

Maize Subdivision Regulations

City of Maize, Kansas

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101 TITLE

These regulations shall be known and may be cited as the “Subdivision Regulations of the City of Maize, Kansas”, and shall hereinafter be referred to as “these regulations.”

102 AUTHORITY

These regulations are adopted under authority established by K.S.A., 12-741 et seq. as amended, 12-749, 12-752, 12-760 and 12-761, 12-764, 12-3009 through 12-3012, and 12-3301 and 12-3302.

103 PURPOSE

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. These regulations are designed and intended to serve the following purposes:

- A. To provide for the harmonious development of the City of Maize;
- B. To provide for (1) desirable lot layouts, (2) efficient and orderly location of streets and the extent and manner in which they shall be improved, and (3) provision made for storm drainage;
- C. To provide for adequate water supply, sewage disposal, various utility services and other improvements to protect public health, safety and general welfare;
- D. To provide for and secure to the proper governmental agencies the actual construction of all such necessary on-site and off-site public improvements including the reservation or dedication of land for park and recreational purposes;
- E. To provide protection from periodic flooding conditions;
- F. To reserve or dedicate land for open space to preserve natural areas for watercourses, drainage ways, wetlands, woodland, rugged topography, wildlife habitat, and for water quality and quantity, and to protect land from soil erosion;
- G. To avoid water and air pollution and the congestion of population and traffic;
- H. To facilitate safety by adequate access for fire fighting equipment, police protection and emergency medical services;

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- I. To coordinate the subdividing of land with applicable zoning regulations, various construction codes and other City regulations which also affect the development of the land;
- J. To establish administrative procedures necessary to assure a fair and uniform basis for a working relationship with subdividers, utility providers and various governmental agencies, all of whom are contributing to the development of the community; and
- K. To realize the goals, policies and planning proposals as contained in the adopted Comprehensive Development Plan.

104 JURISDICTION

These regulations shall apply to all subdivisions of land within the corporate limits of the City of Maize as presently exists or are hereinafter established in Sedgwick County, Kansas. All such land is included in the Planning Area for the Comprehensive Development Plan.

105 APPLICABILITY

- A. **General Applicability.** These regulations shall apply to the owner(s) of any land within the jurisdiction of these regulations desiring to:
 - 1. Vacate rights-of-way, easements, other public reservations or recorded plats;
 - 2. Divide or further divide land into two or more lots or parcels;
 - 3. Otherwise alter the boundaries of lots or parcels of land;
 - 4. Establish land for use as streets, alleys or other property intended for public use or for the use of a purchaser or owner(s) of lots or parcels.

The owner(s) shall cause a plat to be made in accordance with the provisions of these regulations, unless exempted specifically in sub-section B.

- B. **Exemptions.** The following instances or transactions are specifically exempt from these regulations:
 - 1. Any lot, parcel or tract of land located within the area governed by these regulations that has been legally subdivided, resubdivided or replatted and recorded prior to the effective date of these regulations, except that any further division not in conformance with the previous legal subdivision shall meet these regulations.
 - 2. A conveyance or dedication of land or interest therein for use as a street, highway, road or railroad right-of-way, a drainage easement or public utilities subject to local, state or federal regulations, where no new street or easement of access is created.
 - 3. The layout of burial lots in cemeteries; however, the actual cemetery tract is not exempt.
 - 4. Any transfer by operation of law.

Any request made in writing for a determination as to qualifications for being exempt from these regulations shall be answered by the Subdivision Administrator either in the affirmative or negative within 30 days of filing such a request containing all relevant information.

106 EFFECTIVE DATE

These regulations shall be in full force and effect from and after their adoption by the Planning Commission, approval by the Governing Body by an ordinance incorporating these regulations by reference and publication of such ordinance in the official city newspaper.

107 ADMINISTRATION

- A. **Division of Administrative Responsibility.** The administration of these regulations is vested in the following governmental branches of the City:
 - 1. Subdivision Administrator

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2. City Clerk
3. Subdivision Committee
4. Planning Commission
5. Governing Body

Each of the above named governmental branches shall have the responsibilities indicated in this section.

- B. **Duties of Subdivision Administrator.** The Subdivision Administrator or designee shall administer the provisions of these regulations and shall:
1. Serve as an assistant to the Planning Commission on (1) the review of sketch plans, plats and lot splits; and (2) the vacation of plats, rights-of-way, easements and other public reservations.
 2. Inform applicants of procedures required for subdivision approval and vacations, provide application forms and other administrative forms to facilitate the process, and convey to subdividers the decisions of the Planning Commission.
 3. Receive and establish files for all sketch plans, preliminary and final plats, replats, final plats for small tracts, lot splits and vacations together with applications therefore.
 4. After determining the adequacy of the information submitted as suitable for distribution, forward copies of the preliminary plat and final plats for small tracts, when deemed necessary, to other appropriate governmental agencies and public and private utilities providers for their comments and recommendations.
 5. Review and compile a list of comments on all preliminary plats to determine whether such plans comply with these regulations and similarly review and compile a list on all final plats to determine whether they comply with the preliminary plat and these regulations.
 6. Forward sketch plans, preliminary and final plats and lot splits to the Subdivision Committee and/or Planning Commission for their consideration, together with the list of comments and recommendations.
 7. Following approval by the Planning Commission and recommendations on vacations forward to the Governing Body all final plats, replats, final plats for small tracts as well as vacations after having checked and assembled all pertinent data and drawings.
 8. Make Official Administration and Interpretation Statements as specified in this Article.
 9. Make such other determinations and decisions as may be required by these regulations.
- C. **Duties of the City Clerk.** The City Clerk shall:
1. File at least three copies of these model regulations marked by the Clerk as "Official Copy as Incorporated by Ordinance No. _____", (i.e., the ordinance approved by the Governing Body) and all sections or portions thereof intended to be omitted clearly marked to show any such omissions or showing the sections, articles, parts or portions that are incorporated and to which shall be appended a copy of the incorporating ordinance. Such copies maintained by the Clerk shall be open to inspection and available to the public at all reasonable business hours.
 2. Distribute at cost to the City, official copies of these regulations similarly marked as described in Section 3-102A to the police department, court, Subdivision Administrator, zoning administrator, building inspector, City Attorney and all administrative departments of the City charged with the enforcement of these regulations. Subsequent amendments to these regulations shall be appended to such copies.
 3. Process the required fee.
 4. Provide clerical assistance to the Governing Body so as to facilitate and record their actions in the exercise of their duties relating to these regulations.
- D. **Duties of the Subdivision Committee.** The Planning Commission may create a Subdivision Committee composed of any three or more of its members. The Chairperson shall, with the concurrence of the Commission, appoint the members and designate the chairman and vice-chairman of the Committee for such period of time as deemed appropriate. The Subdivision Administrator and other noncommission members such as public and private officials engaged in public works, utilities, sanitations, safety and building and zoning administration may be asked to serve as ex official Committee members. The Subdivision Committee, among other assignments, may:
1. Review sketch plans and forward comments to the potential subdivider.
 2. Review preliminary plats to determine compliance with these regulations, review final plats to determine whether they comply with the preliminary plat and these regulations, and forward such determinations and recommendations as may be appropriate to the Planning Commission.
 3. When deemed desirable, review proposed lot splits and vacations for recommendations to the Planning

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Commission.

Any person aggrieved by any comments, determinations or recommendations of the Subdivision Committee shall have a right to appeal to the Planning Commission.

- E. **Duties of the Planning Commission.** The Planning Commission shall:
1. Review the sketch plans, when submitted, and forward comments to the potential subdivider whenever this responsibility is not otherwise performed by a Subdivision Committee.
 2. Review and approve, approve conditionally or disapprove preliminary plats and lot splits.
 3. Review and approve, approve conditionally or disapprove final plats and transmit any approved plats to the Governing Body for their acceptance of dedications of streets, alleys and other public ways and sites.
 4. Make recommendations to the Governing Body on vacations of recorded plats, rights-of-way, easements and other public reservations.
 5. Make such other determinations and decisions as may be required of the Commission from time to time by these regulations or applicable sections of the Kansas Statutes Annotated.
- F. **Duties of the Governing Body.** The Governing Body shall:
1. Accept or not accept dedications of streets, alleys, and other public ways and sites shown on final plats and, in cases of disapproval or modification, inform the subdivider in writing of the reasons.
 2. Approve or not approve vacations of recorded plats, rights-of-way, easements and other public reservations.
- G. **Building and Zoning Permits.** No building or zoning permit or occupancy certificate except those involving repairs, maintenance, continuation of an existing use or occupancy or accessory structures, shall be issued for a principal building or structure or use on any lot, tract or parcel of any subdivision that is subject to the provisions of these regulations until a copy of the recorded plat is available for examination by the applicable official charged with issuing such permits or certificates. Furthermore, no such building or zoning occupancy certificates shall be issued for the use of any building or structure within a subdivision approved for platting, replatting or lot splitting until required utility facilities have been installed and made ready to service the property; roadways providing access to the subject lot or lots have been constructed or are in the course of construction; or guarantees have been provided to ensure the installation of such utilities and roadways. If platting is not required, dedications in lieu of platting may be required to obtain easements and access control and to widen rights-of-way as well as to provide necessary public improvements during the process of issuing permits.

108 INTERPRETATION

- A. **Rules of Construction.** Unless the context clearly indicates otherwise, the following rules of construction shall apply to these regulations:
1. All words shall have the customary dictionary meaning, unless specifically defined in these regulations.
 2. The present tense includes the future tense and the future tense includes the present tense.
 3. The singular includes the plural and the plural includes the singular.
 4. Lists of examples prefaced by "including the following," "such as," or other similar preface shall not be construed as exclusive and shall not preclude an interpretation of the list including other similar and non-mentioned examples.
 5. A reference to an administrative official shall refer to that official or his or her designee.
- B. **Effect of Other Rights and Regulations.**
1. ***Overlapping or Contradictory Regulations.*** Where the conditions imposed by the provisions of these regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulations of any kind, the regulations that are more restrictive and impose high standards or requirements shall govern. More restrictive or higher standards or requirements shall be considered those that most effectively and directly implement the goals and policies of the comprehensive plan or purpose and intent of these regulations.
 2. ***Private Agreements.*** The provisions of these regulations are not intended to abrogate any lawful and valid easement, deed restriction, covenant or other private agreement of legal relationship; provided, that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such private agreements, the requirements of these regulations shall govern. The City does not have the responsibility to enforce such private agreements. More restrictive or higher standards or requirements shall

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- be considered those that most effectively and directly implement the goals and policies of the comprehensive plan or purpose and intent of these regulations.
3. **Cumulative Limitations.** The provisions of these regulations are cumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter set forth in the provisions of these regulations.
 4. **Unlawful Subdivisions.** A subdivision of land which was not lawfully existing at the time of the adoption of these regulations shall not become or be made lawful solely by reason of the adoption of these regulations.
 5. **Vesting of Development Rights.** For the purpose of single-family residential developments according to K.S.A. 12-764, as amended, development rights in such land use shall vest upon recording of a final plat of such land after January 1, 1992. If construction of a principle structure is not commenced on such land within five years of recording a final plat, the development rights in such land shall expire and, thus, all revisions to zoning or subdivision regulations becoming effective during the period vested shall thereafter apply to such platted land.
- C. **Graphics and Commentary.** Graphics and commentary used in these regulations are to aid interpretation of the text, unless otherwise specifically stated. In the event of a conflict or ambiguity between a graphic or commentary and the text, the text shall control.
- D. **Computations of Time.** Unless specifically stated in individual sections, wherever these regulations state a time period, it shall be interpreted as follows:
1. The day of the act, event, or other means which commences the time period shall not be counted.
 2. The last day of the time period shall be included in the time period, unless it is a Saturday, Sunday, or legal City holiday, in which case the next working day shall end the time period.
 3. Whenever the time period is expressed to require a formal submittal to the City, the time period shall end at 5:00 P.M. on the last day of the time period.
 4. Any time period expressed in years shall include a full calendar year from the act, event or other means which commences the time period.
- E. **Resources, Guides, and Industry Standards.**
1. Resources, guides, and industry standards, recognized as authority in the planning and design of communities may be used as a supplement to interpreting these regulations. Any use of such resource, guides, and industry standards shall be subject to the approval of the Subdivision Administrator, upon a determination that the content is consistent with the Comprehensive Plan, the purpose of these regulations, and intent of the section to which it may apply.
 2. These materials shall only be used to aid in the interpretation and application of these regulations, and shall not be used to modify, contradict, or in any way change the standards and requirements of these regulations.
 3. Any resource, guide, or industry standard approved by the Subdivision Administrator shall be listed in Appendix A and at least one copy shall be kept on file with the City.
- F. **Official Interpretation.** The Subdivision Administrator shall make all interpretations under these regulations necessary to administer and implement the regulations.
1. **Authority.** The Subdivision Administrator, may make an Official Interpretation and Applicability statement in any specific circumstance where 2 or more reasonable interpretations would result in substantively different outcomes.
 2. **Process.** An Official Interpretation and Applicability Statement shall:
 - a. Be made in writing and filed with the Planning Commission by placing it on the agenda of a regular scheduled meeting;
 - b. Be effective 30 days after the filing with the Planning Commission, unless a longer period is stated in the interpretation or unless the Planning Commission tables the Interpretation and Applicability Statement and calls a public hearing to consider the interpretation;
 - c. Be incorporated into these regulations in Appendix B and upon its effective date control in all future situations similar to the specific circumstance;
 - d. Be effective until:
 - (1) It is replaced by a different Official Interpretation and Applicability Statement;
 - (2) It is overruled by an appeal according to these regulations; or

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- (3) It is amended, altered, or repealed by a text amendment to the section of the regulations that the interpretation addressed.
3. **Criteria.** In making an Official Implementation and Applicability Statement, the Subdivision Administrator shall use the following criteria:
 - a. Sound professional planning practice standards and principles;
 - b. The Comprehensive Plan and any other official plans or programs developed under the guidance of the Comprehensive Plan;
 - c. The purposes and intent statements of these regulations; and
 - d. Any resources, guides, or industry standards cited in these regulations.

109 ENFORCEMENT

- A. **Violations.** No plat shall be approved which does not comply with the provisions of these regulations or be entitled to record at the County Register of Deeds or have any validity until it shall have been approved in the manner prescribed in these regulations. It shall be the duty of the Subdivision Administrator and the applicable official charged with issuing building and zoning permits and occupancy certificates in conjunction with the City Attorney or their designees to enforce these regulations. The following actions are violations of these regulations:
 1. The transfer or sale by metes and bounds description of any land subject to the applicability of, and not otherwise exempted by, Section 105.
 2. Approval of a plat by the Planning Commission that does not comply with the provisions of these regulations.
 3. The transfer or sale of any lot, tract or parcel of land located in a plat accepted for dedication by the Governing Body which has not been recorded with the Register of Deeds.
 4. The recording of any plats or replats of land laid out with building lots, streets, alleys, utility or other easements and dedications to the public unless the plat or replat bears the signatures of the Planning Commission and the Governing Body.
- B. **Penalties.** Pursuant to K.S.A. 12-761, as amended, any violations of these regulations shall be deemed to be a misdemeanor. Any person, firm, association, partnership, or corporation convicted thereof, shall be punished by a fine not to exceed \$500 or by imprisonment for not more than six months for each offense or by both such fine and imprisonment. Each day's violation shall constitute a separate offense.
- C. **Remedies.** The City shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of these regulations and to abate nuisances maintained in violation thereof; and in addition to other remedies, the appropriate authorities of the City of Maize may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of such buildings, structures or land.

110 FEES

For purposes of wholly or partially defraying the costs of the administrative and enforcement provisions described in these regulations, including the cost of engineering and inspection services and recording legal documents, the applicant upon filing an application for a preliminary or final plat, plat for small tracts, lot split or vacation, shall pay the Clerk a fee according to the fee schedule approved by the Governing Body. No part of such fee shall thereafter be refunded.

111 REPORTS

The Subdivision Administrator shall periodically report verbally or in writing to the Governing Body and the Planning Commission a summary of all subdivisions and the number of lots recorded on final plats during the preceding period, giving details of any permitted variations, as well as the current status of all applications in process for sketch plans, preliminary and final plats, lot splits and vacations. Such a report shall include comments on any problems encountered in the administration or enforcement of these regulations that may especially be of use at the annual

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review established by these regulations

112 DEFINITIONS

The following definitions shall be used in the interpretation and construction of these regulations:

ACCELERATION LANE: An added roadway lane which permits integration and merging of slower moving vehicles into the main vehicular stream of traffic.

ACCESS CONTROL: The limitation of public access rights to and from properties abutting streets or highways. Access control is used on major streets and highways, when necessary, to preserve high quality traffic service and to improve safety.

APPLICANT: A person submitting an application for approval of a preliminary and/or final plat or a lot split.

BENCH MARK: Surveying mark made in some object which is permanently fixed in the ground showing the height of that point in relation to sea level.

BLOCK: A series of lots or tract of land bounded by streets, public parks, cemeteries, railway rights-of-ways, waterways, city limits or a combination thereof.

BUILDING SETBACK LINE: A line on a lot or other parcel of land indicating the limit beyond which buildings or structures may not be erected or altered and establishing the minimum open space to be provided. Such line may be more, but not less restrictive than applicable zoning or other regulations.

CURB CUT: The opening along a curb line at which point vehicles may enter or leave a roadway.

DECELERATION LANE: An added roadway lane that permits vehicles to slow down and leave the main vehicular stream of traffic.

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

DESIGN STANDARDS: Basic land planning principles established as guides or requirements for the design and layout of subdivisions as described in these regulations.

DETENTION POND: A storage facility for the temporary storage of storm water runoff. The storm water may be released by gravity or by mechanical means at such time as downstream facilities can handle the flow.

EASEMENT: A public dedication or private grant by a property owner of the specific use of a strip of land or portion of land by others.

ENGINEER: A professional engineer licensed by the State of Kansas or licensed to practice in the State of Kansas who designs or engineers and inspects public improvements in connection with the approval of plats and construction of related improvements. (See LAND PLANNER and LAND SURVEYOR.)

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

IMPROVEMENTS, PUBLIC: Any street, roadway, alley, sidewalk, planting strip, cross walkway, off-street parking area, sanitary sewer, storm sewer, drainage ditch, water main or other facility for which a governing body may ultimately assume the responsibility for maintenance and/or operation.

LAND PLANNER: A certified professional planner, or a professional architect, engineer, landscape architect or surveyor licensed by the State of Kansas or licensed to practice in the State of Kansas with similar qualifications and experience who is responsible for the design and preparation of a preliminary plat.

