdivision shall install, or cause to be installed, the following facilities and improvements:

- (1) All roadways, alleys, curbs, gutters and street drainage facilities in accordance with city standards.
- (2) All sidewalks located within the public areas, in accordance with city standards.
- (3) A water supply system for each lot in the proposed subdivision in conformity with the requirements of the City.
- (4) Fire hydrants of the type and quality specified in city standards of the National Board of Fire Underwriters, and shall be subject to the inspection and approval of the Fire Chief.
- (5) A sanitary sewer system for each lot meeting all city specifications. Such sanitary sewer system shall be connected to the sanitary sewer system of the City at such point or points as the city department responsible for sewers, shall determine, based upon the location and size of the city's sanitary sewer system in relation to the estimated flow of the sanitary system of the proposed subdivision.
- (6) A storm sewer system, separate and independent of the sanitary sewer system, meeting all of the city specifications. Such approved storm sewer system shall be connected to any existing storm sewer system of the city, where available. If such connection is not available, other adequate means for the discharge of such storm sewer system shall be provided by the subdivider.
- (7) A street lighting system meeting the requirements of the City.

- (8) Street signs of such location, type and size as shall be approved by the Planning Commission, giving due regard to the prevailing type, size and pattern of location utilized throughout the city.

*But  
Check out to  
see if we have  
required in ours*

*Street signs at each location, type and size as shall be approved by the appropriate engineer, giving due regard to the prevailing type, size & pattern of location utilized throughout the area*

27

*Underground utilities in unincorporated area?*

*What about areas outside city?*

?

?

- (9) If landscaping of public areas is to be provided, a plan shall be prepared and approved by the Planning Commission.
- (10) 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 City or County. The monuments shall be of such material, size, and length as may be approved by the requirements of the City or County.

Section 2.

Exceptions for Existing Improvements.

- (1) Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements set out in Section 1, 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 Section 1, the subdivider shall repair, correct or replace such improvements so that all improvements will then meet the aforesaid requirements of Section 1.
- (2) Where the proposed subdivision is a re-subdivision or concerns an area presently abutting or containing any existing public street of less than 50 feet in width, land shall be dedicated so as to provide a minimum right-of-way width of 64 feet, and the subdivider of such proposed subdivision shall provide an additional roadway pavement meeting the minimum city standards set forth in Section 2, Article VI. The Planning Commission 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 Planning Commission may also require lanes to be painted on such widened streets designating driving and parking areas. The foregoing provisions requiring the widening of pavement shall not apply when the total length of such pavement is less than 700 feet.

Section 3.

Acceptance of Required Improvements by the City. Upon completion of all improvements required by the provision of this Article VII, a final inspection thereof shall be made by the City Engineer, and, if such improvements are found to be in conformity with the requirements of this ordinance and the other applicable statutes, ordinances and

regulations, the City Engineer shall so certify to the governing body. The Governing Body shall, by passing a resolution, thereupon formally accept such improvements, at which time they shall become the property of the City, except the actual improvements owned by private corporations.

Section 4. Waiver of Required Improvements. In the event that the Planning Commission shall find that any one or more or any part of the improvements required by Section 1 of this Article of this ordinance can justifiably be constructed at City expense or at the expense of the owners as needed, the foregoing sections of this Article may be waived as to any one or more of such required improvements.

Section 5. Exceptions for Required Improvements. In the event that the land to be subdivided is located outside of the City but within the jurisdictional area specified in Section 4, Article 1, of this ordinance the following regulations shall apply in regards to the installation of required improvements.

(1) Land which lies outside the corporate limits but within one (1) mile of the City shall be subject to the provisions of all the improvements specified in Section 1 of this Article, except water and sanitary sewer facilities, to City standards. However, this provision may be waived when such land is one or more parcels removed from the corporate limits; provided that the subdivider or developer shall submit an acceptable plan which indicates how all of the improvements specified in Section 1 of this Article shall be provided. In addition, any lot not served by a central water and sewer system shall not be less than one acre in area.

