



**SUBDIVISION REGULATIONS**  
**CHAPTER 70-2**

**Adopted By Ordinance #2300**  
**July 1, 2005**

# CHAPTER 70-2: SUBDIVISION REGULATIONS

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# CHAPTER 70 PLANNING

## ARTICLE I: IN GENERAL: SECTION 70-2. SUBDIVISION REGULATIONS

### ARTICLE I: GENERAL

#### Section 70-2: 1.010 TITLE

These regulations shall officially be known, cited, and referred to as the Subdivision Regulations of Garden City, Kansas.

#### Section 70-2: 1.020 JURISDICTION

These regulations apply to all subdivision of land located within the corporate limits of Garden City, Kansas as provided by law and shall include the following legally described property which is transferred to the City of Garden City Subdivision authority via Interlocal Agreement from Finney County, Kansas. (Resolution No. 22-98 – 8/17/98)

- *A TRACT OF LAND BEING THE Southeast Quarter of Section 4, Township 24 South, Range 32 West of the 6<sup>th</sup> P.M., Finney County, Kansas, except that portion that lies to the Northwest of a line that connects from the West Quarter Corner to the North Quarter Corner of the Southeast Quarter, and a tract of land described as follows:*
  - Beginning 388.29 feet North and 40 feet West of the SE Corner of Section 4; thence North 400 feet; thence West 217.8 feet; thence South 400 feet; thence East 217.8 feet to the point of beginning, and
  - That portion of said Quarter that lies Southeast of the North right-of-way line of K-156.
- *Three tracts of land located in Section 9, Township 24 South, Range 32 West, of the 6<sup>th</sup> P.M., Finney County, Kansas, more particularly described as follows:*
  - Beginning at the Northeast corner of Section 9; thence South along the East Section line to the Southeast corner of said Section; thence West along the Section line to the intersection with the East right-of-way line of US 50/83 by-pass; thence North along the East right-of-way line of US 50/83 by-pass to the intersection with the South right-of-way line of K-156; thence in a Northeasterly direction along the South right-of-way line of K-156 to the intersection with the North Section line of Section 9; thence East to the Northeast corner as a point of beginning, except the South 200 feet of the East Half of the South East Quarter, and except the Jennie Barker Road and Schulman Road right-of-way, and
  - Beginning at the North Quarter corner of Section 9, Township 24 South, Range 32 West, of the 6<sup>th</sup> P.M., Finney County, Kansas; thence East along the North Section line for a distance of 969.00 feet to the point of beginning; thence South 00°00'00" West for a distance of 662.81 feet; thence at a bearing of South 46°54'13" East for a distance of 475.69 feet to the North right-of-way line of K-156; thence continuing along the North right-of-way line in a Northeasterly direction to a point that intersects the North Section line of Section 9; thence West along the North Section line of Section 9 to the point of beginning except the Mary Street right-of-way, and The North 655 feet of the West 750 feet of the Northeast Quarter of Section 9 except the Highway 50/83 and Mary Street Rights-of-Way. (Ordinance No. 2092 – 7/27/99)

#### Section 70-2: 1.030 PURPOSE

To protect and provide for the public health, safety, and general welfare of the city. To guide the future growth and development of the city in accordance with the Comprehensive Plan. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger and to prevent overcrowding of the land and undue congestion of population and traffic. To encourage the orderly and beneficial development of the community through the appropriate timing and sequencing of development and promotion of infill development in existing neighborhoods. To establish reasonable standards and procedures for the subdivision of land. To ensure that land is subdivided only when subdivision is necessary and provide for uses of land for which market demand exists and which are in the public interest. To remedy the problems associated with partial or incomplete subdivisions and low-grade subdivision. The land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations.

**Section 70-2: 1.040 INTERPRETATION**

The Subdivision Regulation is intended to set *minimum requirements*. If any other provision of law relates to any matter covered herein, the regulation providing the higher standard shall apply.

**Section 70-2: 1.050 APPLICABILITY**

These regulations shall apply to all zoning districts, all new plans, lot splits, plats, replats or subdivisions of land laid out in any lot, tract or parcel located within the jurisdiction of the City. Shall be prepared, presented, reviewed and recorded as herein prescribed after the date of adoption. The following are exceptions to these regulations:

- *Lots zoned for industrial purposes may be divided into two (2) or more tracts without replatting such lot. Provided, however, that the lot so produced shall conform to the Zoning Regulations, Comprehensive plan, all minimum standards of this ordinance and other applicable codes of the City.*

**Section 70-2: 1.060 SUBDIVISION APPROVAL**

No building permit or zoning permit or certificate of occupancy shall be issued for any lot, tract or parcel of land located within the area governed by the subdivision regulations that has been subdivided, re-subdivided or re-platted after the date of adoption of these regulations which has not been approved in the manner as provided herein.

- A. All plans, plats or replats of land laid out in building lots, and the streets, alleys or other portions of the same, intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent to, shall be submitted to the Holcomb-Garden City-Finney County Area Planning Commission for its consideration. The Planning Commission recommendation shall be submitted to the Governing Body of the City for their official consideration and action.
- B. No improvements shall take place in the subdivision prior to Governing Body approval or the recording of the final plat and development agreement.
- C. The City Engineer shall review and approve the subdivision construction plans of street, wastewater, storm sewer and water proposed prior to any construction.

**Section 70-2: 1.070 ENACTMENT**

In order that land may be subdivided in accordance with these policies, these subdivision regulations are hereby adopted by Ordinance No. 2300, and made effective as of July 1, 2005.

- A. All applications for subdivision approval, including final plats, pending on the effective date of these regulations shall be reviewed under these regulations.
- B. These regulations will not apply if preliminary plat approval was obtained prior to the effective date of these regulations and the Subdivider/Developer has constructed subdivision improvements prior to submission of the final plat as required by the city, unless the Planning Commission determines on the record that application of these regulations is necessary to avoid a substantial risk of injury to public health, safety, and general welfare.

**Section 70-2: 1.080 VIOLATIONS AND PENALTIES**

Any person who violates any of these regulations shall be subject to a fine of not to exceed \$500.00 or by imprisonment for not more than six months for each offense or by both such fine and imprisonment.

- A. Each day's violation shall constitute a separate offense pursuant to the provisions of K.S.A. 12-761.
- B. Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a structure. These remedies shall be in addition to the penalties described above.

**Section 70-2: 1.090 SEVERABILITY**

If any section of this regulation be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separately and apart from the remaining provisions of these regulations, such section to be completely severable from the remaining provisions of such regulations, and the remaining provisions of these regulations shall remain in full force and effect.

**ARTICLE II: ADMINISTRATION**

**Section 70-2: 2.010 DUTIES OF THE PLANNING DIRECTOR**

The Planning Director, under the direction of the City Manager, shall administer the provisions of the Subdivision Regulations and in furtherance of such authority, shall:

- A. Maintain an up-to-date Subdivision Code, including amendments thereto and permanent and current records with respect to the land use regulations.
- B. Receive, file and transmit development related applications to the designated review agencies as specified in these Subdivision Regulations.
- C. Inform applicants of the procedural requirements for subdivision approval, discuss and review preliminary development plans in regard to the type and density of use as proposed in the City Comprehensive Plan.

**Section 70-2: 2.020 DUTIES OF THE PLANNING COMMISSION**

The Planning Commission shall:

- A. Review and recommend to approve, approve conditionally or disapprove Preliminary Plats.
- B. Review and recommend to approve, approve conditionally or disapprove Final Plats.
- C. Make such other determinations and decisions as may be required of the Planning Commission from time to time by these Subdivision Regulations and by the applicable sections of the Kansas Statutes.

**Section 70-2: 2.030 DUTIES OF THE GOVERNING BODY**

- A. The Governing Body shall accept or reject dedications of streets, alleys and other public ways and sites shown on all final plats, and approve written agreement(s) with the Subdivider/Developer.
- B. Accept or reject financial guarantees from Subdivider/Developers in lieu of immediate completion or installation of improvements required by the regulations.

## ARTICLE III: DEFINITIONS

### Section 70-2: 3.010 INTERPRETATION OF THESE SUBDIVISION REGULATIONS ARE DEFINED AS FOLLOVED:

**ALLEY:** A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

**AS-BUILT PLANS:** Construction plans revised to show a facility or structure as actually constructed and as it appears on the tract of land involved.

**BUILDING LINE:** A line on a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may be erected or altered, except as otherwise provided in the Zoning Regulations of the City.

**CITY:** The City of Garden City, Kansas

**CITY ATTORNEY:** The attorney appointed by the Governing Body or his/her duly appointed designee.

**CITY ENGINEER:** The licensed professional engineer or his/her duly appointed designee.

**CITY CLERK:** The Clerk of the City of Garden City, Kansas or his/her duly appointed designee.

**CUL-DE-SAC:** A street having one (1) end open to traffic and being terminated by a vehicle turn around.

**DENSITY:** The permitted number of dwelling units per gross acre of land to be developed.

**EASEMENT:** A grant by the property owner to the public, a corporation, or persons, of the use of designated land area for specific purposes, such as access of persons, utilities or services within which the owner of the property shall not erect any permanent structures.

**FINAL PLAT:** A plat prepared by a registered land surveyor to describe the precise location and dimension of lots, established easements, dedicated street right-of-way, and otherwise describe property to be subdivided.

**GOVERNING BODY:** The elected officials of the City.

**IMPROVEMENT:** Street work, utilities, sidewalks, drainage structures and other physical modifications which are to be installed or constructed by the subdivider for the benefit of the lot owners and for the proper development of the community as a condition precedent to the approval and acceptance of the final plat.

**LOT:** A portion of land in a subdivision, or other parcel of land, intended as a unit for transfer of ownership or for development.

**LOT AREA:** The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

**LOT, DOUBLE FRONTAGE:** A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

**MAJOR STREET:** An arterial or collector street, highway or other roadway designated as such on the official major street/road plan.

**MARGINAL ACCESS STREET OR FRONTAGE ROADS:** A minor street, which is generally parallel with or adjacent to a major thoroughfare, highway or railroad right-of-way and provides access to abutting property.