LAND SURVEYOR: A licensed land surveyor registered by the State of Kansas or licensed to practice in the State of

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Kansas who is responsible for the survey and preparation of the final plat.

LOT: A portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for development.

1. **LOT, DOUBLE FRONTAGE:** A lot, two opposite lot lines of which abut upon streets that are more or less parallel.
2. **LOT, FLAG:** A lot, tract or parcel of land that provides minimum frontage to a road or street by a narrow strip or land for a driveway and whose main body of land lies to the rear of the property which is adjacent to the road or street. When such lots are permitted, a building setback line must be shown on the recorded plat which is not less than that required by applicable zoning regulations.
3. **LOT, PIANO KEY:** A lot, tract or parcel of land that provides the minimum required frontage to a road or street, but is long and narrow – typically more than 5 times the depth than the width – and where this pattern of development can prevent the efficient division, re-platting, or opening of roads to support planned and future development of the surrounding area.
4. **LOT, REVERSE FRONTAGE:** A lot whose rear lot line also serves as the street line for a limited access highway or street.

LOT DEPTH: The distance between the midpoint of the front lot line and the midpoint of the rear lot line.

LOT LINE: The boundary line of a lot.

LOT SPLIT: The dividing of a lot in a recorded plat or replat of a subdivision into not more than two parcels which creates an additional lot and meets the criteria established within these regulations. A lot split is not created by the transfer or sale of a lot plus a portion of an adjacent lot or the combining of portions of two lots to form a lot that is equal to or larger than the other platted lots in the block so long as an additional lot is not created.

LOT WIDTH: The distance on a horizontal plan between the side lot lines of a lot, measured at right angles to the line establishing the lot depth at the established building setback line.

MINIMUM PAD ELEVATION: The lowest ground elevation completely surrounding a structure or the lowest flood proofed opening into a structure. This elevation is expressed in city datum or mean sea level.

MONUMENT: A device used to mark and identify the corners in the boundaries of subdivisions, blocks, and lots and the points of curves in the street right-of-way. Usually such devices are made of a metallic bar or tube and may or may not be in concrete.

OWNER: Any individual, firm, association, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

PARKING STRIP or PLANTING STRIP: That portion of street right-of-way that is unpaved and which is located between the back of a curb and the street right-of-way line. Such strip provides right-of-way for the installation of public utilities (typically gas and water lines), street signs, street lights, sidewalks, driveways, traffic control devices, fire hydrants, street furniture, street trees and other ancillary uses. The parking strip should not be confused with parking lanes that are often provided for as part of street pavement.

PEDESTRIAN WAY (CROSSWALK): A right-of-way across a block or providing access within a block to be used primarily by pedestrians.

PETITION: A legal instrument that serves as the basis for initiation of a public improvement project. A petition is frequently used during the platting process to guarantee the construction of certain improvements, e.g., street paving, water and sewer lines, drainage, etc. A petition is valid if its signatures are more than 50% either by area within a benefit district or by ownerships. Petitions are also used to initiate the vacation of streets, alleys, easements, other public reservations and plats..)

PLAT: A map or drawing on which the subdivider's plan of the subdivision is presented and which he submits for approval and intends in final form to record.

1. **SKETCH PLAN:** A map or plan of a proposed subdivision made prior to the preparation of the preliminary plat

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to enable the subdivider to save time and expense in reaching tentative general agreements by a discussion of the form and objectives of their regulations.

2. **PRELIMINARY PLAT:** A tentative map or plan of a proposed subdivision of land showing the character and general details of the proposed development.
3. **FINAL PLAT:** A formal document by drawing and writing representing a subdivision that is prepared in accordance with these regulations to be placed on record with the County Register of Deeds.
4. **REPLAT:** A new plat or a revision to a subdivision or portion thereof for which a final plat has previously been recorded. The approval of a replat is processed in the same manner as a final plat.

RESERVE: An area of property within a subdivision that is platted for specific uses, e.g., open space, landscaping, entry monuments, recreational facilities, utilities, drainage, floodway, etc. Typically, future ownership and maintenance responsibilities for a reserve is set forth by a restrictive covenant which provides that homeowners or lot owners association will hold title to the reserve and therefore be responsible for the reserve's maintenance. The restrictive covenant may provide for ownership and maintenance to be tied to the ownership of an adjacent lot. Ownership and maintenance is not assigned to an individual, partnership or corporation except in the case of a reserve platted for possible future sale to a public body for a public facility.

RESTRICTIVE COVENANTS: Contracts entered into between private parties that constitute a restriction on the use of private property within a subdivision for a benefit of property owners and to provide mutual protection against undesirable aspects of development that would tend to impair stability of values. Such restrictions may be set forth in a deed. Restrictions are also placed of record by separate instruments including homeowner association agreements. Restrictive covenants usually run with the land.

RESUBDIVISION: The subdivision of a tract of land that has previously been lawfully subdivided and a plat of such prior subdivision duly recorded. Sometime referred to as "replat".

RIGHT-OF-WAY: The area between boundary lines of a street or other easement.

ROADWAY: That portion of a street, alley or highway right-of-way that has been graded, surfaced or otherwise improved for use by vehicular traffic, exclusive of sidewalks, driveways and related uses.

SCREENING: Fencing or evergreen vegetation maintained for the purpose of concealing from view the area behind such fencing or vegetation. When fencing is used for screening, it shall be not less than six nor more than eight feet in height, unless otherwise provided.

SIDEWALK: That portion of a street or pedestrian way, paved or otherwise surfaced, intended for pedestrian use only.

STREET: The entire right-of-way 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", "lane", "place", "avenue", "alley", or other similar designation.

STREET WIDTH: The shortest distance between lines delineating the right-of-way of a street.

SUBDIVIDE LAND: To partition a parcel of land into two or more parcels, tracts, lots or sites for the purpose of transfer of ownership or development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership.

SUBDIVIDER: The owner, or any other person, firm or corporation authorized by the owner, undertaking proceedings under the provisions of these regulations to subdivide land.

SUBDIVIDER'S AGREEMENT: A contractual agreement signed and notarized by the subdivider and the governing body that is conditioned upon acceptance of the final plat for the dedication thereon with primary concern for the design, installation, inspection and financing or guarantees for public improvements.

SUBDIVISION: Either an act of subdividing land as defined in this section or a tract of land subdivided.

SUBDIVISION ADMINISTRATOR: A person appointed by the Mayor with the consent of the City Council as administrator of these regulations.

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TURNAROUND: An area at the closed end of a street with a single common ingress and egress within which vehicles may reverse their direction.

VISION TRIANGLE: A triangular area at the intersection of streets maintained in such a manner as to provide a safe and open line of vision for drivers of vehicles approaching the intersection.

WATERCOURSE: A stream of water having a course, current and cross-section.

WETLAND: A land area that is saturated by surface water or ground water at frequencies and durations sufficient to support a prevalence of plant life typically adapted for life in saturated soil conditions and as defined in Section 404, Federal Water Pollution Control Act of 1972 as amended, and delineated on maps prepared by the U.S. Fish and Wildlife Service and as field verified by on-site inspection.

113 SEPARABILITY AND SEVERABILITY

If any part of provision of these regulations is adjudged unconstitutional or otherwise invalid by any court of competent jurisdiction, then such part or provision shall be considered separately and apart from the remaining parts or provisions of these regulations, and said part or provision to be completely severable from the remainder of these regulations, and the remainder provisions of these regulations shall remain in full force and effect.

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201 ADMINISTRATIVE PLATS

A. Applicability. The following types of land division may apply for administrative plats:

1. ***Minor Subdivision.*** A minor subdivision shall meet the following requirements:
 - a. The division of a previously unplatted parcel into no more than five lots;
 - b. Each lot and any remainder parcel shall meet the standards of these regulations, and the remainder parcel shall demonstrate the capability of further division in accordance with these regulations;
 - c. The division shall create no more than 5 lots;
 - d. The parcel shall not be part of a parent parcel that was previously divided through an administrative plat, and any remainder parcel of the subject application will be ineligible for future application of an administrative plat process;
 - e. No significant impact on public facilities or services will result from the split; and
 - f. No public street or easement of access is sought to be dedicated or is planned or anticipated through (as opposed to adjacent to) the parcel proposed to be subdivided.

2. ***Lot Line Adjustment.*** A lot line adjustment shall meet the following requirements:
 - a. The adjustment of lot lines on previously platted lots that impacts no more than 4 lots;
 - b. The line adjustment creates no new lots;
 - c. All resulting lots meet the standards of these regulations;
 - d. No public street or easement of access is sought to be dedicated or is planned or anticipated through (as opposed to adjacent to) the lots.

3. ***Lot Merger.*** A lot merger shall meet the following requirements:
 - a. The combination of up to 3 previously platted lots into two lots or a single lot;
 - b. All resulting lots meet the standards of these regulations;
 - c. No significant impact on public facilities or services will result from the merger;
 - d. No public street or easement of access is sought to be dedicated or is planned or anticipated through (as opposed to adjacent to) the lots proposed to be merged; and
 - e. No public street or easement of access is vacated.

4. ***Lot Split.*** A lot split shall meet the following requirements:
 - a. The division of a previously platted lot into no more than two lots
 - b. Each resulting lot shall meet the standards of these regulations;
 - c. The lots shall not have been created or adjusted through any previous administrative plat procedure;
 - d. No significant impact on public facilities or services will result from the split; and

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- e. No public street or easement of access is sought to be dedicated or is planned or anticipated through (as opposed to adjacent to) the parcel proposed to be subdivided.
5. **Survey Plat.** A survey plat shall meet the following requirements:
- a. The lot shall be previously approved on a final plat, but be part of a development scheme where the final and actual legal description of the lot cannot be known until site development or construction.
 - b. The previously approved final plat shall indicate the specific lots that will be finally approved through a survey plat;
 - c. All lots shall be in conformance with the final plat and any parameters placed on subsequent survey plats; and
 - d. The plat shall be signed and sealed by a land surveyor licensed in the state of Kansas.
- B. **Official Filing and Fee.** An applicant for an Administrative Plat shall submit 3 copies of a complete application meeting the requirements in Article 3 of these regulations to the City Clerk with the official filing fee in the City's approved schedule of fees. Within 15 days of the submittal, the City shall notify the applicant in writing if the application is complete, and if not, what deficiencies exist.
- C. **Administrative Review.** The Subdivision Administrator shall review all complete applications for an Administrative Plat according to the following criteria:
- a. The proposed application is in accordance with the general development characteristics and policies of the Comprehensive Plan, and any other plan or program of the City adopted under the general guidance of the Comprehensive Plan;
 - b. The proposed land division is consistent with the general development patterns of the area, so that it will not unduly and adversely affect current and future planned development opportunities on adjacent land;
 - c. All parcels, including any proposed development, are in conformance with any zoning regulations applicable to the subject property;
 - d. The application is in conformance with these subdivision regulations;
 - e. All proposed lots will have adequate water and wastewater, and front on an existing street.
 - f. The application is in conformance with any approved development plans for the property; and
 - g. The application satisfies all eligibility standards for the specific type of Administrative Plat.
- The Subdivision Administrator may submit any administrative plat for review and recommendations to affected and interested governmental agencies and public and private utility providers at his discretion.
- D. **Decision.** Within 30 days of the Notice of Complete Application, or a mutually agreed upon extension by the applicant and Subdivision Administrator, the Subdivision Administrator shall notify the applicant in writing of one of the following actions:
- a. The application is recommended for approval and in compliance with these regulations.
 - b. The application is not approved. The Subdivision Administrator shall state specifically what deficiencies exist. Or;
 - c. The application is referred to the Planning Commission due to specific potential impacts of the application, or for any issues that could alter its status as an Administrative Plat according to these regulations.
- E. **Approval of Planning Commission.** Administrative Plats with the approval recommendation of the Subdivision Administrator shall be scheduled for Approval of Planning Commission on the consent agenda of its next available meeting. The Planning Commission may remove the item from the consent agenda for discussion and consideration by a motion of a commission member, with the second and concurrence of two other members.
- F. **Effect of Approval.**
- 1. **Recording.** Any approved Administrative Plat shall be recorded by the applicant at the office of the Recorder of Deeds of Sedgwick County, prior to being effective.
 - 2. **Expiration.** Any approval shall only be valid for 6 months. Failure to record the Administrative Plat within 6 months shall result in the expiration of the approval and any division of land shall require a new application submittal.

202 SKETCH PLANS

The subdivider may, if deemed desirable, submit a sketch plan in order to receive the pre-plat comments of the Subdivision Committee and/or the Planning Commission that may prove helpful in designing the preliminary plat. Three copies of the sketch plan should be submitted to the Subdivision Administrator in a simple format sufficient to convey the location of proposed streets and utilities, the general layout of lots, and to note any particular design situations that could benefit from an early discussion of the problems. One copy of the sketch plan shall be returned to the subdivider with notations marked as to the comments resulting from such a review process. No fee shall be charged for the sketch plan review.

203 PRELIMINARY PLATS

- A. **Applicability.** Any division of land that does not qualify for an Administrative Plat shall require a preliminary plat.
- B. **Official Filing and Fee.** An applicant for an Preliminary Plat shall submit 25 copies of a complete application meeting the requirements of these regulations to the City Clerk with the official filing fee in the City's approved schedule of fees.
1. The Clerk shall immediately transmit nine copies of the preliminary plat to the Secretary of the Planning Commission, and one copy of the preliminary plat to the Subdivision Administrator. The date of submission to the Secretary of the Planning Commission shall be the official filing date unless the Subdivision Administrator determines that the application is incomplete, in which case the date of submission of all necessary data and information shall be the official filing date.
 2. Within 15 days of the submittal, the Subdivision Administrator shall notify the applicant in writing if the application is complete, and if not, what deficiencies exist.
 3. The Subdivision Administrator may require additional copies of the application to distribute to other necessary parties for review.
 4. Complete applications submitted with the applicable fee shall be scheduled for review at the first available regularly scheduled Planning Commission meeting outside of 20 days after the official filing date, unless the applicant agrees to another date.
- C. **Administrative Review.** After filing of the preliminary plat, the Subdivision Administrator shall distribute copies to affected and interested governmental and public and private organizations as appropriate. Organizations receiving copies shall have 15 days to review the preliminary plat and to make their comments and recommendations to the Planning Commission. A lack of response in 15 days shall, at the discretion of the Planning Commission, signify approval, unless during this period a written request for an extension of one time only not to exceed 15 days is submitted to the Planning Commission.
- D. **Planning Commission Review.** The Planning Commission shall review the preliminary plat according to the following:
1. **Format and Timing.** The Planning Commission shall review the application at their first regularly scheduled meeting that occurs more than 20 days after the official filing, unless a different time is agreed to by the applicant and Planning Commission. The Planning Commission may delay consideration to the following regular meeting if other applications have filled the regular agenda.
 2. **Review Criteria.** In review of the application, the Planning Commission shall consider the following criteria:
 - a. The comments and recommendations of the organizations to whom the preliminary plat had been submitted for administrative review.
 - b. The subdivision reflects the development concepts, principles and policies in the Comprehensive Plan, and any specific plan or program officially adopted under the Comprehensive Plan.
 - c. The effect of the proposed subdivision with regard to the public interest, and in particular its relationship to surrounding parcels which may be subsequently developed or existing development patterns, and that sound long-range planning principles are represented in the application;
 - d. Conformity of the proposed subdivision with the provisions of these regulations;

- e. All parcels, including any proposed development, are in conformance with any zoning regulations applicable to or proposed for the subject property;
 - f. The suitability of the area for the proposed development, with special attention to topographic and subsurface conditions and to the availability of utility services;
 - g. Any phasing of the subdivision and the schedule for development of final plats is clearly indicated and demonstrates a logical and well-planned development pattern. This may include consideration of amenities and public facilities of the subdivision within each phase compared to the anticipated timing or the likelihood of future phases being constructed.
 - h. The adequacy of all available and applicable modes of transportation and the effect that the application will have on long-range transportation plans and patterns;
 - i. The effect of the proposed subdivision on historic sites, woodlands, streams and other features of the environment;
 - j. Any impacts identified in specific studies or technical reports that were prepared or requested to be prepared in association with the application, and whether the findings and recommendations of these reports, or any modifications or conditions on approval of the application, can mitigate these impacts;
 - k. The plat is designed with regard to all other federal, state, or local regulations which may impact development of the land and has or is likely to receive all necessary approvals of any other government body or agency.
3. **Decision.** Within 60 days of the official filing date and after the Planning Commission review, the Planning Commission shall, by a majority vote of the members present and voting, take one of the following actions:
- a. Approve the preliminary plat;
 - b. Approve the preliminary plat with specific conditions or suggested modifications that make the plat conform to the review criteria. The applicant may concur with the conditions or modifications and proceed with the application as approved, or the applicant may reject the conditions or modifications and the application shall be considered denied by the Planning Commission;
 - c. Deny the preliminary plat and indicate the specific review criteria which are not met by the application; or
 - d. Continue the application for further study of specific details or submittal of additional specific information necessary to determine if it meets the review criteria. An application may be continued once to the next regular meeting at the Planning Commissions' discretion, or may be continued more than once or to a different date with the concurrence of the applicant.

The Planning Commission shall notify the applicant of the decision in writing. If the Planning Commission fails to take action within 60 days after the official filing or other timeframe specifically provided in this section, the application shall be deemed approved.

4. **Effect of Approval.** Approval of the preliminary plat shall not constitute approval of the subdivision by the Planning Commission, but shall signify in general the acceptability of the proposed subdivision and authorize the preparation and submittal of a final plat application. The approval of a preliminary plat shall be effective for no more than 12 months from the date of approval, unless, upon application from the subdivider, the Planning Commission grants an extension of time beyond such period. If a final plat for the entire subdivision or a unit thereof has not been filed with the Subdivision Administrator within such period, or any extensions granted thereto, the preliminary plat must be resubmitted to the Commission as if such plat had never been approved, except that no additional fee shall be charged for such resubmittal if there are no substantive changes from the previous preliminary plat approval.

203 FINAL PLATS

- A. **Applicability.** Any proposed division of land that has an approved and currently valid preliminary plat may submit a final plat. A final plat may be submitted as a unit development for a portion of an approved preliminary plat, provided that the portion of land is indicated as part of a phasing plan on the preliminary plat, or otherwise accomplishes to orderly division and development of land and sound planning in the sole discretion of the Planning Commission.