(2) Land which does not lie within the corporate limits but lies a distance of one (1) mile or greater from the City limits shall be subject to the provision of water and sanitary facilities according to County health standards as may be required. All storm drainage systems shall be constructed to County engineering standards. In addition, any lot not served by a central water and sewer system shall not be less than one (1) acre in area.

All street improvements shall be graded and surfaced with rock or gravel as may be specified for a sub-surface according to City standards. *installed to County Engineers*

(2) Question--What standards should be applied? *installed to County standards and specifications*

Section 6. Agreement, Bond and Deposit Guaranteeing Installation of Required Improvements.

- (1) 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 or County (depending on the area in which the subdivisions are located), 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. (2)
- (2) Simultaneously with the execution of the agreement provided for in subparagraph (1) 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, the escrow account, or irrevocable letter of credit in favor of the governing body, in the amount of the cost as estimated by the official responsible for setting and enforcing the applicable design and construction standards of the installation of the required improvements as aforesaid. Such bond shall be conditioned upon the approval of the final plat and further conditioned upon the actual completion and installation of such required improvements within two (2) years from the date that the final plat is approved by the Planning Commission.

ARTICLE VIII. BUILDING AND OTHER PERMITS.

Section 1. No building permit shall be issued for a building or structure on any lot of any subdivision that is subject to the provisions of any ordinance of the City until a certified copy of the duly recorded or registered plat of subdivision has been filed with the official charged with issuing building permits. No such permits or certificates shall be issued until there has been compliance with all of the provisions of this ordinance, including, but not limited to, the approval by the governing body of plans and specifications for required improvements and the posting of bonds and establishment of escrows.

ARTICLE IX. LOT SPLITS

*Valley Center*

SECTION 1. Application Procedure. Requests for lot split approval shall be made to the ~~City~~ Planning Commission by the owner of the land. Four (4) copies of a drawing to scale of the lots involved if there are no structures on the lot or four (4) copies of a survey if there are structures on the lot, showing the precise location of structures thereon, and the location and dimensions of the split shall accompany the application. ~~Written notices shall be given to all owners of land within 200 feet of the property proposed to be split. The application will contain the names and addresses of all persons to receive notices. Such owners shall have ten days from the date of notification to notify the Planning Commission of any protest they may have concerning the lot split. The ten day waiting period may be waived upon presentation of a written statement of no objection from those to be notified.~~

*We do not require notice in the City of Wichita*

SECTION 2. Approval Guidelines:

- (1) No lot split shall be approved if:
  - (a) A new street or alley is needed or proposed.
  - (b) A vacation of streets, alleys, setback lines, access control or easements is required or proposed.
  - (c) If such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc.; or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.
  - (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) If such split will result in a tract without direct access to a street.
  - (g) A substandard sized lot or parcel will be created.
- (2) The Planning Commission 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, installation of public facilities, dedication of right-of-way and easements, and submission of covenants for the protection of other landowners in the original subdivision.
- (3) The Chairman of the Planning Commission or his designated agent shall, in writing, either approve with or without conditions or disapprove the lot split within thirty (30) days of application. If approved, and after all conditions have been met, he shall sign and furnish a certificate of approval to be affixed to the lot-split survey, and a certified copy thereof shall be filed by the applicant with the Register of Deeds.

ARTICLE IX. EXCEPTIONS IN NEIGHBORHOOD UNIT DEVELOPMENT

Section 1. Whenever a subdivision is developed as a modern neighborhood unit, where (adequate park or playground area is provided) through traffic is adequately cared for, and the majority of the minor streets are of the cul-de-sac type, the Planning Commission may vary the requirements of Articles VI through VII, in order to allow the subdivider more freedom in the arrangements of streets and lots, provided, ~~that the Board of Appeals shall have first approved such variance of the requirements of Article VI through VII, provided further that~~ the variance shall protect the convenience, health, welfare and safety of the probable future residents of the subdivision as well as the character of the surrounding property and the general welfare of the urban area. In order to qualify for the unit development the following conditions must be met.