**PEDESTRIAN WAY:** A right-of-way dedicated to public use to facilitate pedestrian access to adjacent streets and properties.

**PLANNING COMMISSION:** The Holcomb-Garden City-Finney County Area Planning Commission.

**PLANNING DIRECTOR: (see also SECRETARY)** The Planning Director or his/her duly appointed designee.

**PLAT:** A map or maps of a subdivision

**PRELIMINARY PLAT:** A map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it.

**REPLAT:** Any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions

**RIGHT-OF-WAY:** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.

**ROADWAY:** The actual road surface area from curblines to curblines, which may include travel lanes, and parking lanes. Where there are no curbs, the roadway is that portion between the edges of the paved, or hard surface, width.

**SECRETARY: (see also PLANNING DIRECTOR)** Secretary of the Holcomb-Garden City-Finney County Area Planning Commission.

**SETBACK LINE:** The required minimum horizontal distance between the building line and the related front, side or rear property line.

**STREET:** A right-of-way dedicated to the public use, which provides vehicular and pedestrian access to adjacent properties.

**STREET, ARTERIAL:** A street or road that is designated in the Comprehensive Plan for large volumes of traffic to move quickly and safely, and which provides service and access to abutting properties only as a secondary function.

**STREET, COLLECTOR:** A street or road that is designated in the Comprehensive Plan primarily to gather traffic from local streets and carry it to the arterial street system.

**STREET, LOCAL:** Any public street or road designed primarily to provide access to more than one property.

**SUBDIVIDER/DEVELOPER:** A person, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself or for others. The legal or beneficial owner or owners of any land included in a proposed development, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

**SUBDIVISION:** The division of a tract of land, into two or more lots or parcels for the purpose of transfer of ownership or building development or, if a new street is involved, and division of a parcel of land. The term "subdivision" includes re-subdivision and the term "re-subdivision" as herein used, shall include any further subdivision of a lot or parcel of land previously subdivided for sale, use or other purposes, which varies from the latest, approved subdivision of the same.

## ARTICLE IV: SUBDIVIDING LAND

### Section 70-2: 4.010 PRE-APPLICATION

Prior to submission of any plat or lot split, the Subdivider/Developer shall contact the Planning & Community Development Department to determine:

- A. Procedure for filing plats.
- B. Availability of public utilities.
- C. *Comprehensive Plan* requirements for improvements such as major streets, land use, parks, schools and public open spaces.
- D. *Zoning* requirements for the property in question and adjacent properties.
- E. *Flood Plain*: The Planning Commission may, when it deems necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property that lies within the floodplain.
- F. *Right-of -Way*: Upon request for a land use permit or building permit on a lot or tract abutting a public street, the Community Development Director shall determine that adequate right-of-way exists on that portion of the public street abutting the property. Minimum right-of-way shall be determined based upon the abutting street classification. Classification of a street shall be determined by reference to the *Comprehensive Plan* and *Major Street Plan*; or, if the classification is not designated on any of such documents, the City Engineer shall determine the street classification by reference to existing or planned land uses of abutting properties and the *Major Street Plan*.
  - 1. Once the street classification has been determined, right-of-way requirements shall be calculated in an amount equal to one-half ( $\frac{1}{2}$ ) of the total right-of-way requirement established for such street classification in the *Major Street Plan*. Where the property lies on both sides of the public street, the right-of-way requirement shall be equal to the amount set forth in said plan.
  - 2. No conditional use permit, zoning amendment or building permit shall be issued for any lot or tract where the abutting right-of-way does not clearly comply with the right-of-way requirements until title for the additional required right-of-way has been conveyed to the City by plat or deed and accepted by the Governing Body.
  - 3. Any requirement for dedication of right-of-way pursuant to this Section may be waived by the Director of Community Development or City Engineer where the permit being requested does not result in a change or expansion of use of the property or an increase in the square footage of any building.
- G. *Easements/Dedications*. Where development or construction will require easements and right-of-way dedications outside subdivision plat boundaries, no approval of construction plans for developments will be granted until verification of the recording of all easements and right-of-way dedications has been received.

## ARTICLE V: LOT SPLITS

### Section 70-2: 5.010 LOT SPLIT

Previously platted lots or existing parcels may be divided as a lot split without replating.

- A. If such a lot is to be divided such lots produced by the lot split shall conform to all minimum standards of these regulations, zoning regulations, and other applicable codes of the City.
- B. No building permit shall be issued for a lot produced by a lot split until the lot split has been reviewed and approved by the Planning Director in accordance with procedures contained herein.

### Section 70-2: 5.020 SUBMISSION OF A LOT SPLIT.

The landowner shall submit applications for any lot splits to the Planning Director. The application shall be accompanied with a filing fee as established by resolution of the Governing Body, two (2) copies of a drawing to scale depicting the lots, structures and existing utility easements located on any part of the lot being split, together with the precise nature, location, dimensions and legal descriptions of the new lots to be created and other supplemental information that may be required at the discretion of the Planning Director.

### Section 70-2: 5.030 CONSIDERATION OF A LOT SPLIT.

The Planning Director shall approve applications for lot splits if it is determined that the lot has not been previously split, that the new lots so created conform to the requirements of these regulations, and that adequate street rights-of-way and easements exist to serve the properties. The Planning Director shall not approve a lot split if any of the following conditions exist:

- A. A vacation of streets, alleys, utility easements or other public reservations is required or proposed;
- B. The split will result in a lot without access to a street;
- C. Such action will result in a lot being split into more than four (4) lots.
- D. The Planning Director may make such additional requirements as are deemed necessary to carry out the intent and purpose of existing land development regulations and Governing Body policies where such requirements are reasonably related to the development of the properties. Such requirements may include, but are not limited to:
  - 1. Installation of public facilities
  - 2. Dedication of right-of-way and easements
  - 3. Submission of covenants for the protection of other landowners.

### Section 70-2: 5.040 LOT SPLIT ACTION

The Planning Director shall act upon all applications for lot splits within fifteen (15) days after receipt of a complete lot split application.

- A. The Planning Director shall review Lot Split applications and drawings.
- B. *Approved Lot Split Applications.* Following approval by the Planning Director, the approved lot split prepared and stamped by a registered land surveyor may be signed by the Landowner and the Planning Director. One Copy shall be filed with each of the following:
  - 1. Register of Deeds of Finney County
  - 2. Planning and Community Development Department.
- C. *Denied Lot Split Applications.* Denial of an application for a lot split by the Planning Director may be appealed to the Planning Commission, which shall act on the appeal within thirty (30) days following a written request for appeal.

## ARTICLE VI: PRELIMINARY PLATS

### Section 70-2: 6.010 PRELIMINARY PLATS

After reaching the preliminary conclusions regarding the requirements for the proposed subdivision, the Subdivider/Developer shall submit a preliminary plat together with any supplementary information necessary to the Planning Director. The Planning Director may accept simultaneous subdivision applications of the preliminary and final plats. A registered land surveyor shall prepare all proposed plats.

### Section 70-2: 6.020 SUBMITTING A PRELIMINARY PLAT APPLICATION

Any person desiring to subdivide land is subject to the provisions of these subdivision regulations and shall file, with the office of the Planning Director, a complete application form, plat and the appropriate filing fee.

### Section 70-2: 6.030 SUBMITTING THE PRELIMINARY PLAT DRAWING

The Subdivider/Developer shall submit four (4) full size copies on paper sheets to the specification of the Planning Director and fifteen (15) 11x17 copies of the preliminary plat, and additional information as required by these regulations. These plats shall be filed with the Planning Director at least thirty (30) days prior to the next regular meeting of the Planning Commission at which the preliminary plat is to be considered.

### Section 70-2: 6.040 SUBMITTING A PRELIMINARY PLAT FILING FEE.

The application shall be accompanied with a filing fee as established by resolution of the Governing Body for each application for a preliminary plat. The preliminary plat shall not be accepted for filing until the filing fee has been paid by the Subdivider/Developer and all required drawings and information submitted.

### Section 70-2: 6.050 CONTENTS OF THE PRELIMINARY PLAT DRAWING.

Plats for a subdivision shall be a formal plan, drawn to scale, indicating prominent existing features of a tract and its surroundings and the general layout of the proposed subdivision and shall meet the requirements outlined herein. The preliminary plat (or accompanying application material) shall contain the following information:

- A. Proposed name of the subdivision and street names. Names shall not duplicate or too closely resemble the name or names of an existing subdivision or streets.
- B. Location of the boundary lines of the subdivision and reference to the section, quarter sections, or quarter-quarter section lines, and any adjacent corporate boundaries, and the written legal description of the property.
- C. The names and addresses of the owner, Subdivider/Developer, and surveyor.
- D. Graphic scale and scale of the plat, which may not be less than one (1) inch equals one hundred (100) or at the discretion of the Planning Director.
- E. The date, north point, and legend.
- F. A vicinity or general location map showing section lines, the subdivision, adjacent subdivisions, corporate limits, major streets and other prominent features.
- G. The layout, number and approximate dimensions and square feet of lots, the number or letter of each block, minimum lot size in square feet, and phasing of the preliminary plat.

