

Proposed Changes to Subdivision Regulations 2023

Article 1:General Regulations

No Changes

Article 2:Administration

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

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

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

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

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

Article 3:Definitions

No Changes

Article 4:Subdivision Design Standards

Section 4-301:

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

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

Section 4-401:

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

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

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

Section 4-501:

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

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

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

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

Commented [JW4]: Changed for consistency.

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

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

Section 4-801:

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

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

c. Adequate drainage shall be provided ~~so as~~ to reduce exposure to flood hazards.

Commented [JW7]: Removed for conciseness

d. All public utilities and facilities shall be located ~~so as~~ to minimize or eliminate flood damage.

Commented [JW8]: Removed for conciseness.

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

Section 5-201 & 5-202:

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

Commented [JW9]: redundant

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

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

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

Article 6: Submission and Approval of Plats

Section 6-301:

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

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

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

Section 6-401:

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

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

Article 7:Improvements

Section 7-201:

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

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

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

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

* Lane widths do not include curb and gutter sections.

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

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

Article 8:Improvement Procedures

Section 8-201:

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

Section 8-401:

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

Section 8-501:

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

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

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

Section 8-701:

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

Article 9: Guarantee of Installation of Improvements

No Changes

Article 10: Rule Exceptions

No Changes

Article 11: Lot Splits

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

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

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

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

Article 12: Vacations and Corrections

Section 12-101:

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

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

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

Section 12-401:

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

Article 13: formerly Site Plan Review and now [RESERVED FOR FUTURE USE]

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