- (1) The owner or owners of any contiguous tract of land of not less than five (5) acres may qualify.
- (2) In no case shall the average lot area per family be less than the requirement for the R District as required in the City Zoning Ordinance. The Planning Commission will determine the lot area requirements for multiple family dwellings.
- (3) That the development proposed is of the quality desired by the community and is unique in the approach to land development that the desired freedom and flexibility cannot be obtained through the normal requirements of these subdivision regulations.

The Planning Commission may require the developer to provide evidence, in the form of a plan, that it would be advantageous and of benefit to the community to approve the unit development approach to the subdivision of a particular parcel of land.

*Waiver of required provisions by Sub Regs*

*Not an authorized procedure by Statute BZA has no authority!*

ARTICLE X. VARIATIONS

Section 1. In cases where there is unwarranted hardship in carrying out the literal provision of this ordinance, the Planning Commission may recommend to the ~~Zoning~~ Board of Appeals that a variance from such provision be granted.

Section 2. Such recommendation to the Board of ~~Zoning~~ Appeals should be made in writing, shall set forth all pertinent facts and circumstances in the case and shall present the Planning Commission's reasons for recommending such variance. Such recommendation shall be made before the ~~Zoning~~ Board of Appeals takes any action on the matter before it.

Section 3. An application for a variance shall be made to the Administrator's office which shall in turn transmit the application to the Board of Appeals. The Board of Appeals shall give the applicant and any other interested persons an opportunity to be heard with respect to the proposed application for a variance.

Section 4. The Board of Appeals shall not approve any recommendation for a variance unless it shall find that the strict application of the ordinance will create an unwarranted hardship, and unless the proposed variance is in harmony with the intended purpose of this ordinance and the public safety and welfare will be protected.

*2*  
Section 5. Variances permitted under the provision of this Article shall not include variances from the provisions of the Zoning Ordinance of this city, except as to variances for minimum lot width and/or area requirements. Consideration of an application for a variance pursuant to this Article of this ordinance does not relieve the applicant from the necessity of proceeding under the applicable provisions of the Zoning Ordinance of the City relating to variances.

Section 6. When used in this Article, the term "unwarranted hardship" shall mean hardship which constitutes complete deprivation of use as distinguished from the mere grant of a privilege.

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- Section 3. An application for a variance shall be made to the Administrator's office which shall in turn transmit the application to the Board of Appeals. The Board of Appeals shall give the applicant and any other interested persons an opportunity to be heard with respect to the proposed application for a variance.
- Section 4. The Board of Appeals shall not approve any recommendation for a variance unless it shall find that the strict application of the ordinance will create an unwarranted hardship, and unless the proposed variance is in harmony with the intended purpose of this ordinance and the public safety and welfare will be protected.
- Section 5. Variances permitted under the provision of this Article shall not include variances from the provisions of the ~~Zoning~~ <sup>Article</sup> Ordinance of this city, except as to variances for minimum lot width and/or area requirements. Consideration of an application for a variance pursuant to this Article of this ordinance does not relieve the applicant from the necessity of proceeding under the applicable provisions of the ~~Zoning~~ Ordinance of the City relating to variances.
- Section 6. When used in this Article, the term "unwarranted hardship" shall mean hardship which constitutes complete deprivation of use as distinguished from the mere grant of a privilege.

ARTICLE XI. AMENDMENTS

Section 1. The rules and regulations imposed by this ordinance may be amended at any time, but no such amendment shall be adopted until after the Planning Commission shall have held a public hearing on a proposed amendment. A notice of such public hearing shall be published at least 20 days prior to such hearing in a newspaper having general circulation in the city.

NOTE: Sections providing for Validity, Penalties, Repeal of any Conflicting Ordinances to be provided by City Attorney.