- H. Existing conditions.** The following information with respect to the manner in which the tract currently exists shall be included on the preliminary plat.
1. The location, width, and name of each existing or platted street or other public way, utility rights-of-way, parks and other public open spaces, permanent buildings within or adjacent to the proposed subdivision, and other important features such as section lines and corners, survey monuments, and political subdivision boundaries.
  2. All existing storm and waste water, water mains, gas mains, telephone cables, cable tv, and electric lines, either overhead or underground, culverts and any other underground installations within or leading into the proposed subdivision with size and necessary features, grades and locations shown.
  3. The names of adjacent subdivisions together with arrangement of streets, right-of-ways, easements and lots within two hundred (200) feet of the proposed subdivision.
  4. Topography (unless specifically waived by the City Engineer) with contour intervals of not more than two (2) feet, referenced to U.S.G.S. datum. In areas where grades are gentle, a lesser contour interval may be required.
  5. The location of water courses, bridges, wooded areas, approximate acreage, lakes, ravines and such other features as may be pertinent to the subdivision.
  6. Zoning on and adjacent to the tract.
  7. Areas in the official one hundred (100) year floodplain (as determined by the Federal Emergency Management Agency) shall be shown.
  8. Description of the benchmark(s) tied to USGS datum.
- I. Proposed Subdivision.** 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, width, names and approximate grades thereof, and showing the relationship of all streets to any projected streets shown on any development plan adopted by the City.
    - a. Where the plat submitted includes only a part of the tract owned by the Subdivider/Developer, a tentative plan of a proposed future street system for the unsubsidized portion shall be prepared and submitted by the Subdivider/Developer.
    - b. Existing street names and alignment shall be used where logical extensions of existing streets exist, even though separated by undeveloped land as recommended by the City Engineer. Street names shall be subject to the approval of the City.
  2. Location and width of proposed alleys and pedestrian ways.
  3. Location and size of proposed parks, playgrounds, church or school sites, or other special uses of land to be considered for dedication to public use, or to be reserved by deed or covenant for the use of all property owners in the subdivision, and any conditions of such dedication or reservation.
  4. Easements showing width and purpose.
  5. Easements to accommodate drainage.
  6. Building setback lines with dimensions.
  7. Location and type of utilities to be installed.
  8. Location and width of proposed sidewalks.
  9. The general plan of sewage collection, water supply and drainage.

**J. *Additional Information.*** The following data and information shall be submitted with the preliminary plat. If practical, such data and information may be shown on the preliminary plat. Otherwise, separate statements and/or maps shall accompany the preliminary plat.

1. A certificate proving ownership of the entire tract to be platted.
2. Proposed deed restrictions, if any, in outline form.
3. Stages of development sequence if the total area is not proposed to be developed as one (1) unit.
4. Proof that the proposed plat has been reviewed by all affected utility companies or agencies along with any comments from these companies or agencies on forms provided by the City.
5. Preliminary plans and profiles of streets, waste water facilities, storm sewers, water lines and soil samples may be required. Contact the City Engineer for specific requirements.
6. A statement of improvements that will be installed by Subdivider/Developer and the timeline when such improvements will be completed.
  - a. This statement shall be of sufficient detail to permit determination of whether such improvements will comply with these Subdivision Regulations, and other applicable statutes, ordinances and regulations.
  - b. If the nature of the improvements is such that preparation and submittal of all necessary details prior to the approval of the preliminary plat is not practical, then the City may waive the submission of such details or the City may require that the applicant execute a Developer Agreement.

**Section 70-2: 6.060 DISTRIBUTION AND REVIEW OF THE PRELIMINARY PLAT**

The Planning Director shall coordinate appropriate city staff and utility review and forward the comments along with a staff report to the Planning Commission.

**Section 70-2: 6.070 PLANNING COMMISSION ACTION ON THE PRELIMINARY PLAT**

The Planning Commission shall consider the preliminary plat within thirty (30) days of its acceptance as a complete application at the next regular meeting for which the plat may be scheduled.

- A. The Planning Commission shall review and consider the reports and recommendations of the agencies, and departments to whom the preliminary plat has been submitted for review.
- B. The Governing Body shall approve preliminary plats that contain parks or open space to be dedicated to the City.
- C. The Planning Commission shall determine, based on the evidence before it, whether the preliminary plat meets the design standards and requirements of these Subdivision Regulations, and conforms to the requirements of the Zoning Regulations, and other applicable provisions of the codes, policies and standards of the City.
- D. If the preliminary plat does comply with all requirements, the Planning Commission shall approve of the preliminary plat.
- E. If the preliminary plat is in general compliance but not complete compliance, the Planning Commission may recommend conditional acceptance of the preliminary plat. The conditions of such acceptance shall specify the modifications necessary to achieve full compliance. No final plat shall be recommended for approval unless such modifications are included to the satisfaction of the Planning Commission.

- F. If the preliminary plat is not in compliance with all requirements, the Planning Commission shall recommend disapproval of the preliminary plat. If the preliminary plat is not approved, the Subdivider/Developer may modify the preliminary plat and re-submit it to the Planning Commission. If the plat is amended and re-submitted within sixty (60) days of the disapproval of the original preliminary plat, no additional filing fee shall be required. The Planning Commission may reconsider the resubmitted preliminary plat at a regular meeting for which the plat may be scheduled by the Planning Director.

**Section 70-2: 6.080 PRELIMINARY PLAT RECOMMENDATION**

- A. Approval of the preliminary plat does not constitute an acceptance of the subdivision but is deemed to be an authorization to the Subdivider/Developer to proceed with preparation of the final plat and the detailed construction plans required for all improvements and utilities.
- B. The Subdivider/Developer then may submit the construction plans for review to the City Engineer. Said plans may be required to include information from other agencies.
- C. The approval of a preliminary plat shall be effective for a period of two (2) years from the date that the preliminary plat is approved by the Planning Commission. If the final plat has not been submitted for approval within the specified period, the preliminary plat must be submitted again to the Planning Commission for approval.

## ARTICLE VII: FINAL PLATS

### **Section 70-2: 7.010 FINAL PLAT:**

After approval of the preliminary plat, the Subdivider/Developer may submit a final plat. The Subdivider/Developer shall submit a final plat together with any supplementary information necessary to the Planning Director. The Planning Director may accept simultaneous subdivision applications of the preliminary and final plats depending on scheduling and work load.

### **Section 70-2: 7.020 SUBMITTING A FINAL PLAT APPLICATION.**

Any person desiring to final plat land that is subject to the provisions of these subdivision regulations shall file, with the office of the Planning Director, a complete application form, plat and the appropriate filing fee. The final plat shall be prepared by a registered land surveyor.

### **Section 70-2: 7.030 SUBMITTING A FINAL PLAT.**

The Subdivider/Developer shall submit three (3) full size copies on paper sheets to the specification of the Planning Director and three (3) 11x17 copies of the final plat for review thirty (30) days prior to the date of the meeting on which the plat is to be heard. Following final plat approval, by the Planning Commission, the Subdivider/Developer shall provide a minimum of two (2) mylars with original signatures and two (2) paper copies to the Planning Director. The size of the sheets on which final plats are submitted shall be at least sixteen and one-quarter (16¼) inches by nineteen (19) inches. Where the proposed plat is of unusual size, the final plat shall be submitted on two (2) or more twenty-four (24) inches by thirty-six (36) inches sheets. If more than two (2) sheets are required, an index sheet of the same dimensions shall be filed showing the entire development at a smaller scale.

### **Section 70-2: 7.040 SUBMITTING A FINAL PLAT FILING FEE**

The application shall be accompanied with a filing fee as established by resolution of the Governing Body for each application for a final plat. The final plat shall not be accepted until the Subdivider/Developer has paid the filing fee, submitted all required drawings, and other information.

### **Section 70-2: 7.050 SUBMITTING A STAGED OR PHASED FINAL PLAT**

An approved preliminary plat may be submitted for final approval in separate phases rather than as a whole, provided the following conditions are met:

- A.** Each phase of a plat of subdivision shall contain an area of sufficient size based on physical conditions and ability to install improvements economically. Such plat should, if possible, contain at least fifteen (15) lots.
- B.** The approval of the Planning Commission upon the advice of the City Engineer as to the feasibility of such development, in separate phases, including the feasibility of the proposed sequence of development shall be secured.
- C.** A final plat of at least one (1) phase shall be submitted for approval within two (2) years from the date of approval of the preliminary plat, and final plats of all such phases shall be submitted for approval within five (5) years from date that the preliminary plat was approved. The City upon application of the Subdivider/Developer may grant one (1) year extensions of time within which to submit final plats.
- D.** All other requirements for the approval of final plats, including the recording thereof, shall be adhered to with respect to each phase so submitted.

## **Section 70-2: 7.060 CONTENTS OF THE FINAL PLAT**

The final plat shall be a complete and exact subdivision plat, prepared for official recording as required by statute, to define property boundaries, proposed streets, and dedications. The final plat shall show and contain the following information:

- A.** The name of the subdivision (not to duplicate or closely approximate the name of any existing subdivision).
- B.** A subtitle shall follow consisting of a general description of the subdivision referencing section, township and range and/or previously recorded plats.
- C.** The location by section, or quarter section, township, and range, and including the legal description of the boundary of the subdivision, based on an accurate survey, giving angular and linear dimensions. The allowable error of closure on any portion of a final plat shall be not more than one (1) in ten thousand (10,000). Closure calculations shall be furnished for the boundary and all blocks.
- D.** The location of the boundary shall be shown in reference to existing monuments, section corners and subdivision boundary corners (as applicable), including bearings and distances to such monuments or corners.
- E.** The location of lots, streets, alleys, easements, parks and other features with accurate bearings and dimensions in feet and decimals of feet, curve data (central angle, radius, tangent and arc length), and with all other information required by law or necessary to reproduce the plat on the ground.
- F.** Lots shall be clearly numbered. Blocks are to be numbered and shown clearly in the center of the block.
- G.** The exact locations, rights-of-way widths, and names of all streets to be dedicated and of any existing streets.
- H.** The location, width, and purpose of all easements to be dedicated. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certification of dedication. Easements existing prior to the proposed subdivision that must remain in use shall also be shown with recording notations.
- I.** Boundary lines and description of boundary lines of any areas other than streets and alleys, which are to be dedicated or reserved for public or other use.
- J.** Building setback lines on all streets with dimensions.
- K.** The location and type of all monuments found or set. All monuments set shall meet State requirements and must be set by a registered Land Surveyor. Monuments shall have cap, or other device, bearing the registration number of the Land Surveyor or the registered corporation, stamped or imprinted thereon. The minimum size monument shall be an iron pipe or steel rod not less than ½" diameter and at least 24" long.
- L.** The names of adjoining subdivisions.
- M.** The names and addresses of the Subdivider/Developer, and surveyor making the plat.
- N.** Statement dedicating all easements, streets, alleys, and all other public areas not previously dedicated.
- O.** The final plat may be drawn at a scale of one (1) inch equals one hundred (100) feet or one (1) inch equals fifty (50) feet or at the discretion of the Planning Director.
- P.** Description and other written data shall be located either right or left.