- B. **Official Filing and Fee.** An applicant for a Final Plat shall submit 25 copies of a complete application meeting the requirements of these regulations to the City Clerk with the official filing fee in the City's approved schedule of fees.
1. The Clerk shall immediately transmit nine copies of the final plat to the Secretary of the Planning Commission, and one copy of the final plat to the Subdivision Administrator. The date of submission to the Secretary of the Planning Commission shall be the official filing date unless the Subdivision Administrator determines that the application is incomplete, in which case the date of submission of all necessary data and information shall be the official filing date.
 2. Within 15 days of the submittal, the Subdivision Administrator shall notify the applicant in writing if the application is complete, and if not, what deficiencies exist.
 3. The Subdivision Administrator may require additional copies of the application to distribute to other necessary parties for review.
 4. Complete applications submitted with the applicable fee shall be scheduled for review at the first available regularly scheduled Planning Commission meeting outside of 20 days after the official filing date, unless the applicant agrees to another date.
- C. **Administrative Review.** After filing of the final plat, the Subdivision Administrator shall distribute copies to affected and interested governmental and public and private organizations as appropriate. Organizations receiving copies shall have 15 days to review the final plat and to make their comments and recommendations to the Planning Commission. A lack of response in 15 days shall, at the discretion of the Planning Commission, signify approval, unless during this period a written request for an extension of one time only not to exceed 15 days is submitted to the Planning Commission.
- D. **Planning Commission Review.** The Planning Commission shall review the final plat according to the following:
1. **Format and Timing.** The Planning Commission shall review the application at their first regularly scheduled meeting that occurs more than 20 days after the official filing, unless a different time is agreed to by the applicant and Planning Commission. The Planning Commission may delay consideration to the following regular meeting if other applications have filled the regular agenda.
 2. **Review Criteria.** In review of the application, the Planning Commission shall consider the following criteria:
 - a. The comments and recommendations of the organizations to whom the preliminary plat had been submitted for administrative review.
 - b. The application is in substantial conformance with an approved preliminary plat, including all conditions on approval of the preliminary plat.
 - c. Any deviations proposed from the Preliminary Plat may only be approved if:
 - (1) They are minor deviations that do not impact the number or relationship of lots within the plat, the streets and public facilities within the plat, or any property outside of the plat including its future development potential.
 - (2) Any deviation is the minimum deviation necessary to fulfill the development concept approved in the preliminary plat,
 - (3) The need for the deviations is due to physical circumstances that could not have been reasonably discovered at the time of the Preliminary Plat;
 - (4) The deviations result in no material change in the development concept approved in the Preliminary Plat;
 - (5) The Final Plat is in conformance with all other criteria for approval and all other provisions of these regulations.
 - d. Conformity of the proposed subdivision with the provisions of these regulations;
 3. **Decision.** Within 60 days of the official filing date and after the Planning Commission review, the Planning Commission shall, by a majority vote of the members present and voting, take one of the following actions:
 - a. Approve the final plat;
 - b. Approve the final plat with specific conditions or suggested modifications that make the plat conform to the review criteria. The applicant may concur with the conditions or modifications and proceed with the application as approved, or the applicant may reject the conditions or modifications and the application shall be considered denied by the Planning Commission; or
 - c. Deny the final plat and indicate the specific review criteria which are not met by the application.

The Planning Commission shall notify the applicant of the decision in writing. If the Planning Commission fails to take action within 60 days after the official filing or other timeframe specifically provided in this section, the application shall be deemed approved.

4. **Effect of Approval.** Approval of a final plat shall authorize the applicant to propose public dedications to the Governing Body, submit the plat for recording, and commence construction in accordance with the final plat. A final plat shall be valid for one year following the date of approval by the Planning Commission. Failure to commence substantial construction in accordance with an approved and recorded final plat within the time period shall invalidate the plat and require submittal of a new preliminary plat prior to any construction. The Planning Commission may grant one extension for up to an additional year if the construction is delayed by circumstances beyond the applicants control and the planning considerations for the property and surrounding areas have not changed.

- E. **Submittal to Governing Body.** Before a final plat is recorded, it shall be submitted to the Governing Body for its acceptance of dedications for street rights-of-way and other public ways, drainage and utility easements, and any land dedicated for public use and accompanied by guarantees for the installation of required improvements according to Article 5 of these regulations.
 1. **Timing.** The Governing Body shall review the dedications at its first regular meeting following submittal to the Governing Body, unless a different time frame agreed to by the applicant.
 2. **Decision.** Within 30 days after the review, the Governing Body shall, by a majority vote of the members present and voting, take one of the following actions:
 - a. accept the dedication;
 - b. not accept the dedication and advise the Planning Commission and subdivider in writing of its reasons; or
 - c. Defer the action an additional 30 days for the purpose of allowing modifications to comply with requirements for dedications or public facilities established by the governing body. If the governing body defers action, it shall notify the Planning Commission and subdivider in writing of its reasons.

- F. **Recording.** The final plat with all required signatures and in the exact form as accepted by the Governing Body shall be recorded by the subdivider with the County Register of Deeds. The subdivider shall pay the recording fee and any outstanding real estate taxes and special assessments. Approval of the final plat by the Planning Commission and acceptance by the Governing Body shall be null and void if the plat is not acceptable for recording in the office of the Register of Deeds or is not recorded within 60 days after final approval by the Governing Body. The subdivider shall submit to the Subdivision Administrator such number of copies and an electronic version of the recorded plat as is necessary for record keeping purposes of the City and other affected governmental agencies.

- G. **Unit Developments.** For phased developments, an approved preliminary plat may be submitted for final approval in separate geographic units rather than as a whole, provided the following conditions are met:
 1. Each unit of a plat subdivision shall contain an area of sufficient size based on physical conditions and ability to install improvements economically.
 2. The approval of the Planning Commission as to the feasibility of such development, in separate units, including the feasibility of the proposed sequence of development, shall be secured.
 3. A final plat of at least one unit shall be filed within 12 months from the date of approval of the preliminary plat, and final plats of all such units shall be filed within five years from the date that the preliminary plat was approved. The Planning Commission on application of the subdivider, may, from time to time, grant extensions of time within which to submit such final plats, provided that each extension shall be for no more than one year.
 4. All steps required for the approval of final plats, including the recording thereof, shall be adhered to with respect to each unit so submitted.
 5. A replat of all or a portion of a recorded final plat may be submitted at any time.

205 VACATIONS AND CORRECTIONS

A. Vacation of Unrecorded Plat.

1. Upon written request of the subdivider to the Planning Commission, a preliminary or final plat may be withdrawn from consideration either before or after approval by the Commission. Upon approval

of the request by a motion of the Commission, the Subdivision Administrator is automatically directed to remove the case file from the City records.

2. Upon written request of the subdivider to the Clerk, a final plat for which dedications, if any, have been accepted by the Governing Body may be vacated by motion of the Governing Body; provided, that (1) the plat has not been recorded; (2) no lots have been sold or transferred; and (3) no improvements have been installed. After the plat is vacated, the Administrator shall see that all fiscal sureties are returned to the subdivider except for those expenditures that have been incurred by the City in administrative, legal or engineering costs prior to the date of the request for vacation. Upon the return of such sureties, the Administrator is automatically directed to remove the case file including any petitions from the City records.
 3. Upon determining from the County Register of Deeds that a final plat has not been recorded within 60 days from its final acceptance by the Governing Body, the Administrator shall notify the subdivider that the plat is null and void and that the case file will be removed from the City records within 30 days unless a reapplication for platting is received during that time.
- B. Vacation of Recorded Plat.** Recorded plats may be vacated by either replatting according to this sub-section or directly vacated according to sub-section D. According to K.S.A. 12-512b, any recorded plat or part thereof or street, alley or other public reservation, including, without limitation, easements, dedicated building setback lines and access control, whether established by instrument, condemnation or earlier plats, shall be vacated both as to use and as to title without any further proceedings upon the filing and recording with the County Register of Deeds in accordance with K.S.A. 12-403, any plat or replat duly executed in accordance with these regulations which embraces the same lands as those heretofore embraced by the earlier plat or part thereof or street, alley or other public reservation. Streets, alleys or other public reservations which may be vacated shall revert, as provided for in K.S.A. 12-506, to abutting property owners according to their frontage thereon; provided, that such land to be reverted was derived directly or indirectly from the owner of the land from which such street, alley or public reservation was originally platted. The proper completion of the Owner's Certificate and Dedication as required by Section 5-101 Q 2 shall constitute appropriate notice to all persons having property rights or interest affected by the above platting or replatting.
- C. Correction of Platting Errors.** According to K.S.A. 12-420, procedures are provided to correct certain platting errors. If, after recording a final plat, an error is found in distances, angles, bearings, subdivisions or street names, block or lot numbers, the computation of dimension or elevation or other details of the plat, except in connection with the outer boundaries of the plat, and if the property described in that part of the plat containing the error is under the ownership of the person who caused the plat to be prepared, the City Engineer, after substantiation of the existence of the error, may file an affidavit with the County Register of Deeds that the error was made. The affidavit shall describe the nature and extent of the error and the appropriate correction. The Register of Deeds shall record the affidavit and shall place in the margin of the recorded plat a notation that the affidavit has been filed, the date of the filing and the book and page where it is recorded. The filing of the affidavit shall correct any such errors, but shall have no effect on the validity of the plat or any property interest recorded by reference thereto. A copy of the recorded affidavit shall be filed with the Subdivision Administrator. The City will bill the person requesting the correction for engineering costs and recording fees.
- D. Vacation of Streets, Alleys, Easements and Plats.** According to K.S.A. 12-504 and 505, the following procedures are provided to vacate streets, alleys or other public reservations such as, but not limited to public easements, dedicated building setback lines, access control, or a part thereof, and including all or parts of recorded plats: * Note: The same statutory procedure may be used to exclude a portion of land from the boundaries of the City, i.e., the land could also be "deannexed".
1. Petitions for vacations received from the Governing Body, the owner of platted land or the owner of land adjoining on both sides of any street, alley, easement or other public reservation may be filed with the Clerk and transmitted to the Subdivision Administrator for processing. All nongovernmental petitioners will be billed a processing fee.
 2. The Planning Commission shall give public notice of a hearing on a proposed vacation by publication once in the official city newspaper by the Subdivision Administrator. At least **20 days shall elapse** between the date of such publication and the date set for such hearing. Such notice shall state (1) the nature of the vacation petitions, (2) the legal description of the property and (3) the date, time and place for the hearing before the Planning Commission. The notice may contain the information that the hearing may be adjourned from time to time upon a motion to continue in

the future at some stated date, time and place. Furthermore, the Commission by rule shall mail a notice at least **20 days before the hearing** to all affected utility providers; all owners of land proposed for vacation; all landowners abutting a street, alley or easement including any segment remaining open; and owners on the opposite side of the street from vacations of setbacks and access control. The petitioner(s) shall provide a list of such landowners as required by the Subdivision Administrator, including names, addresses and zip codes. Such notice to providers and landowners shall be mailed so that at least **20 days shall elapse** between the mailing date and the hearing date.

3. The Planning Commission shall hold a public hearing to consider a recommendation to the Governing Body as to whether the vacation should be approved or disapproved and with or without conditions attached. At the hearing, the Planning Commission shall hear such testimony as may be presented or as may be required in order to fully understand the true nature of the petition and the propriety of recommending the same. If the Planning Commission determines from the testimony presented that:
 - a. Due and legal notice has been given;
 - b. No private rights will be injured or endangered;
 - c. The public will suffer no loss or inconvenience; and
 - d. In justice to the petitioner(s) the vacation should be granted;
 then the Planning Commission shall recommend that such vacation be approved and entered at length in the minutes. Such recommendation may provide for the reservation to the City and/or the owners of any lesser property rights for public utilities, rights-of-way and easements for public service facilities originally located in such vacated land or planned for the future. The recommendation may be conditioned upon the petitioner's responsibility to remove or relocate all underground or surface utilities or paving in or on the vacated land.
4. The petition shall not be recommended by the Planning Commission nor granted by the Governing Body if a written objection is filed with the Clerk, at or before the hearing, by any owner who would be a proper party to the petition, but has not joined therein. Furthermore, when only a portion of a street, alley or public reservation is proposed to be vacated, the petition shall not be recommended by the Planning Commission nor granted by the Governing Body if a written objection is filed with the Clerk by any owner of lands that adjoin the portion to be vacated.
5. The recommendation of the Planning Commission to the Governing Body shall be made in the same manner as provided by K.S.A. 12-752 for the submission and approval of a final plat. The Planning Commission shall announce at their hearing when the Governing Body will consider the recommendation on the vacation.
6. Following the approval of the vacation by the Governing Body in the form of an order, the Clerk shall certify a copy of the order to the County Register of Deeds; however, such certification shall be withheld until such time as any conditions attached to the order have been satisfied. The Register of Deeds shall note on the recorded plat of the "townsite," i.e., the City, or the applicable platted addition, the words, "canceled by order" or "canceled in part by order" and give the book and page where recorded.

206 WAIVERS AND MODIFICATIONS.

- A. **Applicability.** This Section provides limited flexibility in the application and interpretation of the Subdivision Regulations through a waiver or modification process. The waiver or modification process shall ensure that the best design solutions are applied in laying out streets, blocks, lots, and open spaces in order to best implement the Comprehensive Plan for the City.
 1. **Waiver.** A waiver is the relief from any design standard contained in these regulations.
 2. **Modification.** A modification is the application of an alternative design standard in place of a standard contained in these regulations.
- B. **Waiver Criteria.** Waivers to the standards of these regulations may be granted where the Planning Commission finds that all of the following conditions exist:
 1. An extraordinary hardship may result from strict compliance with these regulations due to unusual topographic or other physical conditions of the land or surrounding area not typical to other lands in the area; or alternatively, the purpose and intent of the regulation is not applicable to the specific development site and proposal and could not be achieved by any alternative standard.

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2. The physical condition or inapplicability of the purpose and intent is beyond the control of the applicant and shall not be due to the convenience or needs of a specific application or development proposal
 3. The requested waiver is the minimum deviation from the required standard necessary to relieve the hardship.
 4. The requested waiver shall not alter or impact any specific standard contained in any applicable zoning regulations.
 5. The requested waiver shall not compromise the intent or goals in any other standard of these regulations, or the goals of the Comprehensive Plan, with respect to the proposed plat and with respect to any adjacent sites.
 6. The waiver shall not have an adverse affect on existing adjacent landowners, potential future landowners in and adjacent to the subdivision, existing or potential development in adjacent areas, or the public.
 7. The waiver is necessary to promote efficient development of the land and surrounding areas based on sound planning principles.
- C. **Modification Criteria.** Modifications to the standards of these regulations may be granted where the Planning Commission finds that all of the following conditions exist:
1. An equal or better result, considering the Comprehensive Plan, the purposes of these regulations, and the intent of the specific design standard being modified, may be achieved with an alternative standard.
 2. The plat shall propose an alternative to the required standard for which the modification is requested, including documented evidence of the potential public and long-term benefits that can result from the alternative standard.
 3. The physical condition of property, and the proposed development application, are unique so that the alternative standard may not be generally applicable throughout the City.
 4. The requested modification is the minimum deviation from the required standard necessary to achieve the purpose and intent of these regulations and the public benefits of the alternative standard.
 5. The requested modification shall not alter or impact any specific standard contained in any applicable zoning regulations.
 6. The requested modification shall not compromise the intent or goals in any other standard of these regulations, or the goals of the Comprehensive Plan, with respect to the proposed plat and with respect to any adjacent sites.
 7. The modification shall not have an adverse affect on existing adjacent landowners, potential future landowners in and adjacent to the subdivision, existing or potential development in adjacent areas, or the public.
 8. The modification is necessary to promote efficient development of the land and surrounding areas based on sound planning principles.
- D. **Decision.** Waivers or modifications shall be identified on the application for a preliminary plat or in the preliminary plat process, and shall only be effective upon approval of a final plat, in the sole discretion of the Planning Commission.
- E. **Conditions.** In granting approval of a subdivision with a waiver or modification, the Planning Commission may require that conditions to secure the objectives and interest of the City, and to enforce purposes and intent of these regulations.

207 APPEALS.

- A. **Appeals General.** The subdivider of a proposed subdivision may appeal decisions made in the enforcement of these regulations by the Subdivision Administrator to the Planning Commission and by the Planning Commission to the Governing Body. In the event the Governing Body sustains the Planning Commission, the actions of the Planning Commission shall be final except as otherwise provided by law. If the Governing Body overrules the Planning Commission, the Governing Body shall make its decision in writing or in the minutes of the meeting, stating the reason therefore and return such decision and plat to the Planning Commission for consideration of reapproval.
- B. **Appeals on Improvement Standards.** Any appeal as to approval of standards or plans and engineering drawings in connection with required improvements shall be directed to the Governing Body and that action shall be final.

208 AMENDMENTS.

- A. **Amendment Procedure.** These regulations may be amended at any time after the Planning Commission shall have held a public hearing on the proposed amendment. A notice of such public hearing shall be published once in the official city newspaper so that at least 20 days shall elapse between the publication date and the date of such hearing. Such notice shall fix the time and place for the hearing and shall describe such proposed amendment(s) in general terms. The hearing may be adjourned from time to time. At its conclusion, the Planning Commission shall prepare its recommendations and by an affirmative vote of a majority of the entire membership of the Commission adopt the proposed amendments to these regulations and submit them, together with the written summary of the hearing thereon, to the Governing Body. The Governing Body either may: (1) Approve such recommendations by ordinance; (2) override the Planning Commission recommendation by a 2/3 majority vote; or (3) return the same to the Commission for further consideration, together with a statement specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Commission's recommendations, the Commission after considering the same, may resubmit their original recommendations giving the reasons therefore or submit new and amended recommendations. Upon the receipt of such recommendations, the Governing Body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendations by an ordinance, or it need take no further action thereon. If the Commission fails to deliver its recommendations to the Governing Body following the Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Commission as resubmission of the original recommendations and proceed accordingly. The amended regulations shall become effective upon publication of the respective adopting ordinance. A copy of such legal publication shall be added to the Appendix of these regulations.
- B. **Annual Review.** In order to maintain these regulations, the Planning Commission shall annually hold a public review at its regular meeting in January to consider amendments, if any, to these regulations. Notification of such a public review may be distributed to governmental agencies and interested parties. If amendments are deemed desirable, the amendment procedure as described in Section 12-100 shall be followed. During the intervening period between reviews, the Subdivision Administrator shall maintain a list of possible amendments that may be periodically brought to his or her attention.
- C. **Judicial Review.** As provide in K.S.A. 12-760, as amended, any ordinance, regulation or decision provided for or authorized by these regulations shall be reasonable and any person aggrieved thereby may have the reasonableness of any decision determined by bringing an action against the City within 30 days after a final decision is made by the City. Such action shall be brought in the Sedgwick County District Court.