LAW OFFICES OF  
**BLAIR, MATLACK, ROGG, FOOTE & LAMBDIN, P.A.**  
301 NORTH MARKET  
WICHITA, KANSAS 67202

JOHN R. BLAIR  
DON MATLACK  
RONALD H. ROGG  
RICHARD V. FOOTE  
DONALD E. LAMBDIN  
GERALD W. SCOTT  
WILLIAM F. KLUBE III  
RICHARD A. SHULL

December 27, 1971

AREA CODE 316  
263-7536



Mr. Jack Galbraith  
Metropolitan Area Planning Department  
City Building Annex  
104 South Main Street,  
Wichita, Kansas 67202

Dear Jack:

Enclosed please find a Xerox copy of the Proposed Subdivision Regulations for Valley Center, for your review.

Very truly yours,

BLAIR, MATLACK, ROGG, FOOTE & LAMBDIN, P.A.

*Ronald H. Rogg*

By Ronald H. Rogg

RHR:jc

Enclosure

December 9, 1971

Mr. Ronald H. Rogg  
301 North Market  
Wichita, Kansas 67202

Re: Valley Center Sub-  
division Regulations

Dear Mr. Rogg:

As we discussed by phone, after the meeting Monday, I again reviewed the proposed Valley Center Subdivision Regulations, particularly Article VII, to see if I could determine whether or not we require the developer to guarantee the installation of street signs. The Subdivision Regulations now existing provide the following:

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

I have been advised that so far we have not required this condition, however, it was originally felt that such would be necessary to have street signs in rural subdivisions. I don't necessarily feel that Valley Center needs to have a similar condition in their regulations, however, they may also feel it is a good condition outside of their city limits.

The other condition I noticed that is not in the proposed draft is the requirement for the installation of underground utilities. Again, the existing regulations require the following:

Underground wiring in residential subdivisions including both electric power and telephone service, except:

- (1) For lines rated over 12,000 volts.
- (2) Appurtenance serving such lines which may be mounted on the ground, such as transformers, transformer pads, and telephone service pedestals.

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

All such construction and installation shall be under contract with the utility. Construction or installation shall occur after sanitary sewer lines, if any, are in place. CATV, if installed, shall be placed underground in accordance with the above requirements.

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

Although this is a condition that the Valley Center Planning Commission has not discussed and it may be a condition that they do not want to require in their City, they should provide for this requirement outside their city where it is already a requirement. The installation of underground telephone lines is provided at no extra cost, however, I believe the costs for underground electrical lines is approximately \$2 a running foot. Although we did not discuss this condition, I would recommend that you include a similar requirement, and then if the Commission later determines that they do not want to require underground installations, it could be deleted.

These are the only additional items that I am aware of that should be considered. I am sorry that I am so late in calling your attention to the underground utility requirement.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ber

cc: Fred McHugh, Chairman  
Valley Center Planning Commission  
305 North Abilene  
Valley Center, Kansas 67147

George Baxter, City Clerk  
Valley Center, Kansas 67147

November 30, 1971

Mr. Ronald H. Rogg  
301 North Market  
Wichita, Kansas 67202

Subject: Valley Center Subdivision  
Regulations

Dear Mr. Rogg:

In reviewing the Valley Center Subdivision Regulations again I recall that we are proposing an amendment to the required street rights-of-way for major street intersections.

Following is a description of the right-of-way requirements that are proposed for amending into our Subdivision Regulations. To be consistent, we would suggest that this replace the asterisk at the bottom of page 23.

Except that one hundred fifty (150) feet of right-of-way shall be required within two hundred fifty (250) feet from the intersection of the center lines of an arterial street with any other arterial or collector street and taper to one hundred (100) feet right-of-way at a distance of three hundred fifty (350) feet from the intersection center line.

I am still planning on attending the Valley Center Planning Commission meeting next Monday evening, December 6, 1971, unless I hear otherwise.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ls