**Q. THE FOLLOWING CERTIFICATES ARE REQUIRED AND MAY BE COMBINED WHERE APPROPRIATE:**

1. **Certification and Dedication** The original copies of the final plat shall have the certification and dedication by the all parties having title interest, signed and acknowledged by all parties having title interest in the land being platted and consenting to the preparation and recording of the plat as submitted with original signatures and shall be duly notarized by a Notary Public, at the time it is presented for approval to the Planning Commission or staff for approval.

2. **Surveyor's Certificate:**

This is to certify that the survey and monumentation of the above described land division was made under my direction and supervision and is accurately represented on this plat.

\_\_\_\_\_  
Signature, Date, Registration No. & Seal

3. **Certification by the County Surveyor:**

This map has been examined this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, for compliance with the requirements of the Act Concerning Land Surveys in the State of Kansas.

\_\_\_\_\_  
(Name), County Surveyor: Finney County, Kansas

4. **The certificate of the Planning Commission in the following form:**

This plat of \_\_\_\_\_ addition has been submitted to and approved by the Holcomb-Garden City-Finney County Area Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Type Name of Planning Commission Chair), Chairman

\_\_\_\_\_  
(Type Name of Planning Commission Secretary), Secretary

5. **The acceptance of easements and rights-of-way by the Governing Body in the following form:**

These rights-of-ways and easements accepted by the Governing Body of the City of Garden City, Kansas, as shown on said plat, are hereby dedicated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
(Typed Name of Mayor), Mayor

ATTEST:

\_\_\_\_\_  
(Typed Name of Clerk), City Clerk

6. **A Space for recording of the instrument and the name of the County Register of Deeds.**

**R. Supplemental Information To Be Submitted With Final Plat.** The following additional data shall be submitted with the final plat if requested by Staff, the Planning Commission, or the Governing Body:

1. A title report by an abstractor, title insurance company, or an attorney's opinion of title, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on, the plat. The Subdivider/Developer shall provide proof of written notification that all such persons have been notified of the requested action at least twenty (20) days prior to the date of the Planning Commission meeting.
2. A certificate showing that all taxes and special assessments due and payable have been paid in full.
3. A copy of any deed restrictions applicable to the subdivision.
4. A Development Agreement may be required as a condition of final plat approval depending on the complexity of the project, dedications, Special Assessment Financing, utility requirements, phasing or other conditions.
  - a. The Development Agreement shall constitute a binding contract between the Subdivider/Developer of the proposed subdivision and the City and shall contain those terms and conditions agreed to by the parties.
  - b. The City Manager, the City Planning Director, the City Attorney or designee are authorized to negotiate Development Agreements on behalf of the City.
  - c. The Development Agreement shall be adopted by the Governing Body pursuant to applicable state and local laws and shall be recorded with the Register of Deeds.

#### **Section 70-2: 7.070 DISTRIBUTION AND REVIEW OF THE FINAL PLAT**

The Planning Director shall coordinate general staff and utility review and forward comments along with a staff report to the Planning Commission. The final plat shall be reviewed for accuracy by the City Engineer or City Surveyor prior to submission to the Planning Commission or Governing Body.

#### **Section 70-2: 7.080 ACTION BY THE PLANNING COMMISSION ON THE FINAL PLAT**

The Subdivider/Developer or an authorized agent shall personally present the final plat at the Planning Commission meetings.

- A. The Planning Commission shall recommend approval, conditional approval, or disapproval of the final plat. If the Planning Commission recommends disapproval of the final plat, it shall advise the Subdivider/Developer of the reasons for such recommendation. The Planning Commission shall recommend approval of a final plat if it is:
  1. Substantially the same as the approved preliminary plat;
  2. There has been compliance with all conditions, restrictions and requirements of this Chapter and of all other applicable ordinances and design standards of the City;
  3. There has been compliance with any condition that may have been attached to the approval of the preliminary plat or applicable zoning ordinance.
- B. If the Planning Commission fails to act on the final plat within sixty (60) days after it has been considered for final approval, it shall be deemed to have been recommended for approval.

**Section 70-2: 7.090 ACTION BY THE GOVERNING BODY ON THE FINAL PLAT**

The Planning Director will schedule the final plat at an appropriate City Commission meeting. The Subdivider/Developer or an authorized agent shall personally present the final plat at the Governing Body meetings.

- A. Before a final plat is recorded and after a favorable recommendation by the Planning Commission, the Governing Body shall approve, conditionally approve or disapprove the final plat and accept or reject the dedication of land for public purposes within thirty (30) days after the first (1st) meeting of the Governing Body following the submission of recommendation by the Planning Commission.
- B. The Governing Body may defer action for an additional thirty (30) days for the purpose of allowing modifications to comply with the requirements established by the Governing Body. In approving or disapproving a final plat, the Governing Body may consider any matter that affects the welfare of the City.
- C. If the Governing Body defers or refuses such dedication, it shall advise the Planning Commission of the reasons therefore. If the final plat is not approved, the Subdivider/Developer shall be notified of the reasons for such disapproval.

**Section 70-2: 7.100 SIGNING AND RECORDING OF THE FINAL PLAT**

- A. Following final plat approval the Subdivider/Developer shall provide four original signature copies of the Final Plat to the Planning Director to include a minimum of:
  - 1. Two (2) copies on mylar.
  - 2. Two (2) paper copies.
- B. Distribution of original signed copies as permanent record are as followed:
  - 1. One (1) mylar copy for permanent record of the Finney County Register of Deeds.
  - 2. One (1) mylar for City Engineering Department.
  - 3. One (1) paper copy for the City Planning and Community Development Department.
  - 4. One (1) paper copy for the Subdivider/Developer or Applicant.
- C. No plat shall be recorded or filed with the Office of the Register of Deeds until such plat has been approved by the Governing Body; all dedications of rights-of-way, easements and other property have been accepted by the Governing Body; and the design and financing of all improvements has been agreed to by both the Subdivider/Developer and the Governing Body; and the Subdivider/Developer has provided a paid tax statement. The City Clerk shall have the plat recorded with the Register of Deeds. The financial responsibility for the cost of recording the plat with the Register of Deeds shall be borne solely by the Subdivider/Developer.

**Section 70-2: 7.110 FINAL PLAT WITHOUT A DEVELOPMENT AGREEMENT.**

- A. *Completion of Improvements.* Before the final subdivision plat is recorded, all applicants shall be required to complete, in accordance with the Governing Body's decision and to the satisfaction of the City Engineer, all street, water, waste water and other public improvements, as required in these regulations, specified in the final subdivision plat and record, and to dedicate those public improvements to the City.
- B. *Security.* The Subdivider/Developer shall provide a maintenance bond, or other acceptable security in an amount approved by the City Engineer to be in force for a minimum period of one year, after approval of such work or improvements.
- C. *Signing of Plat & Recordation of Plat.* The Planning Director following the completion of the above may cause the plat to be recorded.

**Section 70-2: 7.120 FINAL PLAT WITH A DEVELOPMENT AGREEMENT** (Ord. 2967-2023, 10/17/23)

- A. Scope.** The provisions of this Section shall apply when a development agreement is required by the City for the development of a subdivision. Nothing in this Section shall limit, prohibit, or restrict the City from including any supplemental or additional provisions in a development agreement.
- B. Recordation of Plat.** A final plat that has been approved by the official action of the Planning Commission and the Governing Body shall not be recorded until:

  - 1. The landowner has complied with the provisions of Section 70-2:7.100, including, but not limited to, entering into a development agreement with the City that complies with this section; and
  - 2. The landowner has satisfied all terms and conditions required by the Planning Commission and the Governing Body in relation to the final plat.
- C. Development Agreement.** Any development agreement entered into pursuant to this section shall be subject to and shall include each of the following terms and conditions and any other terms and conditions agreed to by the landowner and the City:

  - 1. **Bonding Requirements.** A provision requiring the landowner to provide the City with a performance bond and maintenance bond pursuant to Sections 70-2:7.150 and 70-2:7.160, respectively, or a bond alternative pursuant to Section 70-2:7.170, that is in compliance with all applicable provisions of these Subdivision Regulations.
  - 2. **Other Guarantees for the Completion and Quality of Public Improvements.** A provision requiring the landowner to comply with each provision of Section 70-2:7.140.
  - 3. **Covenants to Run with the Land.** A provision stating that the development agreement shall run with the land and shall bind all successors and assigns of the landowner.

**Section 70-2: 7.130 GENERAL STEPS OF SUBDIVISION IMPROVEMENTS**

- A. General Procedure.** Subdivider/Developer accepts responsibility for all engineering and surveying costs for all improvements for the Development, whether such improvements are constructed directly by Subdivider/Developer or by City through special assessment procedures.
- B. Final Construction Plans** The Subdivider/Developer shall have plans and engineering drawings, complete with other engineering information, prepared for required improvements by a registered engineer. The complete plans, drawings, and other engineering information shall be submitted in triplicate to the City Engineer. A digital file in a format acceptable to the City Engineer shall also be submitted.
- C. Inspections.** City shall be responsible for inspection of all infrastructure construction. If the City Engineer finds upon inspection that any one or more of the required improvements have not been constructed in accordance with the City's standards and specifications, the applicant shall be responsible for properly completing the improvements.