ARTICLE 3. SUBMITTAL REQUIREMENTS

301	ADMINISTRATIVE PLATS
302	SKETCH PLANS
303	CONTENTS OF PRELIMINARY PLATS
304	CONTENTS OF FINAL PLAT

301 CONTENTS OF ADMINISTRATIVE PLAT.

Administrative plats shall include any information from the requirements for a Preliminary Plat that are necessary to demonstrate compliance with these regulations and all information from the Final Plat requirements necessary for recording the plat.

302 CONTENTS OF SKETCH PLANS.

Sketch Plans shall require no formal contents but shall include sufficient data and information on the existing conditions of the site, the proposed development, and the surrounding planned and existing conditions to evaluate the merits of the application as a concept and its ability to generally meet the requirements of these regulations

303 CONTENTS OF PRELIMINARY PLAT.

- A. **Preparation Requirements.** 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.
- B. **General Information.** The following general information shall be shown on the preliminary plat.
1. Proposed name of the subdivision not duplicating or resembling the name of any plat theretofore recorded within the area of jurisdiction of these regulations. The use of the word "Addition" should be used for a plat that has just been or is in the process of being annexed and not for the subdivision of land already in the City.
 2. Date of preparation, north point and scale of drawing.
 3. An identification clearly stating that the drawing is a preliminary plat.
 4. Location of the subdivision by quarter section, section, township and range and by measured distances to a section corner to further define the location and boundary of the tract.
 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 landowner, the subdivider and the name and seal of the land planner who prepared the plat and surveyor who did the topographic survey.
- C. **Existing Conditions.** The following existing conditions shall be shown on the preliminary plat:
1. The location, right-of-way, width and names of all existing public or private street within or adjacent to the tract, together with easements, railroad rights-of-way and other important features such as section lines and corners, city and township boundary lines and monuments.
 2. The horizontal location within the subdivision and the adjoining streets and property of existing sanitary and storm water sewers including flow lines, water mains, culverts, catch basins, manholes, hydrants, underground wiring, pipe lines, and gas lines proposed to serve the subdivision.
 3. Contour lines or spot elevations based on Mean Sea Level (MSL) or other datum approved by the Planning Commission having the following intervals.

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- a. Two-foot contour intervals for ground slopes less than 10%.
 - b. Five-foot contour intervals for ground slopes exceeding 10%.
 - c. Spot elevation where the ground is too flat for contours.
The date of the topographic survey shall be shown including the location, elevation and description of the benchmark controlling the vertical survey.
 - 4. Locations of existing monuments or survey markers used in preparation of the survey.
 - 5. The location and direction of all watercourses and areas subject to flooding as determined by Section 6-104.
 - 6. Significant natural features including, but not limited to rock outcroppings, wetlands, lakes and wooded areas.
 - 7. Existing use of the property including the location of all existing structures showing those that will be removed and those that will remain on the property after the final plat is recorded.
 - 8. Boundary line of proposed subdivision clearly indicated and total acreage therein.
 - 9. Zoning district classifications on and adjacent to the tract, if any.
- D. **Proposed Subdivision Plat.** 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:
- 1. Streets showing the location, right-of-way, width and approximate grades thereof. The preliminary plat shall show the relationship of all streets to any projected streets shown or to any related Comprehensive Plan proposal or, if none proposed, then as determined by the Planning Commission.
 - 2. Street names which do not duplicate any theretofore used in the City or its environs, unless the street is an extension of or in line with an already named street, in which event that name shall be used. Appropriate prefixes and suffixes which provide relative direction and type of street should accompany such names. Street names shall be subject to the approval of the Planning Commission and follow the City's Street Naming and Property Numbering Policy, if adopted. Property numbers are assigned by the City.
 - 3. Easements, showing width and purpose such as for utilities, drainage, screening, open space, pedestrian ways and alleys.
 - 4. Location and type of utilities to be installed.
 - 5. Lots showing approximate dimensions, minimum lot sizes and proposed lot and block numbers.
 - 6. Sites, if any, to be allocated for development with other than single-family dwellings or to be dedicated or reserved for park, recreation area, open space or other public or private purposes.
 - 7. Proposed building setback lines, if any, but not less than applicable zoning regulations. The setback should be measured from the existing or proposed street right-of-way, whichever is a greater distance.
- E. **Additional Data and Information.** The following information shall be submitted in separate statements and/or drawings accompanying the preliminary plat, or, if practical, such information may be shown on the preliminary plat.
- 1. A vicinity map showing existing subdivisions, streets and unsubdivided tracts adjacent to the proposed subdivision and showing the manner in which the proposed streets may be extended to connect with existing streets.
 - 2. A statement as to the nature and type of improvements proposed for the subdivision, and in what manner the subdivider intends to finance and provide for their installation, e.g., petition, actual construction, monetary guarantee, etc.
 - 3. If deemed necessary, a preliminary drainage plan based on standards and policies of the City.

304 CONTENTS OF FINAL PLAT.

- A. **Preparation Requirements.** The final plat shall be prepared in the following manner:
- 1. Be prepared by a licensed land surveyor and
 - 2. Be drawn in waterproof black ink on Mylar or its equivalent. Alternatively, a final plat may be prepared with a photographic process provided it is submitted on .004-inch polyester photographic film such as Mylar or its equivalent and/or a .pdf version on a compact disc.
 - 3. The permitted page sizes shall be 24 inches by 36 inches or smaller. Larger sizes will not be accepted. 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 relations to other sheets (e.g., Sheet 1 of 3).
 - 4. The scale shall be not less than 100 feet to one inch except that a variation in scale may be allowed where the Planning Commission determines it is necessary for a proper exhibit of the subdivision. Linear dimensions shall be given in feet and decimals of a foot.

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- B. **General Information.** The final plat shall include the following general information:
1. The name of the subdivision followed by a reference to its location by quarter section, section, township and range.
 2. The date of preparation, scale, north point, legend and controlling physical features, such as highways, railroads, watercourses and areas subject to flooding as determined by 404 of these regulations.
 3. Legal description of the tract boundaries and Land Surveyor's Certificate.
 4. Reference ties to previous surveys and plats, including required monuments according to Article 5, as follows:
 - a. Distance and direction to the monuments used to locate the land described in the certificate of survey.
 - b. The location of all other monuments required to be installed by these regulations.
 5. Location and elevation of permanent bench mark, if required.
 6. Tract boundary, block boundary, street and other right-of-way lines with distances and angles (and/or bearings). Where these lines follow a curve (all curves must be circular), the central angle, the radius, points of curvature, length of curve and length of intermediate tangents shall be shown. Error of closure of the perimeter survey shall not exceed one foot for each 10,000 feet.
- C. **Plat Specifications.** The plat shall include the following specific dimensional and proposed development specifications
1. Lot lines with dimensions. Points of deflection of rear lot lines shall be indicated by angles and distances.
 2. Lot numbers beginning with number one and numbered consecutively in each block.
 3. Block letters or numbers continuing consecutively without omission or duplication throughout the subdivision. Such identification shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure.
 4. Perimeter block dimensions measured at the centerline of each right-of-way bounding the block.
 5. Dimensions and specifications of typical curb radii.
 6. Dimensions for all pedestrian walks including sidewalk widths, cross-walk width and distances.
 7. Easements denoted by fine dashed lines, clearly identified and, if already on record, the recorded reference of such easements. If an easement is not definitely located of record, a statement of such easement shall be included. The width of the easement with sufficient ties to locate it definitely with respect to the subdivision must be shown and its purpose such as for utilities, drainage, screening, open space, pedestrian ways or alleys. If the easement is being dedicated through the plat, it shall be properly referenced in the owner's certificate and dedication.
 8. The width of street rights-of-way and any portion thereof being dedicated by the plat as well as the width of any existing right-of-way, and centerline of any adjacent perimeter streets.
 9. The name of each street shown on the subdivision plat including appropriate prefixes and suffixes.
 10. Minimum building setback lines, if any, but not less than applicable zoning regulations. The setback should be measured from the existing or proposed street right-of-way, whichever is a greater distance.
 11. Land parcels to be dedicated or reserved for any purpose, public or private, to be distinguished from lots or tracts intended for sale.
 12. When deemed desirable, the minimum pad elevation of each lot or parcel of land based on the design criteria of Section 404 of these regulations so that each pad is elevated at least two feet above the base flood elevation.
 13. Marginal lines encircling the sheet. All information shall be within this margin.
 14. Any other dimension or development specification necessary to demonstrate compliance with any condition of approval of the Preliminary Plat.
- D. **Certificates.** The following certificates, which may be combined where appropriate: (Certificates requiring a seal should be located near the edge of the plat to facilitate affixing the seal. All names on the plat must also be typed or clearly printed under the signature.)
1. A certificate signed by a licensed land surveyor responsible for the survey and final plat. The surveyor shall not sign the plat until all monuments, irons or benchmarks have been set as required by these regulations. Such signature shall be accompanied by the legal description of the land surveyed, the total acreage, the month and year such survey was made and the surveyor's seal. This certificate shall be in a form substantially similar to the surveyor's certificate in Appendix B.
 2. Certificates signed and acknowledge by all parties having any record or possessory right, title or interest in the land subdivided including mortgages consenting to the preparation and recording of

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- the subdivision plat; and dedicating all tracts of land shown on the final plat which are intended for public use as highways, streets, alleys, easements and public sites. This certificate shall be in a form substantially similar to the owners' certificate in Appendix B.
 3. The acknowledgement of a notary in the form substantially similar to the notary certificate in Appendix B for an individual capacity or modified if a representative capacity:
 4. The certificate of the Planning Commission in a form substantially similar to the Planning Commission certificate in Appendix B.
 5. If the plat is an addition to the City, i.e., an annexation, a certificate signed by the City Attorney indicating that all conditions of K.S.A. 12-401 have been met in a form substantially similar to the City Attorney's certificate in Appendix B.
 6. The acceptance of dedications by the Governing Body in a form substantially similar to the Governing Body's certificate in Appendix B.
 7. A place to note the transfer record date of the County Clerk and the recording certificate of the County Register of Deeds in a form substantially similar to that in Appendix B. Plats are not entitled to record unless all current real estate taxes and special assessments are paid in full on the land being platted. Whenever the subdivider's agreement and any restrictive covenants are recorded prior to or concurrently with the final plat, the book and page numbers where they are recorded shall be noted on the plat for reference purposes.
 8. Provision for all other certifications, approvals and acceptances which are now, or which may hereafter be, required by any statute, ordinance or regulation. The form of these certifications may be modified as necessary by the City's legal counsel to meet statutory or other requirements.
- E. **Additional Information.** The following additional information shall be submitted with the final plat:
1. A title report by an abstract or a title insurance company, or an attorney's opinion of title, showing the owner of the land and all other persons who have an interest therein and describing any encumbrances on the plat, including such items as rights-of-way, easements, pipelines, leases, mineral rights, mortgages, real estate taxes, special assessments and other encumbrances affecting the ownership. (See Section 5-101 Q 7 on payment of real estate taxes and special assessments before recording.)
 2. When deemed necessary by the City Engineer, a final drainage plan based on the standards and policies of the City including a four-corner grading plan for each lot plus minimum pad elevations if located in a flood prone area.
 3. A copy, if any, of restrictive covenants applicable to the subdivision. As a service to the subdivider, such restrictions may be reviewed by the Planning Commission and other officials to determine if any potential conflicts exist with the City's laws.

ARTICLE 4. GENERAL PLANNING AND DESIGN STANDARDS

401	STREET NETWORKS AND DESIGNS
402	BLOCKS AND LOTS
403	OPEN SPACE
404	STORMWATER
405	PUBLIC FACILITIES

401 STREET NETWORKS AND DESIGNS

- A. **Intent.** In achieving the purposes of these regulations, this Section has the following specific intent:
1. To place all proposed subdivisions of land in a context that relates to its surrounding areas and to the regional context, and to enable street design solutions appropriate to the context, unique character, and anticipated land uses of each proposed division of land.
 2. To recognize streets and rights-of-way as a significant public asset, and emphasize the importance of the design of these areas in supporting adjacent land uses and development patterns, and in determining the community character.
 3. To establish a framework to develop balanced street designs that accommodate all potential uses of the street, so that the interests of a single mode of transportation do not unnecessarily compromise other modes of transportation.
 5. To expand the types and character of streets developed in the City and surrounding areas through a range of design treatments that can be applied to each functional classification of streets, and which may vary along the length of a single functional classification of street.
 6. To create a means to evaluate the appropriate allocation of design elements within the rights-of-way, based on the function of the street within the network, the character of the surrounding area, and the immediate development pattern and land uses supported by the rights-of-way.
- B. **Street Network.** Each division of land shall conform and fit within the overall street network of the City. The street layout shall be designed to:
1. Conform substantially to the Comprehensive Plan and master street plan of the City. Where the Comprehensive Plan and master street plan is general or does not guide the layout of streets for a specific area proposed for division, the Streets and Blocks layout shall either:
 - a. Provide for the continuation or appropriate projection of existing streets in surrounding areas according to the minimum guidance in this Article; or.
 - b. Conform to a specific plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographic or other conditions make continuance or conformance to existing streets impracticable. The specific plan shall meet the goals and intent of these regulations and take into consideration long-range planning implications of the proposed specific plan for the site and all surrounding areas.
 2. Provide access to all lots and parcels of land within the subdivision.
 3. Relate to all existing and planned streets.
 4. Promote reasonable circulation of traffic and alternative modes of transportation (pedestrian and bicycle) within the subdivision and to adjoining lands.
 5. Consider topographical conditions and run-off of storm water.
 6. Subdividers are encouraged to consider projects designed to maximize solar access when not in conflict with existing contours or drainage. When the long axis of individual structures is parallel to the street, streets should be oriented as nearly as possible in an east/west direction. If the long axis of structures is perpendicular to the street, north/south street orientation is preferable for solar access purposes.
- C. **Functional Classification.** The functional classification indicates the streets connectivity throughout the city and region and its purpose within the street network. It does not deal with the design of the rights-of-way, speed of traffic, or distance of uninterrupted traffic flow, as a single street Functional Classification may have several Context Designs applied along its length as it transitions to best support land uses. Table 3-1

indicates the functional classifications of streets and the general applicability of each type within the overall street network.

TABLE 3-1: FUNCTIONAL CLASSIFICATION APPLICABILITY		
	CHARACTERISTICS	APPLICABILITY
ARTERIAL	A street of considerable continuity that provides direct connections to different areas within the city and surrounding areas. Arterial streets are characterized by few interruptions, except at major community destinations, topographical obstacles, or important natural features.	Arterial streets shall be located every ½ to 1 mile apart, except in rural areas.
COLLECTOR	A street of moderate continuity that provides direct access between adjacent neighborhoods or districts. Collector streets are occasionally interrupted or diverted by neighborhood destinations or natural barriers.	Collector streets shall be located every ¼ to ½ mile apart, except in rural areas.
LOCAL	A street of limited continuity that provides connections within neighborhoods and districts. Local streets are interrupted frequently by neighborhood destinations, natural elements, or interruptions or off-sets in the street grid (i.e. "T"-intersections. Local streets should still have high connectivity to other local streets, collector streets, and arterial streets, but should be designed to discourage through traffic.	Local streets shall be located every 330' to 990' apart, except in rural areas
ACCESS	A street of little continuity designed solely for access to lots or the interior of blocks and not permitting any through traffic. Access streets within blocks or parcels allow: <ul style="list-style-type: none"> • More discrete service areas for non-residential lots; • More continuous streetscapes, uninterrupted by vehicle access points to lots; and • Access to lots in difficult topography, where a connected street is not possible 	Access streets shall be located as needed to serve vehicle needs and the design goals of lots.
INTERNAL ACCESS STREETS	Internal access streets are those portions of private lots that provide the above street network and hierarchy when overly large parcels are developed, interrupting the street grid and connectivity, such as at campuses or other large centers. Rather than multiple, non-descript driveways to several parcels, a network of Internal Access Streets shall be designed to mimic the block structure and streetscape design of public streets, including sidewalks, on-street parking, and landscape areas.	Internal Access Streets shall be used on any non-residential development block of larger than 6 acres. Except in rural areas, Internal Access Streets shall be located at roughly the same frequency for Local and Collector Streets, dividing the parcel into development blocks between 1 and 6 acres.

* This Applicability is for general planning purposes. A master street plan by the City or in relation to a planned development may modify this applicability, provided the intent of this section is equally or better met by the modifications.

- D. **Context Designs.** In addition to its Functional Classification, each street shall have a Context Design. The Context Design deals with the complete design of the rights-of-way to ensure that the shared and multiple purposes of the rights-of-way are balanced and designed to best support the adjacent land uses. A single street Functional Classification may have several Context Designs applied along its length as it transitions to best support land uses.

TABLE 3-2: CONTEXT DESIGNS		
	CHARACTERISTICS	APPLICABILITY
RURAL	<p><i>Landscape Area:</i> More informal, rough, and natural vegetation.</p> <p><i>Finished Street:</i> Narrower lanes and an informal street edge that allows infiltration of run-off. A rough shoulder provides for emergency vehicle pull-off and infrequent parking areas.</p> <p><i>Pedestrian Area:</i> Typically not required, although may be an informal path or multi-purpose trail on streets that have a higher priority connection to surrounding areas.</p> <p><i>Building Orientation:</i> Very large setbacks or dense vegetative screens.</p>	Rural street Context Designs may be applied in developments with density below 1 unit per 5 acres, or in conservation subdivisions.
NEIGHBORHOOD	<p><i>Landscape Area:</i> Formal tree lawn of at least 6' between the street and sidewalk, with regularly spaced street shade trees.</p> <p><i>Finished Street:</i> Narrower lanes with slow traffic speeds, or includes occasional or designated on-street parking to buffer pedestrians and adjacent uses from traffic flow.</p> <p><i>Pedestrian Area:</i> Minimum 5' sidewalk on both sides. Sidewalks are wider and up to 12' where densities are greater than 8 units per acre. Sidewalks may be provided on one side where densities are less than 3 dwelling units per acre AND the connection is not important to overall circulation.</p> <p><i>Building Orientation:</i> Small to medium front lawns, or terraces and courtyards where densities are greater than 8 units per acre.</p>	Neighborhood street Context Designs may be used for any street supporting residential uses
PEDESTRIAN	<p><i>Landscape Area:</i> Regularly spaced tree-wells between 24 and 32 square feet, including street ornamental trees.</p> <p><i>Finished Street:</i> Narrower lanes with slow traffic speeds, and designated on-street parking – either parallel or angled – to buffer pedestrians and adjacent uses from traffic flow.</p> <p><i>Pedestrian Area:</i> Minimum 8' sidewalk on both sides, and includes additional “pedestrian amenity area” adjacent to the street between tree wells.</p> <p><i>Building Orientation:</i> Street front buildings or small patios and courtyards.</p>	Pedestrian Area street Context Designs may be used within Downtown, and Nodes along Arterial and Collector streets, or in any pedestrian-oriented District.
BOULEVARD	<p><i>Landscape Area:</i> Large formal landscape areas between the street and sidewalk, either expanded between the street and sidewalk to a minimum of 20', and/or provided through an additional center vegetated median of at least 14'</p> <p><i>Finished Street:</i> Vehicle lanes are generally wider to accommodate traffic flow and/or vehicle movements for the typical vehicles expected in the area.</p> <p><i>Pedestrian Area:</i> Sidewalks are at least 8' wide, and may include a wider shared pedestrian/bike path of at least 12' wide.</p> <p><i>Building Orientation:</i> Generally includes buildings with small lawns or courtyards fronting on the Boulevard.</p>	Boulevard street Context Designs should be used at all key entryways into the City or into any special District or Neighborhood within the City to establish gateways and transitions.
STANDARD / DISTRICT	<p><i>Landscape Area:</i> Tree lawn or landscape buffer of at least 6' where a sidewalk is provided, or 20' where no sidewalk is provided.</p> <p><i>Finished Street:</i> Travel lanes are generally wider to accommodate traffic flow and/or vehicle movements for the typical vehicles expected in the area.</p> <p><i>Pedestrian Area:</i> Sidewalks are only located as necessary, and may be provided on one-side of the street. Where provided, the sidewalk shall be at least 5'. Where not provided, an alternative internal pedestrian trail network may be necessary.</p> <p><i>Building Orientation:</i> Generally includes buildings setback with lawn areas front parking lots are provided. Where front parking lots are provided, larger landscape areas are required to provide screening from the streetscape.</p>	Standard or District street Context Designs are used for areas that do not meet any of the other Context Designs. The street design is more general and aside from the standard street elements, should be designed to best fit the context of the development

* This Applicability is for general planning purposes. A master street plan by the City or in relation to a planned development may modify this applicability, provided the intent of this section is equally or better met by the modifications.

- E. **Minimum Street Requirements.** All streets shall meet the following minimum requirements. In addition, Context Designs may require additional design elements as indicated in sub-section F. Street right-of-way requirements for other than arterials shall be determined by the total aggregate needs for the functional components for the particular system being considered. The total aggregates shall be in increments of even feet, even number only. The components involved shall include the finished street surface with vehicle lanes and street edge, landscape area, and pedestrian facilities.

1. **Minimum Right-of-Way.** The minimum required right-of-way is dependant on the Functional Classification subject to the following:

TABLE 3-3: MINIMUM RIGHT-OF-WAY WIDTHS	
FUNCTIONAL CLASSIFICATION	WIDTH
Arterial	80' – 100'
Collector	60' – 80'
Local	50' – 60'
Access	20'

* Greater widths may be necessary to accommodate the appropriate Context Design as indicated by the typical cross sections in Appendix A.

2. **Finished Street Surface.** The Finished Street Surface of all streets shall consist of Vehicle Lanes and a Street Edge.
 - a. **Vehicle Lanes.** Vehicle Lane widths shall be based on the appropriate and desired vehicle speeds for the street, and based on the following guidelines:

TABLE 3-4: VEHICLE LANE WIDTHS	
DESIRED VEHICLE SPEED	LANE WIDTH
Below 15 mph	8' – 9'
15 - 25 mph	Single Yield Lane- 11' – 14'*
15 - 30 mph	9' to 10'
30 - 45 mph	10' to 11'
45 - 60 mph	11' to 12'
Over 60 mph	12' +

* Use of Yield Lanes shall be limited according to sub-section E.5.

- b. **Street Edge.** Street Edges shall consist of either on-street parking or a shoulder area incorporating curb and gutter subject to the following:

TABLE 3-5: STREET EDGE WIDTHS	
TYPE OF EDGE*	WIDTH**
Shoulder / Local	2'
Shoulder / Collector	3'
Shoulder / Arterial	4'
Permitted Occasional Parking	7'
Designated Parallel Parking	8'
Designated Angled Parking	18'

* Provision of bicycle facilities may alter the design width of the street edge according to section sub-section E.6.

** Where curb and gutter are not required due to context designs, the shoulder shall be at least 3'.

3. **Landscape Area.** The Landscape area shall be designed with a sufficient width to buffer any pedestrian facilities from moving vehicle lanes and to ensure adequate areas for growth and maintenance of street landscaping. Dimensions shall be based on the Context Designs in Section D above and in Appendix A. In all cases, the Landscape Area and any Pedestrian Facility shall be at least 12 feet in width from the back of curb to the right-of-way line. This area shall be used for the installation of utilities, street signs, street lights, traffic control devices, fire hydrants, sidewalks, driveways, street furniture, street trees from an approved City list and to provide a transition area in grades, if necessary, between the roadway and the property adjacent to the right-of-way.
4. **Pedestrian Facility.** Pedestrian facilities shall be required subject to the following minimum standards. In general, sidewalks shall be constructed with the inside edge of the sidewalk one foot outside the property line except for Pedestrian Context Designs where buildings front the sidewalk.

TABLE 3-6: PEDESTRIAN FACILITY STANDARDS*				
LAND USE AND CONTEXT		FUNCTIONAL CLASSIFICATION		
		ARTERIAL	COLLECTOR	LOCAL
RESIDENTIAL STREETS	LESS THAN 1 DWELLING UNITS PER ACRE	<ul style="list-style-type: none"> 8' path, one side; or 12' multi-use trail, one side 	Optional	Optional
	1 TO 3 DWELLING UNITS PER ACRE	<ul style="list-style-type: none"> 5' sidewalk, both sides 8' path, one side; or 12' multi-use trail, one side 	<ul style="list-style-type: none"> 5' sidewalk, one side; or 8' path, one side 	<ul style="list-style-type: none"> 5' sidewalk, both sides Optional on one side if not critical to circulation.
	3 TO 8 DWELLING UNITS PER ACRE	6' sidewalk, both sides	5' sidewalk, both sides	5' sidewalk, both sides
	MORE THAN 8 DWELLING UNITS PER ACRE	8' sidewalk, both sides	8' sidewalk, both sides	8' sidewalk, both sides
NON-RESIDENTIAL	GENERAL DESIGN CONTEXTS	<ul style="list-style-type: none"> 8' path one side; or 12' multi-use trail, one side. 8' sidewalk may be required on one or both sides in high pedestrian areas. 	<ul style="list-style-type: none"> 8' path one side; or 12' multi-use trail, one side. 6' sidewalk may be required in high pedestrian areas. 	<ul style="list-style-type: none"> 8' path one side; or 12' multi-use trail, one side. 5' sidewalk may be required on one or both sides in high pedestrian areas.
	PEDESTRIAN DESIGN CONTEXTS	<ul style="list-style-type: none"> 8' sidewalk, both sides 12' sidewalk may be required in high pedestrian areas. 	8' sidewalk, both sides	6' sidewalk, both sides

* Widths are the minimum widths required. Additional widths may be provided as necessary to accommodate anticipated pedestrian traffic and implement appropriate streetscape designs.

5. **Limitations on Yield Lanes.** Yield lanes are only appropriate on Access streets or on Local streets supporting only residential uses and meeting the following characteristics:

TABLE 3-7 LIMITATIONS ON YIELD LANES		
RESIDENTIAL DENSITY ^a	LENGTH LIMITATION ^b	QUEUING REQUIREMENTS
LESS THAN 4 DU/AC	Any street length may use a yield lane	No specific queuing area required
OVER 4 BUT LESS THAN 8 DU/AC	660'	Queuing areas at least every 150 feet
OVER 8 DU/AC	440'	Queuing area at least every 200 feet

a DU/AC = dwelling units per acre.

b Length specifies maximum distance between intersections with other through streets, measured from the centerlines of the intersecting streets.

6. **Bicycle Facilities.** The following bicycle facility accommodations may be added to any street cross section:

TABLE 3-8 BICYCLE FACILITIES		
FACILITY TYPE	MINIMUM DIMENSION	APPLICABILITY
DEDICATED BICYCLE LANE	5' to 6' minimum, each lane	Preferred on identified bike routes with speeds above 35 mph, and located immediately adjacent to outermost vehicle lanes
SHARED BICYCLE LANE	4' added to outer most vehicle lane, but no more than 14' total lane width	Acceptable on identified bike routes with speeds below 35 mph
COMBINED VEHICLE/ BICYCLE LANE	No designated area as bicycles and vehicles share the same space	Acceptable on any portion of the street with design speeds of 25 mph or less; often associated with streets with yield lanes or where angled parking is allowed.
OFF-STREET MULTI-USE TRAIL	10' to 12'	Located adjacent to roadway on identified bicycle routes where on-street facilities are not appropriate or are impractical

7. **Typical Street Cross-sections.** Applying these guidelines and the Context Design types to the Functional Classifications results in the following typical Street Cross-sections. See Appendix A for specifications and cross section illustrations.

1. Rural Parkway
2. Rural Lane
3. Neighborhood Street
4. Pedestrian Avenue
5. Pedestrian Street
6. Boulevard
7. Standard Arterial
8. Standard Collector
9. Standard Local
10. Access alley (commercial)
11. Access lane (residential)

- G. **Intersection Design.** Intersections shall be designed to provide balanced, safe, and direct connections for vehicles and pedestrians.

1. **Alignment.**
 - a. Intersections shall be either aligned directly, or off-set at least 150'.
 - b. Except for the intersection of two or more Local streets, only intersections of two streets shall be permitted. All intersections shall be as near to 90 degree angles as practical, and shall always be between 80 degrees and 100 degrees.
 - c. Intersection of up to three Locals streets may be permitted, provided no intersection creates an angle of less than 45 degrees.

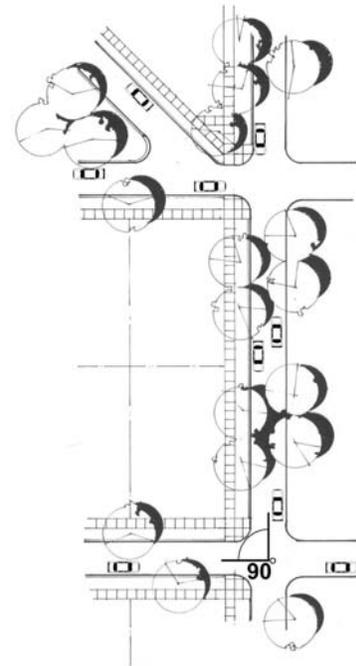


Figure 4-1. Intersections of up to 3 streets may be acceptable on local streets with low traffic, potentially incorporating a focal point or traffic calming device at the intersection.

2. **Curb Radii.** In order to minimize crossing distances for pedestrians and limit high-speed vehicle turning movements, curb radii shall limited to the greatest extent possible considering the appropriate balance of pedestrian and vehicle needs. In general, curb radii at intersections shall be as follows:

TABLE 3-9 : INTERSECTION CURB RADII	
INTERSECTION TYPE	RADII*
LOCAL / LOCAL	10' to 15'
LOCAL / COLLECTOR	10' to 20'
LOCAL / ARTERIAL	15' to 20'
COLLECTOR / COLLECTOR	10' to 30'
COLLECTOR / ARTERIAL	30' to 50'
ARTERIAL / ARTERIAL	30' to 50'

* In areas where large vehicles will make frequent turning movements, the Planning Commission and Council may require greater turning radii.

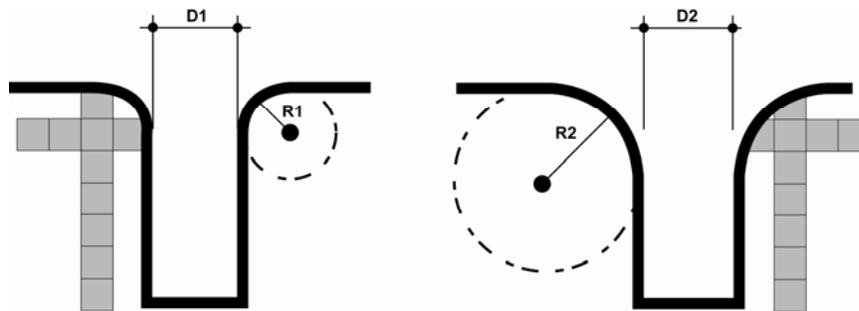


Figure 4-2. Smaller curb radii decrease pedestrian crossing distances and decrease vehicle turning speeds, and are more appropriate on local or pedestrian oriented streets.

3. **Pedestrian Crossings.** Intersections of pedestrian facilities with public streets or Internal Access streets shall have crossings meeting the following standards.
- Accessible curb ramps shall provide a direct, non-diverted approach from the sidewalk along the block, into the pedestrian crossing area.
 - Pedestrian crossings of a Collector street classification or higher shall have a crosswalk differentiated from the finished street surface by any combination of textured or colored paving, decorative pavers, paint, or other alternative material subject to approval by the City Engineer.
 - The Planning Commission or Council may require cross walks at mid-block locations for any block face that exceeds 600 feet.

402 BLOCKS AND LOTS

- A. **Intent.** In achieving the purposes of this Chapter, this Section has the following specific intent:
- To plan streets within an orderly system of blocks and lots, with logical connections to existing, planned and potential future streets.
 - To recognize blocks and lots as the fundamental element of development patterns and the key mechanism for record keeping for the future transactions regarding land proposed to be subdivided.
 - To create development patterns that are capable of efficiently accommodating immediate and planned uses, but that are also more resilient to pressures from future growth and potential redevelopment.
 - To ensure that all blocks, lots, and other land areas have adequate access to streets, pedestrian facilities, and utilities necessary to support the proposed and anticipated future development.
 - To create development patterns capable of stimulating more options for modes of travel.

6. To ensure that all lots, including the anticipated uses and site designs on the lots, are located on streets with streetscape designs that support the uses and create appropriate transitions between public areas and private spaces.
 7. To ensure that vehicle access to lots is provided with appropriate attention to the impact on public streetscapes, and in particular the pedestrian realm, and that all alternative vehicle access strategies are appropriately explored.
- B. **Connectivity Standards and Block Size.** All subdivisions shall create a logical pattern of blocks within the planned street network in order to accommodate the appropriate subdivision of land into individual lots.
1. **Generally.** The following street connectivity standards shall establish the minimum parameters for blocks, measured by the centerlines of all streets.
 - a. **Access Streets.** Access streets shall not exceed more than 660' if connected to a Local street classification or higher at each end. Access streets shall not exceed more than 500' if connected to a Local Street or higher at only one end.
 - b. **Local Streets.** Local streets shall be connected to a Local street classification or higher at each end, and shall not exceed more than 990'.
 - c. **Collector Streets.** Connections of Local streets to Collector streets shall be separated by at least 250' but no more than 990'.
 - d. **Arterial Streets.** Connections of Collector or Local streets to Arterial streets shall be separated by at least 250' but no more than 990'.
 2. **Exceptions.** Exceptions to the general network connectivity standards in sub-section 1. exist for the following circumstances.
 - a. **Natural Features and Topographical Constraints.** Blocks or parcels abutting important natural features or topographical constraints may forego the street network connectivity standards provide:
 - (1) Construction of streets according to these standards is impractical due to substantial and unreasonable costs due to the natural feature or topographical constraint; and
 - (2) Any disconnected streets not exceed seven times the average lot width or 500' whichever is less. In multiple-family residential areas or nonresidential area, disconnected streets shall not exceed 300 feet.
 - (3) All disconnected streets shall provide a vehicular turnaround at the closed end according to the following:
 - (a) **Cul-de-sac or Circular Turnarounds** – Streets serving more than 12 lots and up to 20 lots shall have a circular turn around with a 30 to 42 foot radius. The radius may be expanded beyond 42 feet only where a vegetated center island is provided and a travel lane between 18 and 24 feet is provided around the island.
 - (b) **T-shaped Turnarounds** – Streets serving 6 or more lots and up to 12 lots may have a T-shaped turnaround with a 20-foot by 60' turning pad centered on the end of the street.
 - (c) **Dead-end** – Streets serving less than six lots may have a dead end provided sufficient area is provided in the street to turn vehicles around with backing movements.

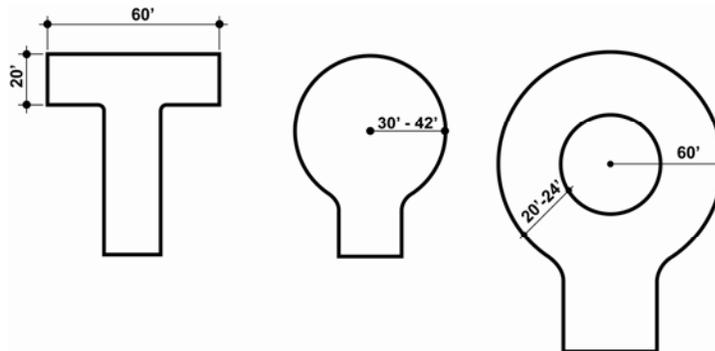


Figure 4-3. Options for the design of turnaround areas on streets permitted to be disconnected are based on the number of lots served by the street.

- b. *Internal Access Streets.* For large parcels such as institutions, campuses, or other large developments, the public street connectivity standards may be substituted with Internal Access Streets, provided the Internal Access Streets are designed to mimic the public street grid, including streetscape designs, frequency, and connections to adjacent areas.
 - c. *Rural Areas and Conservation Subdivisions.* Rural or conservation subdivisions shall not have connectivity requirement except that at least one connection to a Collector or Arterial Street shall be provided for every 40 dwelling units.
 - d. *Alternative Connections.* In the case of any of these exceptions, the Planning Commission or Council may require alternative connections for bicycle or pedestrians to best meet the intent of this section.
 - 3. **Connections to Adjacent Property.** New subdivisions shall make provisions for continuation and extension of arterial, collector, and local streets at the minimum intervals specified above.
 - a. Where streets are stubbed to adjacent property, they shall provide a temporary vehicle turnaround subject to the same standards for disconnected streets in sub-section 2.a.(3)., above.
 - b. All streets in a proposed subdivision shall align with proposed or existing streets on adjacent land.
 - c. Proposed streets that are extensions of or in alignment with existing streets shall be named the same as existing street. Names shall not duplicate existing street names and names similar to existing street names shall not be permitted.
 - d. Half-streets are prohibited except where essential to the reasonable development of the subdivision and adjoining tract, and where the Commission finds it reasonable to require dedication of the other half when the adjoining tract is subdivided. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
 - 4. **Block Arrangement.** Blocks may be irregular in shape, provided they meet the general connectivity standards, serve important development and transportation planning goals, or deviate from standard shape to address topographic and natural features. All blocks shall be designed so as to provide two tiers of lots, unless a different arrangement is required in order to comply with other sections of these regulations.
- C. **Lot Designs.** In addition to the standards of any applicable zoning district, all lots shall meet the following lot design standards.
 - 1. **Lot Sizes.** All platted lots shall be at least the minimum size specified by any applicable zoning. Any non-zoned areas that may be subject to these regulations shall have a minimum lot size of 10 acres. If a subdivision abuts or contains an existing or proposed limited access highway, arterial street or railroad right-of-way, the Planning Commission may require marginal access streets, reverse frontage lots with access control provisions along the rear property line and screening, deep lots with rear service alleys or such other design as may be necessary for adequate protection of residential properties.
 - 2. **Lot lines.**
 - a. *Frontage.* All lots shall have a frontage on a public right-of-way, or where specifically permitted elsewhere in these regulations on a private street or other open space.
 - b. *Side Lot Lines.* All side lot lines shall be at right angles to the right-of-way line, or where permitted the private street lines. On curved rights-of-way or streets, side lot lines shall be radial to that line.
 - c. *Rear Lines.* Rear lot lines shall be established at a depth sufficient to permit two-tiers of lots on each block. Double frontage lots or lots that back up to streets shall not be permitted. Lots backing to public rights-of-way shall only be permitted if separated by open space meeting the Greenway Design standards in 403 below.
 - d. *Orientation.* All lots shall have a general orientation of width to depth between 1:3 and 2:1, with a frontage width that is relatively consistent dimension throughout the lot. "Piano key" and "flag lots" shall not be permitted, unless warranted by an unusual shape of the land or the ownership or property.