- D. Administrative/Inspection Fees.** The Subdivider/Developer shall pay to the City an administration fee of three percent (3%) of the estimated cost of required improvements for the review and processing of the construction plans and the inspection of public improvements, however the maximum fee shall not exceed five thousand dollars (\$5,000.00). The subdivision plat shall not be signed until the administrative fee has been paid.
- E. Land Disturbance.** This is intended to govern construction of the required infrastructure, or buildings, during development. It is to control stormwater management, erosion, sedimentation, and excavation & embankment and related drainage and dust problems which will result in damage to or loss of topsoil and vegetation and cause sedimentation that will affect the quality of runoff or the capacity of storm sewers, drainage channels, streams and structures.
1. The City Engineer shall adopt and maintain a compendium of erosion and sediment controls, establishing permitting requirements and minimum standards for the control of stormwater management, sedimentation, erosion and other pollution resulting from construction of the required infrastructure, or buildings, within the development.
  2. Prior to commencing any construction on a site larger than one (1) acre, the Subdivider/Developer shall obtain the applicable City stormwater permit, and shall apply for a stormwater discharge permit from the Kansas Department of Health & Environment, with proof of such application shall be provided to the City Engineer.
- F. As Built Drawings.** Upon completion of the work, or any phases thereof, under direct control of the Subdivider/Developer, reproducible "as built" drawings and a digital file in a format acceptable to the City Engineer shall be submitted. When construction, or any portion thereof, is under the direct control of the City Engineer, the City Engineer shall be responsible for as-built drawings and the Subdivider/Developer shall provide a digital file in a format acceptable to the City Engineer prior to construction.
- G. Monuments.** All monuments shall be placed in a timely manner and no later than the completion of utilities to the subdivision. All required monuments disturbed, destroyed, obliterated, or lost during construction shall be replaced upon completion of the work by the Subdivider/Developer or his/her contractors at the cost of the Subdivider/Developer. The applicant shall place permanent reference monuments in the subdivision as required in these regulations and applicable state regulations.
1. Monuments shall be located on street right-of-way lines, at street intersections, angle points of curve and block corners. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street limits.
  2. The external boundaries of a subdivision shall be constructed in the field by monuments conforming to the requirements of K.S.A. 58-201 and K.A.R. 66-12-1 et. seq.
  3. All monuments required by these regulations shall be set flush with the ground and planted in such a manner that they will not be disturbed by frost.
- H. Release.** The Governing Body shall not accept dedication of required improvements, by the Subdivider/Developer until the City Engineer has certified that all required improvements have been satisfactorily completed.
- I. Maintenance of Improvements.** The Subdivider/Developer shall be required to maintain all required public improvements in the subdivision until acceptance of the

improvements by the Governing Body.

**J. *Building Permits.*** No building permits or occupancy certificates shall be issued for a building or structure on any lot, tract or parcel of any subdivision until there has been compliance with all of the provisions of these Subdivision Regulations and conditions of plat approval and the Developers Agreements. **Section 70-2:7.140 GUARANTEES FOR THE COMPLETION AND QUALITY OF PUBLIC IMPROVEMENTS** (Ord. 2967-2023,10/17/23)

**A. *Scope.*** The provisions of this Section shall apply when public improvements are to be constructed within or in relation to a subdivision by or on behalf of a landowner and are intended to be dedicated or otherwise transferred to the City upon completion. The provisions of this section shall apply regardless of whether a development agreement is required; provided, however, that nothing in this Section shall limit, prohibit, or restrict the City from including any supplemental or additional provisions in a development agreement. Nothing in this Section shall apply to any infrastructure improvements that are intended to remain privately owned.

**B. *Commencement of Construction of Public Improvements – General Rule.*** No construction of any public improvement shall commence until:

1. The infrastructure plans have been stamped for approval by the City;
2. The final plat has been approved by the official action of the Planning Commission and the Governing Body;
3. A development agreement that complies with Section 70-2:7.120 has been entered into and effective between the landowner and the City, but only in the event that the City requires a development agreement; and
4. The landowner has provided and the City has accepted a performance bond pursuant to Section 70-2:7.150 or a performance bond alternative pursuant to Section 70-2:7.170.

**C. *Commencement of Construction of Public Improvements – Exception.*** Notwithstanding the provisions of Section 7-2:7.140.B, the City Engineer and the Director of the Neighborhood & Development Services department may authorize the commencement of land grading prior to the happening of any or all of the conditions set forth in Subsection B of Section 7-2:7.140.

**D. *Building Permits.*** A building permit may be issued for any building, dwelling unit, or other structure prior to completion of the public improvements, but only upon the conditions that:

1. The infrastructure plans have been stamped for approval by the City;
2. The final plat has been approved by the official action of the Planning Commission and the Governing Body;
3. A development agreement that complies with Section 70-2:7.120 has been entered into and effective between the landowner and the City, but only in the event that the City requires a development agreement; and
4. The curb and gutter portion of the public improvements have been fully

completed across the frontage of the lot for which a building permit is requested or, as an alternative thereto, the landowner has provided documentation relating to the minimum grade elevation that is in compliance with Section 18-10(a) of the Code and that is signed by a professional surveyor, as such term is defined by K.S.A. 74-7003(s), and amendments thereto.

**D. *Acceptance.*** No public improvements shall be accepted for purposes of title and maintenance by the City Engineer and the Director of the Neighborhood & Development Services department until:

1. All public improvements have been constructed to full completion and in accordance with the final and approved specifications;
2. All public improvements have passed all inspections required by the City; and
3. The landowner has provided and the City has accepted a maintenance bond pursuant to Section 70-2:7.160 or a maintenance bond alternative pursuant to Section 70-2:7.170.

**E. *Certificates of Occupancy.*** No Certificate of Occupancy shall be issued for any building, dwelling unit, or other structure until:

1. All public improvements have been constructed to full completion and in accordance with the final and approved specifications;
2. All public improvements have passed all inspections required by the City;
3. The landowner has provided and the City has accepted a maintenance bond pursuant to Section 70-2:7.160 or a maintenance bond alternative pursuant to Section 70-2:7.170; and
4. The City Engineer and the Director of the Neighborhood & Development Services department have accepted all public improvements for purposes of title and maintenance.

#### **Section 70-2:7.140 GUARANTEES FOR THE COMPLETION AND QUALITY OF PUBLIC IMPROVEMENTS (Ord. 2967-2023, 10/17/23)**

**A. *Scope.*** The provisions of this Section shall apply when public improvements are to be constructed within or in relation to a subdivision by or on behalf of a landowner and are intended to be dedicated or otherwise transferred to the City upon completion. The provisions of this section shall apply regardless of whether a development agreement is required; provided, however, that nothing in this Section shall limit, prohibit, or restrict the City from including any supplemental or additional provisions in a development agreement. Nothing in this Section shall apply to any infrastructure improvements that are intended to remain privately owned.

**B. *Commencement of Construction of Public Improvements – General Rule.*** No construction of any public improvement shall commence until:

1. The infrastructure plans have been stamped for approval by the City;
2. The final plat has been approved by the official action of the Planning Commission and the Governing Body;

3. A development agreement that complies with Section 70-2:7.120 has been entered into and effective between the landowner and the City, but only in the event that the City requires a development agreement; and
  4. The landowner has provided and the City has accepted a performance bond pursuant to Section 70-2:7.150 or a performance bond alternative pursuant to Section 70-2:7.170.
- C. Commencement of Construction of Public Improvements – Exception.** Notwithstanding the provisions of Section 7-2:7.140.B, the City Engineer and the Director of the Neighborhood & Development Services department may authorize the commencement of land grading prior to the happening of any or all of the conditions set forth in Subsection B of Section 7-2:7.140.
- D. Building Permits.** A building permit may be issued for any building, dwelling unit, or other structure prior to completion of the public improvements, but only upon the conditions that:
1. The infrastructure plans have been stamped for approval by the City;
  2. The final plat has been approved by the official action of the Planning Commission and the Governing Body;
  3. A development agreement that complies with Section 70-2:7.120 has been entered into and effective between the landowner and the City, but only in the event that the City requires a development agreement; and
  4. The curb and gutter portion of the public improvements have been fully completed across the frontage of the lot for which a building permit is requested or, as an alternative thereto, the landowner has provided documentation relating to the minimum grade elevation that is in compliance with Section 18-10(a) of the Code and that is signed by a professional surveyor, as such term is defined by K.S.A. 74-7003(s), and amendments thereto.
- D. Acceptance.** No public improvements shall be accepted for purposes of title and maintenance by the City Engineer and the Director of the Neighborhood & Development Services department until:
1. All public improvements have been constructed to full completion and in accordance with the final and approved specifications;
  2. All public improvements have passed all inspections required by the City; and
  3. The landowner has provided and the City has accepted a maintenance bond pursuant to Section 70-2:7.160 or a maintenance bond alternative pursuant to Section 70-2:7.170.
- E. Certificates of Occupancy.** No Certificate of Occupancy shall be issued for any building, dwelling unit, or other structure until:
1. All public improvements have been constructed to full completion and in accordance with the final and approved specifications;

2. All public improvements have passed all inspections required by the City;
3. The landowner has provided and the City has accepted a maintenance bond pursuant to Section 70-2:7.160 or a maintenance bond alternative pursuant to Section 70-2:7.170; and
4. The City Engineer and the Director of the Neighborhood & Development Services department have accepted all public improvements for purposes of title and maintenance.

**Section 70-2:7.150 PERFORMANCE BOND (Ord. 2967-2023, 10/17/23)**

- A. *Performance Bond.*** The landowner shall, at its own cost, guarantee the completion of the public improvements according to the final and approved specifications by providing a corporate surety performance bond or bond alternative pursuant to Section 70-2:7.170 that:
1. Names the City of Garden City, Kansas as the sole obligee;
  2. Names the landowner as the principal;
  3. Does not name any contractor or subcontractor as the principal;
  4. Is issued by a firm, which is authorized to do business in Kansas and is listed as a certified company on the annual Circular 570 of the United States Department of Treasury;
  5. Covers the period of time until all public improvements have been constructed to full completion and in accordance with the final and approved specifications; and
  6. Has a face value in an amount determined by and approved by the City Engineer in accordance with Subsection B of this Section 70-2:7.150.
- B. *Face Value.*** The face value of any performance bond or bond alternative shall be in an amount sufficient to allow the City to complete the construction of the public improvements according to the final and approved specifications, whether any such construction is performed by City, by a completion contractor, or any combination thereof. To assist in determining such amount, the landowner shall submit documents to the City that evidence public improvement costs, including, but not limited to, engineer estimates, construction contracts, subcontractor contracts, and self-performed work estimates. Any such documents submitted to the City shall be reviewed by the City Engineer for accuracy.
- C. *Controlling Terms and Conditions.*** Each and every term and condition of any performance bond or bond alternative that is proposed or provided to satisfy the requirements of this Section shall be subject to the approval of the City Engineer, the Director of the Neighborhood & Development Services department or any designee thereof, and the City Attorney's Office, in their sole discretion. In addition thereto, the City Engineer, with the consent of the Director of the Neighborhood & Development Services department or any designee thereof, and the City Attorney's Office, may require any additional terms and conditions that it deems necessary to protect the City's interests and may require the removal of any terms or conditions that it deems

against the City's interests. Without limiting the foregoing, no performance bond or bond alternative shall be accepted by the City if any of the following terms and conditions are included in the bond or bond alternative: (1) a binding arbitration or mediation provision; (2) a contractual statute of limitations less than the applicable statute of limitations of the State of Kansas; (3) a choice of law provision for any jurisdiction other than the State of Kansas; or (4) a choice of venue provision for any jurisdiction other than the District Court of Finney County, Kansas or, at the election of the City, the United States District Court for the District of Kansas.