3. **Lot Access.**
- a. *Maximum Width.* Vehicle access areas to lots across the public-rights-of way shall not exceed more than 15% of the lot frontage. On narrow lots where 15%, does not permit a single lane driveway, shared easement or rear or mid-block alleys shall be provided. The maximum width shall be applied at the right-of-way line or at any crossing of pedestrian facilities, allowing tapering of driveways to accommodate vehicle turning movements.
 - b. *Minimum Separation.* Lot access points shall be separated by the following minimum dimensions along a single block face. Where minimum separation distances limit individual lot access points, shared access easements, or rear and mid-block Access Streets shall be used.

TABLE 3-10 : MINIMUM ACCESS SEPARATION		
FUNCTIONAL CLASSIFICATION	ACCESS TYPE	
	RESIDENTIAL*	NON-RESIDENTIAL
ARTERIAL	120'	250'
COLLECTOR	80'	200'
LOCAL	60'	150'
ACCESS	none	none
INTERNAL ACCESS STREET	Same as comparable public street classification	

* Minimum separation of residential lot access points may be averaged along a single block face.

- c. *Pedestrian Crossings.* Except for Internal Access Streets, where lot access crosses pedestrian facilities, including any mid-block alleys, the pedestrian connection shall be maintained at a continuous grade and material. For Internal Access Streets, pedestrian crossings shall be designed as cross-walks.
4. **Easements and Utility Access.** All subdivisions shall be connected to public water supply and sewage disposal systems. All public sanitary sewer systems and sewage treatment plants are further subject to the regulations of the Kansas Department of Health and Environment.
- a. Utility easements shall be provided where necessary and centered on rear or side lot lines. Such easements shall be at least 20 feet wide along rear lot lines and 10 feet wide along side lot lines, except that easement for street lighting purposes shall not in any event be required to exceed 10 feet. Side lot easements, when needed for other than street lighting purposes such as drainage, may exceed 10 feet.
 - b. *Drainage Easements.* If a subdivision is traversed by a watercourse, drainage way or channel, then a storm water easement or drainage right-of-way shall be provided. Such easement or right-of-way shall conform substantially to the lines of such watercourse and shall be of such width or construction, or both, as may be necessary to assure adequate storm water drainage and for access for maintenance thereof. All drainage easements shall be vegetated with perennial grasses or otherwise stabilized to prevent soil erosion and sediment movement by wind or water. Parallel streets or parkways may be required in connection therewith.
 - c. Vision triangle easements may be required on any corner lot to provide an open and usable vision path for drivers of vehicles approaching the intersection. The extent of vision triangle easements shall be based on the type of intersection (3-way, four, protected, unprotected, etc.); the stopping point for vehicles entering the intersection; the types of traffic control devices which may minimize area of the vision triangle easement; the type of street (local, collector, arterial, commercial or industrial); topography; proposed street grades (if any); and the design speeds contemplated for such roadways.
 - d. Wherever a lot or group of lots side or back on to an existing high pressure oil or gas transmission line, a building setback easement shall be established on each side of such line to the minimum safe standards as provided by the applicable oil or gas company to the subdivider or to such standards as may be adopted by the City, state or federal governments, whichever provides the most setback distance. The easement shall be provided on that part of the lot that abuts the oil or gas line and no principal buildings or structures shall be located or constructed within such an easement.

- e. A screening easement may be required to provide for fencing and/or an adequate area for the mature growth of landscaping with appropriate maintenance. (See Section 2-102 for definition of SCREENING.)

403 OPEN SPACE

- A. **Intent.** In achieving the purposes of this Chapter, it is the specific intent of this section to:
 1. Recognize open space, whether public, common, or private, as an element of infrastructure for the City.
 2. Value the design, function, and perceptual impact of open space rather than solely the quantity.
 3. Establish a hierarchy of diverse open space types, and create minimum standards appropriate to the context and function of open space in support of adjacent development patterns.
 4. Increase citizens' access to a wider variety of quality open spaces.
 5. Relate constructed elements on streets, blocks, and lots, to open space and create focal points for the community, neighborhood, district, or development site.
 6. Recognize open space, whether public, common, or private, as a key component to shaping the character of the community.
 7. Create meaningful connections and greater perceived impact by locating open spaces proximate to open spaces on adjacent sites or within a hierarchy and community wide system of open spaces.
 8. To integrate natural systems into the design of common or public open spaces to allow open space to serve multiple aesthetic, recreational, and ecological functions.
 9. Provide a legal mechanism for the designation, ownership, and long-term operation and maintenance of all types of open space.
 10. Incorporate any specific existing or future open space plans into the subdivision process, and allow these plans to serve as guides for future land subdivisions and location of required open space.
- B. **Required Open Space.** Minimum required open space, in addition to any lot coverage standards specified in each zoning district, shall be provided according to the applicable zoning regulations, except that Conservation Subdivisions as provided in Article 6 of these shall be designed according to the open space standards in that division. In addition, other regulations of open space may apply, such as lands subject to flooding, erosion by wind or water, or protected natural or historic features, and in conjunction with these standards regulate the platting of open space. No land shall be reserved by the applicant or included in the plat unless the land is of sufficient size and shape and topographically suitable to be of some practical use or service as determined by the City.
- C. **Open Space Types.** In conjunction with the standards of any applicable zoning regulations, this Chapter recognizes the following specific open space types:
 1. **Formal Open Space.** Formal open space is most appropriate in convenient, easily accessible locations benefiting a large number of people that live in or frequent the area. Typically this will be at the center of a residential neighborhood or in a mixed-use, commercial, or employment district. Formal Open Space by its nature creates a civic design amenity and gathering place at strategic locations, and therefore adds value to the community as a focal point for all surrounding development. Examples include plazas, squares, or courtyards.
 2. **Natural Open Space.** Natural open space is most appropriate in neighborhoods, rural areas, or at the edges of mixed-use developments. It can also be used at any location where significant natural features exist and warrant preservation. Natural open space typically provides multiple benefits including environmental, aesthetic, or recreational functions and therefore adds value to the community when consolidated and integrated into site designs. Examples include parks, greenways, and natural or conservation areas
 3. **Remnant Open Space.** Remnant open space is most appropriate in limited application, dispersed in a random manner among individual private lots. Due to its nature and characteristics as undevelopable land, there is little added value in consolidating and designing sites around Remnant open space. Examples include parking lot buffers or islands, excess yard areas, or other non-built permeable surfaces that did not fit into the development of the site.

- D. **Location Criteria.** The following location criteria shall be used in determining the most appropriate locations and characteristics of land to be designated as required open space within subdivisions of land.
1. Priority should be given to areas that provided the most visible impact. This shall mean impact to people who travel in and around the subdivision as well as for future lot owners within the subdivision.
 - a. Formal open space should be located at prominent focal points within a subdivision.
 - b. Natural open space should be located along prominent ridges, valleys and view corridors and be consistent with the most desirable natural habitats for animals and with preservation of significant natural resources such as sensitive and natural vegetation, natural grades, or prominent geological formations.
 2. Open space should be located to provide the greatest connectivity of open space systems with adjacent and future development sites.
 - a. Formal open spaces should be located at key points where planned future transportation systems, such as streets, trails, or greenways will provide greater future visibility and accessibility.
 - b. Natural open spaces should be located in areas that have the greatest potential for future expansion and connectivity to similar land areas on adjacent sites.
 3. Open space shall be located in areas that maximize its functional characteristics.
 - a. Formal open space shall be centered in areas that will have the greatest population density or development intensity.
 - b. Natural open spaces shall be located in areas where its ecological, aesthetic, and recreational impact will be the greatest.
 - c. All open space shall be located where the greatest pedestrian access is achieved.
- E. **Ownership and Management.** Required open space shall require either the dedication to a public entity or homeowners association of open space easements, or other similar development restrictions, on the final plat. The dedication or easement shall also be accompanied by detailed information on the permanent preservation, protection, and maintenance of the open space.

404 STORMWATER

- A. **Intent.** In achieving the purposes of this Chapter, this Section has the following specific intent:
1. Protect people and property from the hazards of flooding and excess stormwater run-off, and to mitigate future risks of damage associated with the division and development of land.
 2. Minimize the amount of impervious surfaces directly connected to stormwater systems, and establish infiltration into the ground water as the preferred treatment strategy.
 3. To allow more flexibility in the design of development patterns and sites to promote more regional or watershed-based solutions to stormwater management.
 4. Reduce the amount of runoff entering the stormwater system and into the natural wetlands.
 5. Reduce the speed of flow of runoff that enters the stormwater system and into natural wetlands.
 6. Reduce the pollutant and sediment levels in runoff that enters the stormwater system and into the natural wetlands.
 7. To develop a stormwater system that reduces the quantity and speed of flow entering natural wetlands.
 8. To encourage creative designs and development patterns that allow land areas to perform multiple functions in terms of landscape design, flood hazard mitigation, open space and recreation and stormwater treatment, allowing for more efficient development of parcels, blocks, and lots.
- B. **Required Stormwater Treatment**
1. ***Preservation of Drainage Courses.*** Whenever any stream or surface drainage course is located in an area which is being subdivided, the applicant shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream or drainage course.
 2. ***Erosion Control.*** Methods of controlling soil erosion shall be in accordance with established techniques and procedures of the Sedgwick County Conservation District, or in accordance with the City's standards and specifications for like or similar work. Erosion control measures may,

where deemed appropriate by the Commission include mulches, temporary or permanent vegetative cover, the use of terraces, diversion ditches, impoundments, stilling basins, subsurface drainage pipe and other structures which will intercept, divert, retard or otherwise control runoff and soil erosion. Temporary erosion control measures shall be provided to minimize erosion during the course of construction. Permanent erosion control measures shall be provided along new or altered drainage courses which will become a permanent part of the subdivision and along streets, permanent embankments or other features where erosion is likely to occur.

3. **Treatment of Runoff.** All subdivisions shall contain a Stormwater Management Plan submitted with the preliminary plat to treat forecasted runoff resulting from the subdivision.
 - a. The Stormwater Management Plan shall analyze the impact of development of all parcels within the subdivision assuming full build-out of all lots proposed in the development. The impact analysis shall identify how the subdivision will impact all groundwater and natural wetlands in the watershed. The analysis shall incorporate impacts of all other known and planned development activity and make reasonable assumptions about future development on other lots and parcels, and identify any opportunities for joint management of stormwater among other potential development parcels.
 - b. The Stormwater Management Plan shall propose Best Management Practices in the treatment of stormwater in order to best meet the Stormwater Management goals. Stormwater Best Management Practices (BMPs) refers to the process by which stormwater is either converted to runoff or is delivered into the groundwater or natural wetlands. The BMP used for individual development sites should be based upon the specific site conditions. Generally the preferred strategy, in order of priority is:
 - (1) Infiltration of all runoff back into the groundwater on the site. Examples include porous paving, infiltration basins, or grass filter strips;
 - (2) Retention of runoff in temporary basins for ultimate introduction into the groundwater, evaporation or for conveyance to the stormwater system off-site, and where such areas serve other purposes when not inundated with run-off. Examples include biofilters or bioretention areas; vegetated swales, or dry basins;
 - (3) Detention of the runoff on-site, if no better strategy is applicable to the site. All efforts shall be made to design any detention areas as a site amenity, incorporating the detention area into a clean, easily maintained water feature, incorporated into the site landscape plan. Examples include detention ponds or constructed wetlands.
 - c. All areas dedicated to stormwater treatment or drainage ways for site shall be identified by stormwater easements. Stormwater treatment systems should be integrated into the site design wherever possible. Treatment area may be used to satisfy required open space standards in the zoning regulations provided the area is designed so that it both meets the open space design standards and performs the desired stormwater best management practice.
- C. **Land Subject to Flooding.** Whenever a subdivision of land, including platting for manufactured home parks and other developments on one-lot plats, is located on flood prone land identified on a Flood Insurance Rate Map(s) (F.I.R.M.) prepared by the Federal Emergency Management Agency, the following requirements shall apply:
1. Show on the preliminary and final plats the boundary lines and elevations for both floodway, if any, and base flood elevation; and
 2. Assure that:
 - (a) all such subdivisions are consistent with the need to minimize flood damage;
 - (b) all public utilities and facilities, such as sewer, water, gas and electrical systems are located, elevated and constructed to minimize or eliminate flood damage; and
 - (c) adequate drainage is provided so as to reduce exposure to flood hazards.

405 PUBLIC AND COMMUNITY FACILITIES

- A. **Intent.** In achieving the purposes of this Chapter, this Section has the following specific intent:
1. To facilitate the planning and development of public and community facilities in a timely manner in association with future development of the City and its surroundings.

2. To provide the opportunity to negotiate a fair and equitable price for land needed to develop public or community facilities, or alternatively to provide an incentive for land owners to dedicate land for needed facilities where the lack of facilities may otherwise constrain potential future development.
 3. To encourage the integration of public and community facilities into the planning of streets, lots, and blocks so that needed facilities are located conveniently in neighborhoods and districts and serve as focal points for the community.
 4. To incorporate any specific existing or future public or community facility plans in the subdivision process, and to allow these plans to serve as guides for future land subdivisions and growth.
 5. To ensure that the most appropriate locations of public and community facilities are identified and considered prior to the premature commitment of these areas to conflicting development patterns.
- B. **Required Off-Site Improvements.** When, at the discretion of the Planning Commission, existing or proposed infrastructure in proximity to the subdivision are impacted by the proposed subdivision to the extent that they must be designed, constructed, expanded, or upgraded to support the general health, safety, and welfare, the Planning Commission may require the applicant to design, construct, expand, or upgrade the infrastructure as a condition of approval.
1. Required off-site improvements may include:
 - a. Streets and rights-of-way, including construction, acquisition, extension, or connection;
 - b. Traffic control devices, including mechanical systems and geometric configurations;
 - c. Stormwater facilities, including natural and constructed systems; and
 - d. Utility facilities, including easements, sanitary sewer facilities, water distribution facilities, and other service utilities.
 2. In the event that the Planning Commission determines the need for the off-site improvements are impacted by more than one subdivision, or to an extent by the city-at-large, the Planning Commission may require the applicant to share in the cost to the extent generated by the impact of the proposed subdivision. The Planning Commission may require the applicant to deposit its share of the total cost in a special account reserved for the immediate or subsequent payment for the design, construction, expansion, or upgrade of the public facility.
- C. **Upsizing.** Whenever any portion of the required utilities are part of a planned future facility for the City, serving an area larger than the subdivision, the City may require that the applicant upsize the utilities. The City shall require:
1. The applicant to construct the facilities as planned by the City for future capacity as part of the subdivision and development process.
 2. The applicant to be responsible for the portion of the costs required to serve the proposed subdivision based on actual total cost to build the facilities absent any upsizing agreement.
- The city shall be responsible for any incremental costs to expand the facility to the planned capacity, beyond the capacity to serve the subdivision. The City's participation may be based on the lowest of at least 3 contractor bids proposing to build the facilities comparing the costs of the minimum required facilities with the costs as planned by the City.
- D. **Reservation or Dedication of Public Sites.** The Planning Commission may require the reservation of land for public facilities such as parks or other open space, schools, public safety facilities, or other public facilities whose impact is generated partially or wholly by the general public, subject to the following:
1. The area of the proposed subdivision shall be shown on an official plan of the entity responsible for the public facility as a potential site for future expansion.
 2. The land shall be reserved for 90 days to permit notice to the public entity and the ability to commence negotiations for acquisition of the land by the appropriate public body through negotiations or other available means.
 3. In the event that the land may not be acquired, or other eligible proceedings for acquisition are not begun, the applicant may propose the further division of the land in conformance with all regulations.
 4. Where the land is not shown on any official plans of an entity responsible for the public facility, but where the development may create a need for such facilities, the applicant may on its own initiative dedicate the necessary lands. All such dedications shall be subject to a determination of the land being adequate for a particular purpose and acceptance by entity responsible for the public facilities.
 5. Any land that is dedicated and accepted for public facilities may be credited to any Open Space required by these regulations or zoning regulations, at the sole discretion of the Planning Commission and Governing Body.

ARTICLE 5. REQUIRED IMPROVEMENTS

501	ENGINEERING RESPONSIBILITY
502	IMPROVEMENTS
503	EXCEPTIONS FOR EXISTING IMPROVEMENTS
504	INSTALLATION AGREEMENT AND GUARANTEES
505	OFF-SITE IMPROVEMENTS
506	IMPROVEMENT PROCEDURES

501 ENGINEERING RESPONSIBILITY.

In setting certain standards and specifications, approving engineering drawings, inspecting improvements, recommending acceptance of improvements, preparing petition forms and establishing the amount of surety for guaranteeing the installation of such improvements; the engineer designated by the City or utility provider representative shall be designated as responsible for the improvements within their respective jurisdictions. Coordination to achieve cooperation among the responsible parties is the responsibility of the City and, in particular, the Subdivision Administrator.

502 IMPROVEMENTS.

As a condition to final plat approval, the subdivider of a proposed subdivision shall be responsible to install or, in cooperation with the Governing Body and utility companies, cause to be installed the following necessary facilities and improvements as listed below. The design and installation of such facilities and improvements shall include such sizing of pipes and extensions of streets required by the Planning and Design Standards of these regulations and as may be deemed desirable within the subdivision to facilitate development of adjacent land.

A. **Streets.** All streets, alleys, curbs, gutters and street drainage facilities shall be constructed in accordance with established City standards.

1. Streets shall be constructed of concrete, asphalt or asphalt concrete and no gravel or sanded roadways shall be constructed.
2. To accommodate any future improvements, the entire right-of-way of collector and local streets shall be graded to match the level of the road surface. All stumps, trees that cannot be saved, boulders and similar items shall be removed from such right-of-way.
3. Wherever possible, there shall be an inside tangent at least 100 feet in length introduced between reverse curves on arterial and collector streets.
4. Streets shall be laid out so as to provide for horizontal sight distances on all curves depending upon design speed. These distances shall be:

a. Arterial:	500 feet
b. Collector:	300 feet
c. Local:	200 feet

The sight distance shall be measured within street rights-of-way from a height of four and one-half feet above the proposed pavement surface in the right-hand land of the roadway.

5. Roadway grades, wherever feasible, shall not exceed the following grades with due allowance for reasonable vertical curves:

a. Arterial	3%
b. Collector	4%
c. Local	5%
d. Access	5%

No roadway grade shall be less than 0.32 of one percent, unless approved by the applicable engineer. Greater percentages of grade may be required where necessary to provide adequate drainage.

B. **Storm Drainage.** A storm drainage system shall be provided, separate and independent of the sanitary sewer system, meeting all of the specifications and requirements of the City. Such storm drainage system

shall be connected to any existing storm sewer system, where available, or if such connection is not available, other adequate means for the discharge of such storm water according to the Planning and Design standards of these regulations. If it is determined that adequate drainage can be accomplished by a natural drainage way across private property, a drainage easement may be required; however, any initial channelization is the responsibility of the subdivider and continued maintenance the responsibility of the adjacent property owner(s). When required by the Kansas Department of Health and Environment, non-point source storm water permit applications must be filed before construction begins under the National Pollution Discharge Eliminations System (N.P.D.E.S.)

- C. **Sidewalks.** Sidewalks shall be constructed in accordance with Planning and Design Standards of these regulations and under the following conditions:
1. Sidewalks shall be constructed of concrete and be 6 inches thick. Alternative pourous dust-free surfaces may only be used for multi-use trails used in place of on-street sidewalk systems, and at the sole discretion of the Planning Commission.
 2. All sidewalks shall provide handicap access in conformity with K.S.A. 58-1301 et seq. and the federal Americans with Disabilities Act of 1990, 42 USCA 12101, as may be amended.
- D. **Street Signs.** Street signs shall be installed in accordance with specifications set by the City subject to the standards of the Manual of Uniform Traffic Control Devices as adopted by the Secretary of the Kansas Department of Transportation and endorsed by the Federal Highway Administrator. (See K.S.A. 8-2003 for sign manual.)
- E. **Water Supply.** A municipal type water supply system shall be installed in accordance with the standards and requirements set by the applicable agency supplying the water.
- F. **Fire Hydrants.** Fire hydrants of the type and quality specified by City standards, but not less than the minimum standards of the National Fire Protection Association, shall be provided and connected to municipal type water supply system. Such hydrants shall be subject to the inspection and approval of the applicable Fire Chief.
- G. **Sanitary Sewer.** A sanitary sewer system shall be installed in accordance with standards set by the City subject to the regulations of the Kansas Department of Health and Environment.
- H. **Electric and Communication Wiring.** Underground wiring in residential subdivisions, unless found to be unfeasible, is required for electric power, street lights 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, telephone service pedestals and street light poles; or
 3. For those proposed subdivisions or replats of existing subdivisions located in areas which presently have an overhead type utility distribution system.
 4. All such installation shall be under contract with the applicable utility provider. Cable television, if installed, shall be placed underground in accordance with the above requirements. Where entirely throughout a subdivision, conduits or cables shall be placed within easements or dedicated public ways in a manner that will not conflict with other underground services. Further, all transformer boxes shall be located so as not to be unsightly or hazardous to the public.
 5. Nothing in this section shall be construed as requiring underground installation of lines beyond the boundaries of the area contained in the preliminary plat.
 6. All utility lines for telephone and electric service, when carried on overhead poles, shall be placed in rear lot line easements or designated side lot line easements.
- I. **Screening.** If screening of public or private areas is to be required, a screening plan of landscaping and/or fencing shall be prepared and approved by the Planning Commission and such screening installed.
- J. **Monuments.** Monuments as shown on the final plat shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shall be required by the engineer. Monuments shall be made of iron rebars not less than 5/8 inch in outside diameter and not less than 24 inches in length. All monuments shall be securely placed and set in such a manner that the top of the monument shall be at least two inches below finish grade ground level. Benchmarks may also be required of such material, size and length as may be approved by the engineer.

- K. **Relocation of Existing Facilities.** Whenever existing sanitary or storm water sewers, water lines, drainage channels, culverts, underground or overhead electric and communication lines, gas lines, pipe lines, transmission lines are required to be relocated due to the subdivision or construction of improvements required as condition of approval of the subdivision and in the event such was not known at the time of subdivision approval for any reason, the costs of such relocation shall be the sole responsibility of the subdivider.
- L. **Erosion Control.** Where required, applicable measures will be taken during construction to minimize soil erosion and sedimentation by wind or water. Conservation standards shall be adhered to which have been adopted by the County Conservation District.

503 EXCEPTIONS FOR EXISTING IMPROVEMENTS.

- A. Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements as set out in Section 502 and where such improvements meet the requirements of said section and are in good condition as determined by the Governing Body, no further provision need be made by the subdivider to duplicate such improvements. Where such existing improvements do not meet the requirements; however, the subdivider shall provide for the repair, correction or replacement of such improvements so that all improvements will then meet the aforesaid requirements.
- B. Where the proposed subdivision is a resubdivision or concerns an area presently abutting or containing any existing public street of less than the minimum required right-of-way width or roadway width, land shall be dedicated in so far as is possible so as to provide for a minimum street right-of-way width and an additional roadway pavement meeting the minimum standards as set by these regulations. The Governing Body shall determine what adjustment to make where the aforesaid widenings merge with existing streets that are of smaller width at the boundary of such proposed subdivision. The minimum right-of-way and roadway width required by these regulations may be reduced to match an existing roadway system if the extension of such roadway is already improved at each end of the roadway in the subdivision.

504 INSTALLATION AGREEMENT AND GUARANTEES.

Except for monuments, one of the following methods shall be used by the subdivider to guarantee that improvements required by these regulations can or will be installed in accordance with approved plans and specifications. This does not preclude the possibility that the Governing Body may, at its discretion and in recognition of its financial position, share in the cost of all improvements, especially oversized improvements which may benefit other related areas or the municipality-at-large:

- A. **Fiscal Securities.** Fiscal sureties may be offered and the following shall apply:
 - 1. The subdivider shall enter into a “**Subdivider’s Agreement**” with the Governing Body under which the subdivider agrees to install such required improvements. Such agreement shall be conditioned upon the acceptances of the final plat by the Governing Body and filed with the Clerk.
 - 2. Simultaneously with the execution of the Subdivider’s Agreement, the subdivider shall furnish a corporate completion bond by a firm authorized to do business in Kansas with good and sufficient sureties thereon or a cashier’s check, escrow account or irrevocable letter of credit in favor of the Governing Body, in the amount of the estimated cost as approved by the official responsible for setting and enforcing the applicable design and construction standards of the installation of the required improvements. Such financial guarantee shall be conditioned upon the acceptance of the final plat and further conditioned upon the actual completion and satisfactory installation of such required improvements within two years from the date that the final plat is accepted by the Governing Body.
 - 3. Simultaneously with the execution of the Subdivider’s Agreement, if the subdivider furnishes a corporate completion bond, he or she shall also deposit in escrow with the Governing Body cash in the amount of 15% of the cost of all improvements to be made in accordance with the plans and specifications for required improvements or an equivalent amount in the form of a maintenance bond or other securities that may be deemed sufficient by the Governing Body. If a subdivider furnishes a cashier’s check, escrow account or irrevocable letter of credit, 15% of the amount of such guarantees shall be returned by, or held as a deposit in escrow after, the final completion of such improvements. The subdivider shall agree that such deposit in escrow may be held by the Governing Body for a period of 18 months after such improvements are completed for the purpose of:

- a. Guaranteeing and securing the correction of any defect in material or workmanship furnished for such improvements, latent in character, and not discernible at the time of final inspection or acceptance by the Governing Body; and
- b. Guarantee against any damage to such improvements by reason of the settling of the ground, base or foundation thereof.

Such escrow agreement shall provide that, as such defects have so developed, that the deposit may be applied by the Governing Body for any amounts incurred correcting such defects; and that the balance of such deposit, if any, held at the end of such 18-month period shall be returned by the Governing Body to the depositor, or paid to the order of the depositor without payment of interest.

- B. **Petitions.** Petitions to the Governing Body may be submitted as a means of guaranteeing the authority to install improvements at such time as they deem appropriate. Petitions may be submitted only when the following conditions exist:
1. The petitions must be valid as may be provided for under Kansas law.
 2. The petitions must be approved by the Governing Body concurrently with the acceptance of the final plat.
 3. The initiating resolution for such improvement must be adopted by the Governing Body concurrently with the petition approval or as soon thereafter as may be provided by law. The cost of the publication of said resolution shall be born by the subdivider.
 4. A certificate signed by the petitioner must be recorded with the County Register of Deeds stating that such petitions have been filed and approved by the Governing Body and that certain land within the plat as described will be liable in the future for special assessment of the required improvements authorized.
- C. **Utility Agreements.** The subdivider shall, prior to the acceptance of the final plat, submit a letter from the utility provider(s) involved stating that satisfactory arrangements have been made by the subdivider guaranteeing the installation of their respective services.
- D. **Monuments.** Monuments and benchmarks shall be installed and their installation certified by a registered land surveyor on the final plat before such plat is recorded with the County Register of Deeds.

505 OFF-SITE IMPROVEMENTS.

The Governing Body may, upon making a finding of necessity, require the subdivider to install or upgrade off-site improvements located outside the perimeter of a subdivision if such need is substantially created by a proposed subdivision. Such off-site improvements should be within dedicated rights-of-way or easements and serve a public purpose. The financing and guaranteeing of such improvements shall be administered as if they were the same as on-site improvements under Section 502. The Governing Body may require such subdivision to participate in the following facilities and improvements, or any other off-site improvements as recommended by the Planning Commission, if the need is created by a proposed subdivision:

- A. Drainage improvements;
- B. Pedestrian paths and sidewalks;
- C. Screening;
- D. Special grading requirements;
- E. Street improvements; or
- F. Traffic control devices.

506 IMPROVEMENT PROCEDURES

- A. **Submittal of Petition.** If petitions are proposed to meet the requirements of this Article, the subdivider shall so indicate at the time of submittal of the preliminary plat. If the petition method is authorized by the Governing Body, petitions shall accompany the final plat for approval by the Governing Body.
- B. **Final Improvement Plans.** When the use of petitions has not been requested by the subdivider or authorized by the Governing Body and a letter(s) of satisfactory arrangements from a utility provider(s) are not being utilized to guarantee improvements, the subdivider shall have prepared by an engineer (which may be contracted for privately or with any governmental agency or utility), engineering drawings for proposed required improvements containing the data and information specified in this section. Such

drawing shall be certified by a licensed engineer and shall be submitted to the applicable reviewing official in duplicate at least 20 days prior to the date that approval is requested.

1. **Content.** The engineering drawings shall contain the following data plus additional information deemed necessary by the applicable engineer:
 - a. Plans, details, specifications and cost estimates for roadway, alley and sidewalk construction; including plans, profile indicating existing topography and elevation including curb and sidewalk elevation when required, intersection control elevation and paving geometrics for each street with a typical cross section of the roadway. The profiles of grade lines shall be shown to a scale of one inch equals 100 feet horizontal, and one inch equals 10 feet vertical; or to a scale approved by the applicable engineer. This information shall be shown on standard plan and profile sheets unless otherwise required by the engineer and use topographic information from the Final Plat.
 - b. Plans, profiles, details, specifications and cost estimates of proposed storm drainage improvements.
 - c. Plans, profiles, details, specifications and cost estimates of proposed water distribution system, water supply facilities and fire hydrants.
 - d. Plans, profiles, details, specifications and cost estimates of proposed sanitary sewage system.
 - e. All plans for other utilities such as for electric, gas and telephone shall be prepared by or at the direction of the utility providing the service.
 2. **Review.** The applicable engineer, official or agency responsible for determining specifications and standards shall review all engineering drawings in order to determine whether such drawings are consistent with the approved final plat and comply with the design standards. If such drawings are consistent and so comply, the reviewing official shall forward to the Governing Body a notice to that effect. In the event that the drawings do not so comply, the reviewing official shall notify the subdivider of the specific manner in which such drawings do not comply, and he may then correct such drawings. If such drawings are not corrected, the reviewing official shall forward to the Governing Body a notice as to the items of nonconformity or noncompliance.
- C. **Construction of Improvements.** No improvements shall be constructed nor shall any work preliminary thereto be done until such time as the engineering construction drawings shall have been approved and there shall have been compliance with all of the requirements relating to the Subdivider's Agreement and such guarantees as are specified in Section 504 of these regulations.
1. **Inspection.** All improvements constructed or erected shall be subject to inspection by the applicable engineer or official responsible for setting and enforcing the applicable design and construction standards of the required improvements. The cost attributable to all inspections required by these regulations shall be charged to and paid by the subdivider. In so far as is possible, the subdivider shall give at least 48 hours notification to such official prior to the performance of any inspection work.
 2. **Inspection Procedures.** After notice is received, the applicable engineer or official designated may conduct an on-site inspection to determine that the work complies with the approved engineering plans and specifications. If in the opinion of such engineer or official, the work does not comply with such final drawings, he shall have authority to order that all such work shall be terminated until such time as necessary steps are taken to correct any defects or deficiencies. Upon the correction of such defects or deficiencies, the subdivider shall again notify the applicable engineer or official that the work is again ready for inspection.
 3. **Final Inspection.** Upon completion of all improvements within the area covered by the final plat, the subdivider shall notify the applicable engineer or official designated, who shall thereupon conduct a final inspection of all improvements installed. If such final inspection indicates that there are any defects or deficiencies in such improvements as installed from the final engineering plans and specifications, he shall notify the subdivider in writing and the subdivider shall, at his sole cost and expense, correct such defects or deviations within six months of the date of notification. When such defects, deficiencies or deviations have been corrected, the subdivider shall notify the official that the improvements are again ready for final inspection. After the final inspection is made and before acceptance of the improvement by the Governing Body, the subdivider shall file a statement with the engineer or official which is executed by the subdivider, certifying that all obligations incurred in the construction of the improvement involved have been properly paid and settled.

- D. **Acceptance of Improvements.** If a final inspection indicates that all improvements as installed contain no unacceptable defects, deficiencies or deviations, within 15 days from the submission of the subdivider's statement of obligation paid, the applicable engineer of official designated shall certify to the Governing Body and utility provider(s) that all improvements have been installed in conformity with the engineering plans and specification accompanying the final plat. Upon the receipt by the Governing Body of such notification and in conformity with the requirements of these regulations and all other applicable statutes, ordinances and regulations, the Governing Body shall thereupon by resolution formally accept such improvements. The improvements shall become the property of the Governing Body or utility provider(s) involved. Prior to this final action, however, neither the acceptance of the final plat, any subsequent annexation to the City or irrespective of any act(s) of employees, such actions shall not constitute their formal acceptance of improvements.

ARTICLE 6 CONSERVATION SUBDIVISION STANDARDS

601	APPLICABILITY AND INTENT
602	STREET NETWORK AND DESIGN
603	BLOCKS AND LOTS
604	OPEN SPACE

601 APPLICABILITY AND INTENT

- A. **Applicability.** A Conservation Subdivision is an alternative to a conventional residential subdivision. It is applicable in any area of the City or surrounding areas where preservation of rural or agricultural elements of the land are capable of preservation and would be in conformance with the Comprehensive Plan. In order to ensure the minimum acceptable size of contiguous preserved area, all Conservation Subdivisions shall have a minimum parcel size of 40 acres. Two or more parcels under the same or separate ownership may be combined in a joint application to achieve the minimum parcel size.
- B. **Intent.** It is the intent of the Conservation Subdivision Standards to:
1. Provide an alternative development pattern preserves the rural character that transition from the City to surrounding areas of the County;
 2. Promote environmentally sensitive and efficient uses of the land.
 3. Preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
 4. Permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
 6. Reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
 7. Promote interconnected greenways and corridors throughout the community.
 8. Promote contiguous greenspace with adjacent jurisdictions.
 9. To encourage street designs that reduce traffic speeds and reliance on main arteries.
 10. To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.
 11. To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.
 12. To protect prime agricultural land and preserve farming as an economic activity.

602 STREET NETWORK AND DESIGN

- A. **Street Layout.** The streets and lot layouts shall be designed and located in a manner that maintains and preserves the natural topography, involves the least practical amount of grading, shortens road lengths and lot frontages, and minimizes any other disturbances of land and natural features.
- B. **Street Designs.** All streets in the proposed subdivision shall utilize the Rural Context design type for all Functional Classifications.
- C. **Street Connectivity.** One connection to a Collector or Arterial street shall be provided for every 40 dwelling units in the subdivision. Where connections are not available, an extension of an existing or planned Collector or Arterial street shall be provided.

603 BLOCKS AND LOTS

- A. **Maximum "Cluster" Size.** All residential lots and dwellings shall be grouped into clusters. Each cluster shall contain no more than 20 dwelling units. Conservation Subdivisions may include more than one residential cluster, provided that each cluster shall be separated by a buffer of Conservation Area. The buffer between clusters shall be at least 200' wide and include no disturbed areas of land.
- B. **Lots.** There shall be no minimum lot size for Conservation Subdivisions. Conservation Subdivisions shall be allowed to vary the lot sizes on the developed parcel in order to fit the maximum number of units on the developed parcel as would have been allowed on the original parcel under the conventional Subdivision Standards, or the zoning for the parcel where applicable. The development yield of a parcel shall be based on a housing density determination in sub-section C.

Lots shall be configured so that buildable portions of each lot are located in the area that causes the least disturbance during construction activity. In addition to the required preserved areas, the largest amount of area possible on each lot shall be kept in or restored to its natural vegetative state.