- D. *Use of Bond Forms.*** The landowner shall submit any such performance bond or bond alternative on any standard form document that may be required by the City Engineer and the Director of the Neighborhood & Development Services department, or any designee thereof.

**Section 70-2:7.160 MAINTENANCE BOND (Ord. 2967-2023, 10/17/23)**

- A. *Maintenance Bond.*** The landowner shall, at its own cost, guarantee the quality of the public improvements by providing a corporate surety maintenance bond or bond alternative pursuant to Section 70-2:7.170 that:

1. Names the City of Garden City, Kansas as the sole obligee;
2. Names the landowner as the principal;
3. Does not name any contractor or subcontractor as the principal;
4. Is issued by a firm, which is authorized to do business in Kansas and is listed as a certified company on the annual Circular 570 of the United States Department of Treasury;
5. Provides for the repair, replacement, or both the repair and replacement of all defects in the public improvements due to faulty materials and workmanship that appear within a maintenance period of at least one year from the date that the City Engineer and the Director of the Neighborhood & Development Services department have accepted all public improvements for purposes of title and maintenance; and
6. Has a face value in an amount determined by and approved by the City Engineer in accordance with Subsection B of this Section 70-2:7.160.

- B. *Face Value.*** The face value of any maintenance bond or bond alternative shall be in an amount not less than one hundred percent (100%) of the total estimated cost of the fully constructed public improvements. The City Engineer shall base any such estimated cost on the costs of similar public infrastructure work available prior to the time the Notice to Proceed is issued. To assist in determining such amount, the landowner shall submit documents to the City that evidence public improvement costs, including, but not limited to, engineer estimates, construction contracts, subcontractor contracts, and self-performed work estimates. Any such documents submitted to the City shall be reviewed by the City Engineer for accuracy.

- C. *Controlling Terms and Conditions.*** Each and every term and condition of any maintenance bond or bond alternative that is proposed or provided to satisfy the requirements of this Section shall be subject to the approval of the City Engineer, the Director of the Neighborhood & Development Services department or any designee

thereof, and the City Attorney's Office, in their sole discretion. In addition thereto, the City Engineer, with the consent of the Director of the Neighborhood & Development Services department or any designee thereof, and the City Attorney's Office, may require any additional terms and conditions that it deems necessary to protect the City's interests and may require the removal of any terms or conditions that it deems against the City's interests. Without limiting the foregoing, no maintenance bond or bond alternative shall be accepted by the City if any of the following terms and conditions are included in the bond or bond alternative: (1) a binding arbitration or mediation provision; (2) a contractual statute of limitations less than the applicable statute of limitations of the State of Kansas; (3) a choice of law provision for any jurisdiction other than the State of Kansas; (4) a choice of venue provision for any jurisdiction other than the District Court of Finney County, Kansas or, at the election of the City, the United States District Court for the District of Kansas; or (5) any provision that terminates the obligation of the surety or the landowner to, at any time beyond the maintenance period, repair, replace, or repair and replace any defect that was reported by the City at a time within the maintenance period.

- D. **Use of Bond Forms.** The landowner shall submit any such maintenance bond or bond alternative on any standard form document that may be required by the City Engineer and the Director of the Neighborhood & Development Services department, or any designee thereof.
- E. **Dual Bond; Duty to Update Bond.** At the time that the landowner submits a performance bond, the landowner may submit a dual bond that acts as both a performance bond and maintenance bond, as an alternative to providing a separate performance bond and maintenance bond, but only upon the condition that the dual bond includes or complies with any and all provisions of these Subdivisions Regulations that apply to each type of bond. In the event that the City accepts a maintenance bond from the landowner and the actual costs of the public improvements exceed the amount guaranteed by such bond, the landowner shall update such bond as necessary to guarantee any such costs in excess of the original bond amount. The landowner shall provide copies of any updated bond to the City after the public improvements have been completed and prior to acceptance of the public improvements by the City Engineer and the Director of the Neighborhood & Development Services department have accepted all public improvements for purposes of title and maintenance.

#### **Section 70-2:7.170 BOND ALTERNATIVES (Ord. 2967-2023, 10/17/23)**

- A. **Bond Alternatives.** As an alternative to providing a performance bond pursuant to Section 70-2:7.150 or a maintenance bond pursuant to Section 70-2:1.160, the landowner may, at its own cost, provide a cashier's check, escrow account, or an irrevocable letter of credit issued or maintained by a financial institution.
- B. **Approval.** No such bond alternative shall be accepted by the City unless it is approved by the City Engineer, the Director of the Neighborhood & Development Services department or any designee thereof, and the City Attorney's Office.
- C. **Reciprocal Provisions.** Any such bond alternative shall include or comply with any and all provisions of these Subdivision Regulations that apply to the type of bond it is replacing.

## **ARTICLE VIII: DESIGN STANDARDS & PUBLIC IMPROVEMENTS**

### **Section 70-2: 8.010 APPLICABILITY**

- A.** All subdivision of land subject to these Subdivision Regulations shall conform to the following minimum design standards. Such design standards shall govern the approval of subdivision plats by the Planning Commission and by the Governing Body.
- B.** Care shall be exercised in the design and laying out of streets, lots and other elements so that good planning principles are followed, efficient use is made of land and natural assets such as trees and topography may be retained whenever possible.
- C.** All improvements to be installed by the Subdivider/Developer shall comply with the standards and specifications of the City, utility company or public agency having jurisdiction and shall be subject to any applicable surety requirements to guarantee their proper installation.

### **Section 70-2: 8.020 CONFORMANCE TO APPLICABLE RULES AND REGULATIONS**

- A.** In addition to the requirements established in these regulations, all subdivision plats shall comply with the following:
  - 1.** All applicable provisions of the Kansas Statutes (K.S.A.) and Kansas Administrative Regulations (K.A.R.).
  - 2.** The City of Garden City Zoning Code, Building and Housing Codes, and all other applicable laws, guidelines and policies.
  - 3.** The Official Comprehensive Plan, Official Map, Public Utilities Plan, and Capital Improvements Program of the City, as adopted.
  - 4.** The special requirements of these Subdivision Regulations and any adopted policies and rules of the Kansas Department of Health and Environment.
  - 5.** The regulations of the Kansas Department of Transportation if the subdivision or any lot contained therein abuts a state highway or connecting street.
  - 6.** The standards and regulations adopted by the City Engineer and all Boards, Commissions, Departments, Agencies and Officials of the City adopted pursuant to any law or ordinance.
  - 7.** The General Surface Improvements Handbook of the City of Garden City.
- B.** Plat approval may be withheld if a subdivision is not in conformity with the above guides or the intent and purposes of these Subdivision Regulations.

### **Section 70-2: 8.030 MINIMUM REQUIRED IMPROVEMENTS**

- A.** The following are considered minimum public improvements:
  - 1.** Installation of waste water mains and service connections to all adjacent lots;
  - 2.** Installation of water distribution mains and service connections to all adjacent lots;
  - 3.** Installation of curb & gutter and paving;
  - 4.** Installation of street signs;
  - 5.** Installation of storm sewers or surface drainage as required;
  - 6.** Installation of sidewalks (by the builder on individual lots and by the Subdivider/Developer in common areas);
  - 7.** Installation of streetlights.
  - 8.** Installation of electric distribution facilities and components as required.

- B. All of the above improvements shall be extended to the boundary of the subdivision, unless otherwise approved by the City Engineer.
- C. All public improvements shall be completed in accordance with the plans and specifications approved by the City Engineer and/or Director of Public Utilities.
- D. The Subdivider/Developer shall submit to the City firm contracts providing for the construction and completion, within a reasonable time frame, of the public improvements as specified by the City Engineer's plans and specifications or as required by the developers agreement.

**Section 70-2: 8.040 REQUIRED IMPROVEMENTS**

- A. The Subdivider/Developer shall cause a registered land surveyor to install permanent reference points on all perimeter corners of the property.
- B. The subdivision survey shall conform to the current Minimum Standards adopted by the Kansas State Board of Technical Professions.
- C. All required improvements shall be designed and built in accordance with the latest edition of the General Surface Improvements Handbook of the City of Garden City criteria.
  - *Adjacent road improvements.* When an area to be subdivided contains lots adjacent to an existing road, said road shall be suitably improved as required by the street construction standards for the City of Garden City based on its, functional classification. A traffic study may be required to detail the minimum improvements required for said roads.
- D. Bridges and culverts shall be constructed only at locations approved by the City in accordance with plans and specifications approved by the City Engineer.
- E. Sidewalks are required as outlined in these Subdivision Regulations.
- F. Wastewater facilities shall be designed by a professional engineer, approved by the City Engineer and Director of Public Utilities and installed by the Subdivider/Developer.
- G. Storm drainage shall be designed by a professional engineer, approved by the City Engineer and installed by the Subdivider/Developer.
- H. Water distribution system, including of fire hydrants, shall be designed by a professional engineer and approved by the City Engineer and Director of Public Utilities and installed by the Subdivider/Developer.
- I. Street name signs and traffic control signs shall be the responsibility of the developer. The City shall install all traffic control signs and street name signs before issuance of certificates of occupancy.
- J. All public utilities must be installed underground unless otherwise allowed for by City ordinance or policy.

**Section 70-2: 8.050 RECOMMENDED IMPROVEMENTS**

- A.** *Tree Planting.* If planting of street trees is proposed by the Subdivider/Developer or if otherwise required in compliance with the plan approval, the placement and species to use under varying conditions will be approved by the City Engineer or Planning Director.
- B.** *Subdivision Identification Signs.* Subdivision identification signs, if desired, shall be placed at entrances to the subdivision and shall be within an easement or on private property. The Homeowners Association is responsible for the maintenance and upkeep of the identification signs. Location of signs shall be subject to the provisions of the Zoning Code as well as other applicable ordinances.
- C.** *Limited Access.* Whenever the proposed subdivision contains, or is adjacent to, a limited access roadway, adequate protection of residential properties, limitations of access, and the preservation of through and local traffic shall be provided as required in these regulations.
- D.** *Frontage roads* may be provided by the Subdivider/Developer with the concurrence of the Planning Commission and shall be shown on the preliminary plat; provided such frontage roads shall be approved by the State of Kansas, when applicable.

## **ARTICLE IX: GENERAL SUBDIVISION DESIGN**

### **Section 70-2: 9.010 ADEQUATE PUBLIC FACILITIES AND UTILITIES**

No preliminary plat shall be approved unless the Planning Commission determines that public facilities will be adequate to support and service the area of the proposed subdivision. The applicant for a preliminary plat shall submit sufficient information data and/or studies on the proposed subdivision to demonstrate the expected impact on and use of:

- A.** All public facilities
- B.** Transportation
- C.** All utility facilities, including but not limited to electric, gas, telephone, and CATV, shall be located underground throughout the subdivision.
- D.** Utility extensions shall be installed at the Subdivider/Developers expense.
- E.** Whenever existing utility facilities are located above ground, except when existing on public roads and rights-of-way, they shall be removed and placed underground.
- F.** All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat.
- G.** Underground utility service connections to the street or alley property line of each platted lot shall be installed at the Subdivider/Developers expense.
- H.** All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, water lines, wastewater lines, drainage facilities, electric lines, gas, CATV, and telecommunications lines shall be constructed through new development to promote the logical extension of public infrastructure.
- I.** The City may require the applicant of a subdivision to extend offsite improvements to reach the subdivision or oversize required public facilities to serve anticipated future development as a condition of plat approval, subject to the Development Agreement.

### **Section 70-2: 9.020 EASEMENTS.**

- A.** Easements provided for front lot line utilities shall be at least fifteen (15) feet wide.
- B.** When topography or subdivision layout make the placement of utilities only along the front lot easement impractical, additional easements along the rear lot lines shall be provided.
- C.** Should mid-block connections along side lot lines be required, additional easements shall be provided rear or side lot easements shall be a minimum of ten (10') feet wide, straddling the property line.
- D.** The City does not encourage rear lot easements as fences and other appurtenances become a problem in the maintenance of the utility.

### **Section 70-2: 9.030 OFFICE, COMMERCIAL, AND INDUSTRIAL SUBDIVISIONS**

- A.** Provisions shall be made for adequate street access, off-street parking and loading, varying lot sizes, avoidance of face to face relationships with residential lots and shall utilize traditional land use patterns where possible.
- B.** In each commercial, office and industrial subdivision, each principal structure shall be constructed on its own lot.

**Section 70-2: 9.040 LOTS**

- A. Lot Arrangement.** The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Regulation and in providing access to buildings on the lots from an approved street.
1. Residential lots adjacent to arterial streets shall be platted with extra depth to permit increased distances between the buildings and traffic-ways. Therefore, variations from lot design standards are appropriate when lots directly abut buffer areas.
  2. Where lots front upon a cul-de-sac or curved street having a radius of two hundred (200) feet or less, the minimum lot widths set forth above, shall be measured at the building setback line along an arc parallel to the right-of-way of such cul-de-sac or curved street. Such lots shall also be laid out so that their lot frontage on the right-of-way line, is not less than fifty percent (50%) of the required lot width measured at the building setback line.
  3. Corner lots for residential use shall have extra width to permit appropriate building setback from, and orientation to both streets.
  4. Frontage and side yard setback requirements shall be the same on both sides of the street for residential structures to provide a consistent line of sight throughout the entire subdivision. Recorded final plats, and current preliminary plats, shall be exempt from this Section.
- B. Lot Dimensions.** Lot dimensions shall comply with the minimum standards of the Zoning Regulations. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum yard setbacks from both streets. The depth of a lot shall not exceed three (3) times its width.
- C. Double Frontage Lots.** Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from arterials or collectors.
- D. Large lots or Parcels.** When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged in such a manner as to allow for the opening of future streets and logical further re-subdividing of the parcel. Lot splits are prohibited in final platted subdivisions where additional buildable lots are created.
- E. Access from Major and Secondary Arterials.** Lots shall not, in general, derive access exclusively from an arterial or collector street. Where driveway access from an arterial or collector street is necessary for two or more adjoining lots, the Planning Commission may require that such lots be served by joint use access drives in order to limit traffic movements. Driveways shall be designed and arranged so as to avoid requiring vehicles to back onto an arterial or collector street.
- F. Lot Drainage.** Lots shall be laid out so as to provide positive drainage away from all buildings and alleys, and individual lot drainage shall be in conformance with the approved subdivision drainage plan.
- G. Debris and Waste.** No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street. Removal of such items prior to any final plat or lot split is required.

**Section 70-2: 9.050 BLOCKS**

- A. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exception may be permitted in blocks adjacent to arterial or collector streets, railroads, or drainage ways/waterways.
- B. The lengths, widths, and shapes of blocks shall be appropriate for the area and the type of development contemplated.
- C. Block lengths in residential areas shall not exceed the lesser of one thousand two hundred (1,200') feet or twelve (12x) times the minimum lot width required in the zoning district.
- D. Wherever practicable, blocks along major arterials and collector streets shall not be less than one thousand (1,000) feet in length.
- E. In blocks more than eight hundred (800) feet long the Planning Commission may require the dedication of an easement through the block to accommodate utilities or bicycle and pedestrian traffic. Pedestrian ways or easements, shall not be less than fifteen (15') feet wide.

**Section 70-2: 9.060 ALLEYS**

- A. Alleys are not a requirement for development within the City.
- B. Should the Subdivider/Developer desire to create alleys to accommodate utility placement and rear lot access, alley right-of-way shall be at least twenty (20') feet wide.

**Section 70-2: 9.070 SIDEWALKS**

- A. Sidewalks shall be constructed within the dedicated right-of-way of all roads and streets.
- B. Sidewalks shall be required on both sides of all roads and streets.
- C. Sidewalks shall be a requirement of the building permit per City Code.
- D. Sidewalks shall be improved as required in the most current General Surface Improvements Handbook adopted by the City.

**Section 70-2: 9.080 STREETS & ROADS**

- A. *Proposed roads and streets* shall provide a safe, convenient, and functional system for vehicular and pedestrian traffic; and shall be appropriate for the particular traffic characteristics of each proposed development. Proposed roads shall comply with the Comprehensive Plan.
- B. *Level of Service*. No development shall be approved if such development, at full occupancy, will result in or increase traffic on so that the street does not function at a proper level of service as determined by the City Engineer.
- C. *Excess Right-of-Way*. Right-of-way widths in excess of the standards designated in these regulations may be required due to topography or additional future traffic movements.

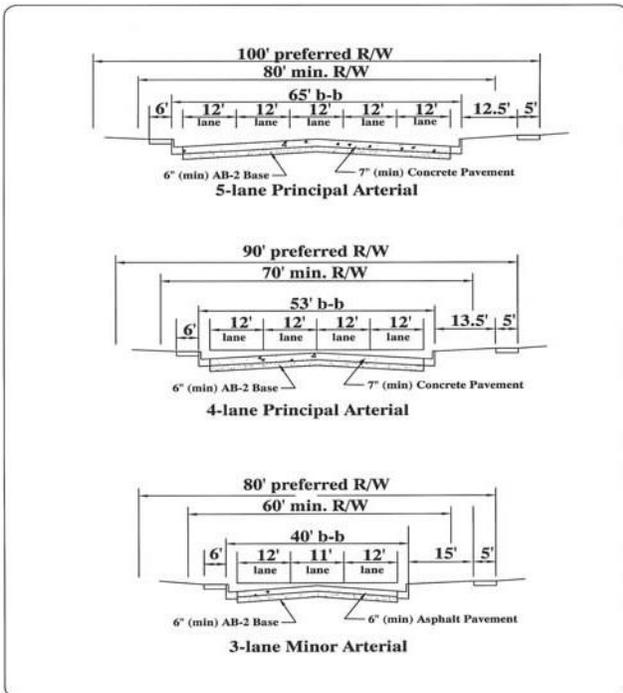
- D. *Topography & Arrangement.*** The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when the continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and where the continuation is in accordance with the City approved Surface Transportation Plan.
1. Streets shall be related appropriately to topography.
  2. Grades of streets shall conform as closely as possible to the original topography.
  3. A combination of steep grades and curves shall be avoided.
  4. All streets shall be properly integrated with the existing and proposed system.
  5. All streets shall be properly related to special traffic generators such as industries, business districts, schools, churches, shopping centers and population densities; and to the pattern of existing and proposed land uses.
  6. Local streets shall be laid out to conform as much as possible to the topography to discourage use by through (non-local) traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
  7. Proposed streets shall be extended to the boundary lines of the tract to be subdivided for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of the area.
- E. *In business and industrial developments,*** the streets and other access ways shall be planned not to conflict movement between the various types of traffic, including pedestrian.
- F. *Intersections.*** Streets shall be laid out so as to intersect as nearly as possible at right angles, but in no case less than seventy-five (75°) degrees.
1. An oblique street should be curved approaching an intersection and should be within seventy-five (75°) degrees for at least one hundred (100') feet there from.
  2. Not more than two (2) streets shall intersect at one point.
  3. Proposed new intersections along one side of an existing street shall directly coincide with any existing intersections on the opposite side of such street.
  4. Where streets intersect arterial or collector streets, their alignment shall be continuous. Intersections with arterials shall be at least five hundred (500') feet apart, intersections with collectors three hundred (300') feet apart, local street intersections with centerline offsets of less than one hundred-fifty (150') feet shall not be permitted.
  5. Where any street intersection would create a traffic hazard by limiting visibility, the Subdivider/Developer shall provide adequate sight distance as required by the City Engineer.
- G. *Railroads and Limited Access Highways.*** Railroad rights-of-way and limited access highways located adjacent to or abutting the subdivision shall be treated as follows:
1. In residential districts a buffer strip at least twenty-five (25') feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad or highway right-of-way. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures on this land is prohibited."