- C. **Housing Density Determination.** The maximum number of lots in the Conservation Subdivision shall be determined by Yield Plan using the following calculations
 - 1. **Calculation:** The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. For un-zoned area, a minimum lot size of 10 acres shall be provided. Conservation subdivisions proposed in association with a re-zoning may be designed according to the maximum number of lots in the proposed zoning, however approval of the subdivision shall be contingent on approval of the re-zoning. In making this calculation, the following shall not be included in the total area of the parcel:
 - a. slopes over 25% of at least 5000 square feet contiguous area;
 - b. the 100-year floodplain;
 - c. bodies of open water over 5000 square feet contiguous area; and
 - d. wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act.
 - 3. **Minimum Open Space.** At least 40% of the parcel must be preserved as contiguous open space meeting the standards of section 604 below.
 - 4. **Lot Arrangement.** Outside of the preserved open space, the permitted number of dwelling units may be arranged on lots and housing clusters in any design that most efficiently serves the development with the required infrastructure and best protects the continuity and natural function of the open space.
 - 5. **Density Bonus.** Conservation Subdivisions shall be allowed additional dwelling units beyond the dwelling unit yield of the original parcel based upon the percent of the original parcel that is preserved from development according to following table:

TABLE 6-1: DENSITY BONUS	
PRESERVED PARCEL	INCREASE IN DWELLING UNITS
50% to 60%	20 percent more dwelling units than provided in the Yield Plan
61% to 70%	40 percent more dwelling units than provided in the Yield Plan
More than 70%	60 percent more dwelling units than provided in the Yield Plan

604 OPEN SPACE

- A. **Conservation Area Criteria.** All Conservation Areas shall meet the following criteria:
 - 1. All portions of the Conservation Area shall have significant natural features or habitats worthy of preservation for environmental, aesthetic and recreation benefits. Areas of the development site that best meet this criteria shall be preserved from development and take priority in determining the best layout for the site.

2. No more than 50% of the Conservation Area shall be land that is undevelopable due to natural features or other physical impracticalities, such as water bodies, steep grades, or wetlands.
 3. No land that is undevelopable due to other laws or ordinances is eligible for inclusion in the Conservation Area calculations.
 4. The Conservation Area shall be contiguous, based upon consistent and substantial linkages of natural systems. While a Conservation Subdivision may involve more than one preserved area, no single contiguous Conservation Area shall be less than 5 acres or 15% of the site, whichever is greater.
 5. Thin bands of preserved areas shall be avoided to prevent erosion through "edge conditions." Area less than 50-feet wide shall be excluded from the Conservation Area calculations.
 7. All lots shall be within 300 feet of the Conservation Area as measured by the most direct pedestrian connection or shall directly abut the Conservation Area.
 8. The Conservation Area should be usable and accessible by residents, however trails or other accessories should be designed to avoid fragmenting Conservation Areas and to minimize impact on Conservation Areas.
 9. The Conservation Area may be designated for assignment and management by a common ownership association of current and future lot owners or dedicated to the City subject to the City acceptance in its sole discretion. The City may approve the assignment of the preserved area to another public or non-profit entity in its sole discretion.
- B. Primary Conservation Area.** The following are considered Primary Conservation Areas and are required to be included within the Open Space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:
1. The 100-year floodplain;
 2. Riparian zones of at least 100 feet wide along all perennial and intermittent streams;
 3. Slopes above 25% of at least 5000 square feet contiguous area;
 4. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
 5. Populations of endangered or threatened species, or habitat for such species;
 6. Archaeological sites, cemeteries and burial grounds;
 7. Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads.
- C. Secondary Conservation Area.** The following are considered Secondary Conservation Areas and should be included within the Open Space to the maximum extent feasible.
1. Important historic sites;
 2. Existing healthy, native forests of at least one acre contiguous area;
 3. Individual existing healthy trees greater than 8 inches caliper, as measured from their outermost drip line;
 4. Prime agricultural lands of at least five acres contiguous area;
 5. Existing trails that connect the tract to neighboring areas.
- D. Uses of Conservation Area.**
1. ***Permitted Uses.*** Uses of Conservation Areas may include the following:
 - a. Conservation of natural, archeological or historical resources;
 - b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
 - c. Walking or bicycle trails, provided they are constructed of porous paving materials;
 - d. Passive recreation areas, such as open fields;
 - e. Active recreation areas, provided that they are limited to no more than 10% of the total Conservation Area and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the Primary Conservation Area.
 - f. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas;
 - g. Landscaped stormwater management facilities, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of Primary Conservation Areas;
 - h. Easements for drainage, access, and underground utility lines;
 - i. Other conservation-oriented uses compatible with the purposes of this ordinance.

2. **Prohibited Uses.** Uses of Conservation Areas shall not include the following:
 - a. Golf courses;
 - b. Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
 - c. Agricultural and forestry activities not conducted according to accepted Best Management Practices;
 - d. Impoundments;
 - e. Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.

E. **Legal Restrictions.**

1. **Permanent Conservation.** Designation, dedication of other legal restrictions on future development of the preserved property in perpetuity shall be filed with the plat for any proposed Conservation Subdivision.
2. **Management Plan.** A detailed ownership and management plan for the preserved area shall be filed with the plat for any proposed Conservation Subdivision. The plan shall:
 - a. identify the owner, entity responsible for maintenance, and long-term funding strategies such as homeowners fees or assessments.
 - b. demonstrate the financial feasibility of the ownership and maintenance program.
 - c. Specify guidelines for how the maintenance of the Conservation Area, and any facilities eligible for location in the Conservation Area will occur.
 - d. Include cost estimates for maintenance, including staffing, operation, or insurance costs, if any.
 - e. Identify a board and procedures for oversight of and enforcement of the Management Plan.
3. **Ownership and Management.** Options for ownership and management of preserved area include:
 - a. Dedication to the City or other public entity subject to acceptance by and at the sole discretion of the City or other public entity.
 - b. Creation of or dedication to a non-profit entity capable of carrying out the ownership and management plan.
 - c. Creation of a Homeowners and/or Leaseholders Association capable of carrying out the ownership and management plan.
 - d. Establishment of an endowment where the principal generates sufficient annual interest to cover the yearly costs of ownership and maintenance of the preserved area.
 - e. Dedication to a private or not-for-profit entity such as a land trust or similar conservation-oriented organization with the legal authority and financial capacity to accept such dedications.
 - f. Dedication of a conservation easement on the Conservation Area to any of the above entities with a right of enforcement in favor of the City stated in the easement.Any management organization shall be bona fide and in perpetual existence and the conveyance instrument shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its function.
4. **Right of Enforcement.** In the even the party responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition according to the Management Plan, the City may assume responsibility for its maintenance and may enter the premises and take corrective action, including provision of extended maintenance. The cost of sub maintenance may be charged to the Management Entity, or the individual property owners according to their pro-rata share based on the Management Plan. Costs may include administrative costs in taking such actions as well as penalties as provided under these regulations. Such costs shall become a lien on all subdivision properties.
5. **City Review.** The legal restrictions and ownership and management plan shall be subject to review and approval by the City.

Appendix A Street Sections

Appendix A presents typical cross-section designs of streetscapes using the standards and guidelines Article 4. It is exemplary of the application of the street network and design standards and guidelines, and is not exhaustive. Other similar cross sections could be designed by applying the standards and guidelines, depending on the context of the street. The cross-sections illustrate the planning and urban design concepts in these regulations and upon approval through the platting process may be the basis for engineering and construction documents.

STANDARD ARTERIAL	
<p>TYPICAL PLAN AND CROSS-SECTION</p> <p>(2-LANE NON-RESIDENTIAL SHOWN)</p>	
MINIMUM ROW WIDTH	70' – Two-lane (residential) 90' – Four-lane 120' – Six-lane
TRAVEL LANES	2 - 6
TRAVEL LANE WIDTH	<ul style="list-style-type: none"> • 10' – 11' (residential) plus 4' outside shoulder and curb and gutter area. • 11' – 12' (non-residential) plus 4' outside shoulder and curb and gutter area.
LANDSCAPE AREA	10' – 16' Tree Lawn / Bern
PEDESTRIAN AREA*	5' – 12'

* See Section 401.E.4. for specific pedestrian facility requirements.

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STANDARD COLLECTOR	
TYPICAL PLAN AND CROSS-SECTION (RESIDENTIAL SHOWN)	
	<p>MINIMUM ROW WIDTH 70'</p> <p>TRAVEL LANES 2</p> <p>TRAVEL LANE WIDTH</p> <ul style="list-style-type: none"> • 10' – 11' (residential) plus 3' outside shoulder and curb and gutter area. • 11' – 12' (non-residential) plus 3' outside shoulder and curb and gutter area. <p>LANDSCAPE AREA 6' – 8' tree lawn</p> <p>PEDESTRIAN AREA* 5' – 8' sidewalk</p>

* See Section 401.E.4. for specific pedestrian facility requirements.

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RURAL DRIVE (LOCAL OR COLLECTOR)	
TYPICAL PLAN AND CROSS-SECTION	
	<p>MINIMUM ROW WIDTH 50'</p> <p>TRAVEL LANES 2</p> <p>TRAVEL LANE WIDTH 9' plus 2' shoulder</p> <p>LANDSCAPE AREA 14' Natural vegetation / drainage swale</p> <p>PEDESTRIAN AREA</p> <ul style="list-style-type: none"> • None - if alternative integrated trail system available to neighborhood; or • 4' path on one side

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RURAL PARKWAY (ARTERIAL OR COLLECTOR)	
<p>TYPICAL PLAN AND CROSS-SECTION</p> <p>(2-LANE WITH MEDIAN SHOWN)</p>	
MINIMUM ROW WIDTH	70' - Two-lane 100' - Four-lane
TRAVEL LANES	2 - 4 (center median required for 4 lane)
TRAVEL LANE WIDTH	9' - 11', plus 2' - 4' outside shoulder
LANDSCAPE AREA	10' - 15' natural vegetation / swale; and 10' - 14' vegetated median, if 4 lanes
PEDESTRIAN AREA	<ul style="list-style-type: none"> • 4' path; or • 10' - 12' multi-use trail

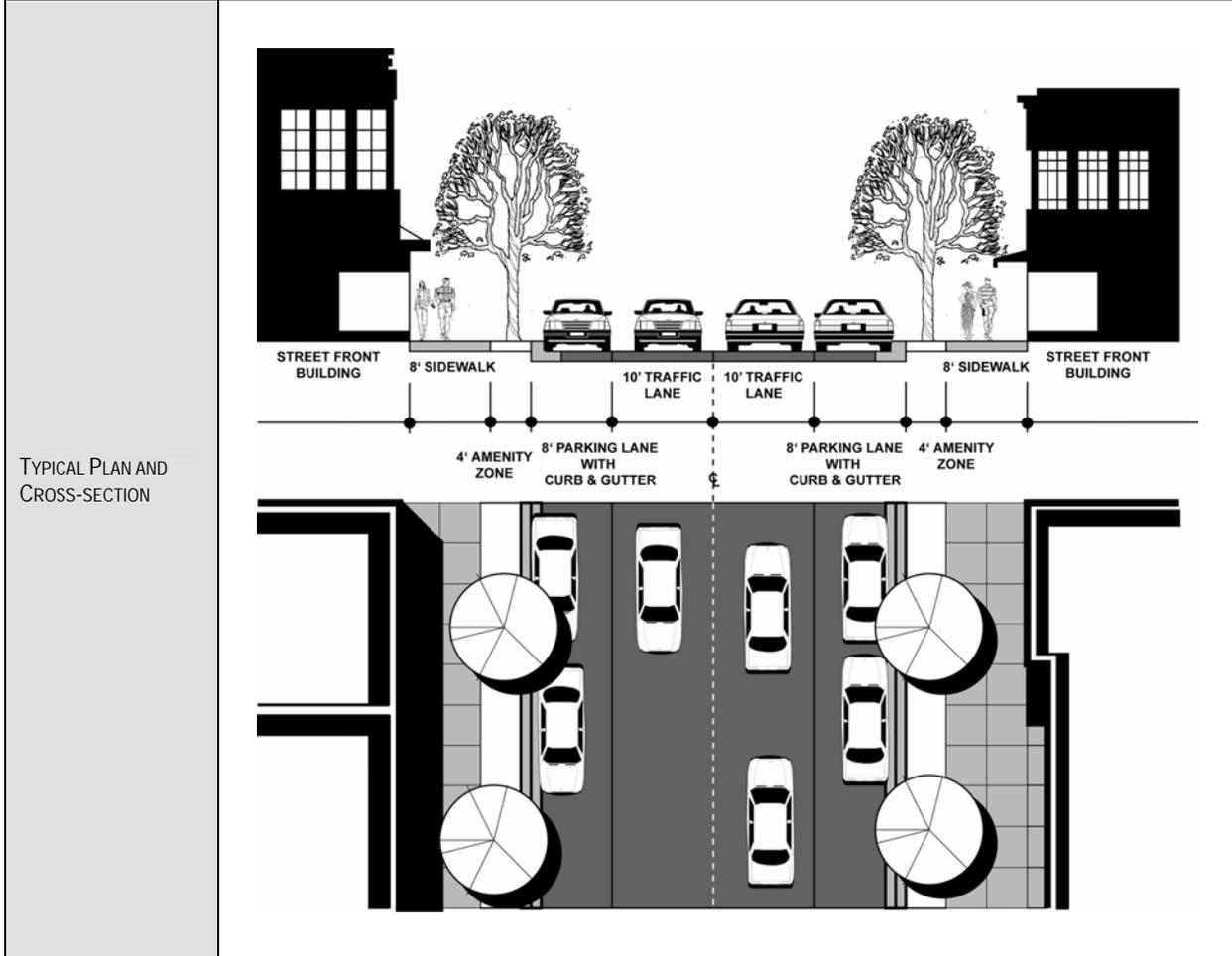
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NEIGHBORHOOD STREET (LOCAL OR COLLECTOR)	
<p>TYPICAL PLAN AND CROSS-SECTION</p> <p>(YIELD LANE LOCAL SHOWN)</p>	<p>The diagram illustrates a street cross-section with the following components from left to right: a 10' UE (Unimproved Edge) area with a minimum setback and trees; a 7.5' Landscape Zone with trees; a 11' Traffic Lane with three cars; another 7.5' Landscape Zone with trees; a second 10' UE area with a minimum setback and trees; and a final 7.5' Landscape Zone with trees. Below the elevation view, a plan view shows a 5' sidewalk on the left, a 7' occasional parking lane with curb and gutter, a 11' traffic lane with two travel lanes and a center line, another 7' occasional parking lane with curb and gutter, and a 5' sidewalk on the right. Trees are shown in plan view along the sidewalks and in the landscape zones.</p>
MINIMUM ROW WIDTH	50' - Yield lane (Local) 60' - 2 Through lanes (Collector)
TRAVEL LANES	<ul style="list-style-type: none"> • 1 yield lane (See Section 401.E.5. for yield lane criteria and limitations); or • 2 through lanes
TRAVEL LANE WIDTH	11' - 14' Yield lane; 9' - 10' Through lanes
ON-STREET PARKING	7' Occasional parking, shoulder, and curb and gutter area
LANDSCAPE AREA	6' - 8' Tree Lawn. Large canopy trees shall be located between 30' to 60' on center along the length of the street.
PEDESTRIAN AREA	5' sidewalk

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PEDESTRIAN STREET (LOCAL OR COLLECTOR)



MINIMUM ROW WIDTH	60'
TRAVEL LANES	2
TRAVEL LANE WIDTH	10' - 11'
ON-STREET PARKING	8' Designated parallel parking and curb and gutter area
LANDSCAPE AREA	4' - 8' Pedestrian Amenity Area. Medium ornamental trees with a canopy height above 14' at maturity shall be placed approximately 25' - 40' on center in tree wells. Tree wells shall be at least 4' width in all directions and have at least 20 square feet of impervious surface.
PEDESTRIAN AREA	8' - 12' sidewalk

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Appendix A.
Street Sections

PEDESTRIAN AVENUE (ARTERIAL OR COLLECTOR)	
TYPICAL PLAN AND CROSS-SECTION (4-LANE SHOWN)	
	<p>MINIMUM ROW WIDTH 80' - Two-lane 100' - Four-lane</p> <p>TRAVEL LANES 2-4</p> <p>TRAVEL LANE WIDTH 10' - 11'</p> <p>ON-STREET PARKING 18' Designated angled parking and curb and gutter area</p> <p>LANDSCAPE AREA 4' - 8' Pedestrian Amenity Area. Medium ornamental trees with a canopy height above 14' at maturity shall be placed approximately 25' - 40' on center in tree wells. Tree wells shall be at least 4' width in all directions and have at least 20 square feet of impervious surface.</p> <p>PEDESTRIAN AREA 8' - 12' sidewalk</p>

City of Maize Subdivision Regulations

Appendix A.
Street Sections

BOULEVARD (ARTERIAL OR COLLECTOR)	
<p>TYPICAL PLAN AND CROSS-SECTION</p> <p>(4-LANE NON-RESIDENTIAL SHOWN)</p>	
MINIMUM ROW WIDTH	80' – Two-lane 100' – Four-lane
TRAVEL LANES	2-4
TRAVEL LANE WIDTH	11' – 12', plus 4' shoulder and Curb and gutter
LANDSCAPE AREA	<ul style="list-style-type: none"> • 10' – 16' Tree Lawn (residential uses). Large canopy trees shall be located between 30' to 60' on center along the length of the street.; or • 4' – 8' Amenity Area (non-residential uses. Medium ornamental trees with a canopy height above 14' at maturity shall be placed approximately 25' – 40' on center in tree wells. Tree wells shall be at least 4' width in all directions and have at least 20 square feet of impervious surface.
PEDESTRIAN FACILITY	<ul style="list-style-type: none"> • 6'-8' sidewalk (residential uses); or • 8'-12' sidewalk (non-residential uses)
MEDIAN*	10' – 14' . The median shall be landscaped with Large Canopy or Medium Ornamental trees approximately every 30' to 60' and include lawn or other ground cover.

* Medians are optional; where median can not be provided, width shall be added to increase the Landscape Area.

Appendix A.
Street Sections

ACCESS / RESIDENTIAL LANE	
TYPICAL PLAN AND CROSS-SECTION	
MINIMUM ROW WIDTH	20'
TRAVEL LANES	1 Yield lane
TRAVEL LANE WIDTH	12' - 16'
LANDSCAPE AREA	2' - 4' landscape strip
PEDESTRIAN AREA	None

ACCESS / NON-RESIDENTIAL ALLEY	
TYPICAL PLAN AND CROSS-SECTION	
MINIMUM ROW WIDTH	20'
TRAVEL LANES	2
TRAVEL LANE WIDTH	8' - 10'
LANDSCAPE AREA	2' - 4' landscape strip
PEDESTRIAN AREA	None