2. In districts zoned for business, commercial, or industrial uses the nearest proposed street shall be parallel or approximately parallel to the railroad or highway right-of-way and shall, wherever practicable, be at a sufficient distance to ensure suitable depth for commercial or industrial sites.
  3. When streets parallel to the railroad or highway intersect a street, which crosses the railroad or highway at grade, they shall, to the extent practicable, intersect at a distance determined by the City Engineer or at least one hundred fifty (150') feet from the railroad or highway right-of-way. Such distance shall take into account the minimum distance required for future planned grade separation.
- H. *New Perimeter Streets.* Street systems in new subdivisions shall be laid out so as to eliminate new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the Subdivider/Developer.
- I. *The Planning Commission may authorize* a new perimeter street where the Subdivider/Developer improves and dedicates the entire required street right-of-way width within its own subdivision boundaries.
- J. *Widening and Realignment of Existing Roads.* Where a subdivision borders an existing narrow road, or right-of-way, or when the Comprehensive Plan, or Surface Transportation Plan indicate plans for realignment or widening a road that would require additional right-of-way from the subdivision, the Subdivider/Developer shall dedicate and may be required to improve at its expense those areas for widening or realignment of those roads.
1. Frontage roads and streets as described above shall be improved and dedicated by the applicant at its own expense to the full width as required by these subdivision regulations when the applicant's development activities contribute to the need for the road expansion.
  2. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the Zoning Regulation whether the land is to be dedicated to the City in fee simple or an easement is granted to the City.
- K. *Dead-End Streets or Roads.* No Permanent dead end streets shall be approved. However, if the adjacent property is undeveloped and the street must temporarily be a dead-end street, the right-of-way shall be extended to the property line.
1. A temporary cul-de-sac or T- or L-shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued.
  2. The Planning Commission may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

**Section 70-2: 9.090 STREET & ROAD DESIGN STANDARDS.**

- A. **General.** The following design standards for roads are hereby required. (Road classification may be indicated on the Comprehensive Plan or Official Map; otherwise, the Planning Director and the City Engineer shall determine.)
- B. **Improvements.** After the Subdivider/Developer has installed underground utilities, the Subdivider/Developer shall construct street and drainage improvements in conformance with the construction standards and specifications or requirements of the City Engineer, as adopted by the Governing Body (General Surface Improvements Handbook, November 2003).

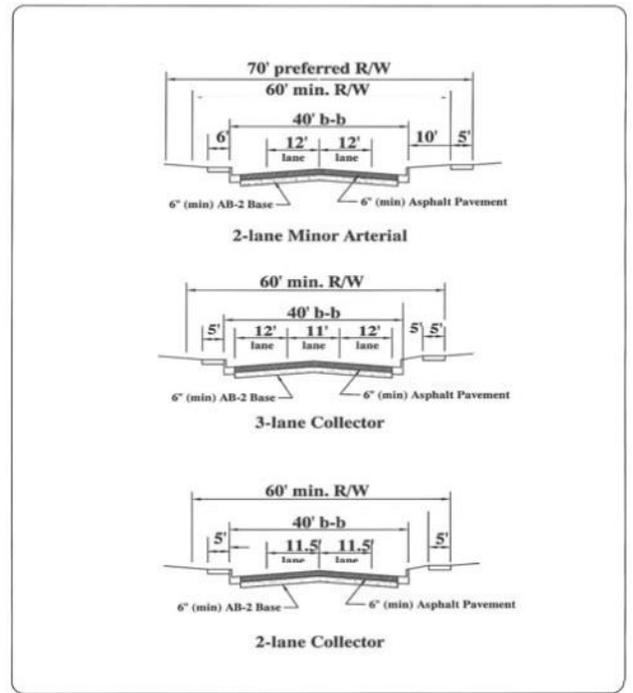
City of Garden City - PUBLIC WORKS DEPARTMENT DESIGN STANDARDS



City of Garden City

Public Works Department  
 Street Design Standards  
 Typical Sections

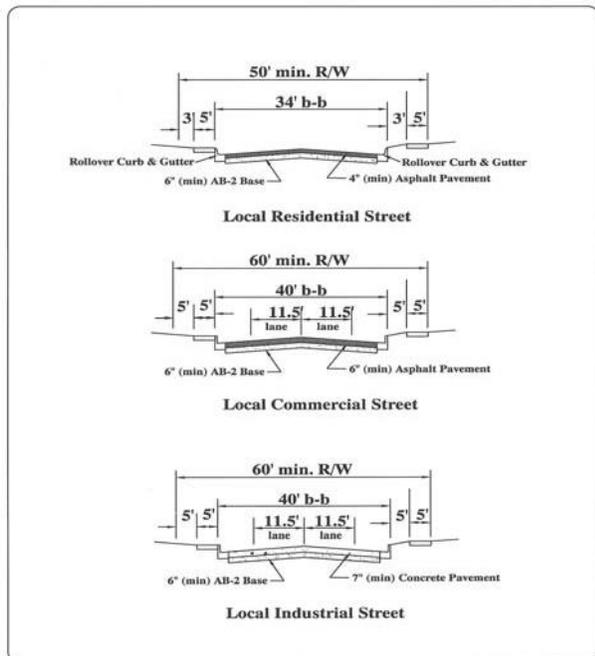
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City of Garden City

Public Works Department  
 Street Design Standards  
 Typical Sections

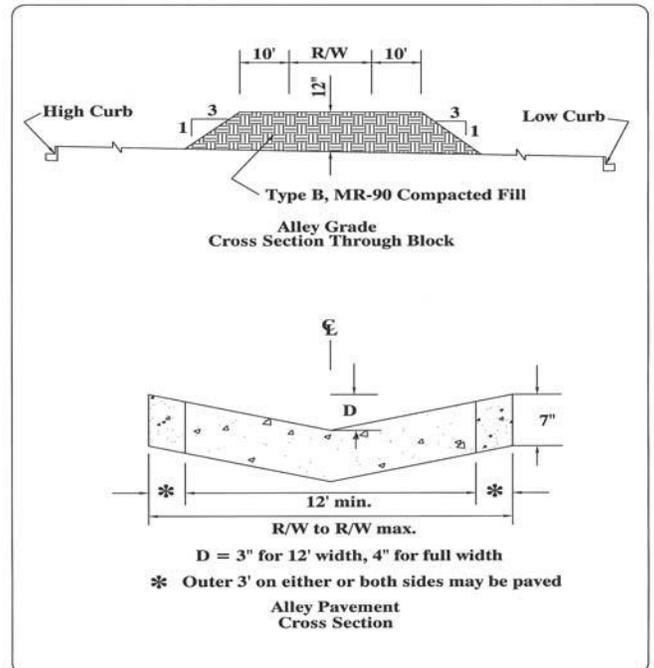
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City of Garden City

Public Works Department  
 Street Design Standards  
 Typical Sections

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City of Garden City

Public Works Department  
 Alley Design Standards  
 Typical Sections

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**Section 70-2: 9.100 WATER FACILITIES.**

The Subdivider/Developer shall install adequate water facilities, including fire hydrants, subject to the specifications of the City.

- A. The City Engineer and the Director of Public Utilities shall approve Water main extensions and the location of all water supply improvements, including fire hydrants.
- B. All habitable buildings and lots shall have separate services and shall be served by the City water system. The size of main shall be determined by the City Engineer and the Director of Public Utilities giving full consideration to future growth, fire protection, and present needs.
- C. Construction and installation of the water system shall be the Subdivider/Developer's responsibility.
- D. Water mains shall be installed to within five (5') feet of the furthest property line(s) as necessary to serve the development and future development(s).
- E. Fire hydrants shall be installed as required by the Uniform Fire Code or the Fire Chief, but no further than four hundred feet (400') apart.

**Section 70-2: 9.110 WASTE WATER FACILITIES.**

- A. Waste water systems should be designed for the ultimate tributary population. Due consideration should be given to current zoning regulations and approved planning and zoning reports where applicable. Waste water capacities should be adequate to handle the anticipated maximum hourly quantity of sewage and industrial waste together with an adequate allowance for infiltration and other extraneous flow.
- B. Prior to approval of the subdivision, the City will determine if adequate capacity is available through the collection system. If capacity is questionable, the Subdivider/Developer shall be responsible for any current or future upgrades that will be needed to the waste water system to assure capacity is available when full build-out of the subdivision is achieved and/or current waste water districts build-out and trigger additional waste water capacity.
  - 1. All habitable buildings and lots shall have separate services and shall be served by the City wastewater collection system.
  - 2. The applicant shall install waste water facilities in a manner prescribed by the City construction standards and specifications. All plans shall be designed and approved in accordance with the regulations and standards of the City Engineer, the City Director of Public Utilities, Kansas Department of Health and Environment (KDHE).
  - 3. Where no systems of mains or treatment are available, the City may deny the subdivision.
  - 4. If a public waste water facility is accessible the owner of the property shall be required to connect to the system, and it shall be unlawful for any such owner or occupant to maintain an individual sewage disposal system. Conventional septic systems with gravity lateral absorption fields shall be prohibited.

**Section 70-2: 9.120 STORMWATER MANAGEMENT.**

Stormwater management facilities such as culverts, storm sewers, rip-rap slopes and, soil stabilization and other improvements shall be designed and installed throughout the subdivision by the Subdivider/Developer. Drainage improvements shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent increases in downstream discharges. All stormwater facilities shall be designed by a professional engineer subject to the approval of the City Engineer.

**A. General Requirements for Drainage.** The Planning Commission shall not recommend for approval any subdivision that does not make adequate provision for stormwater runoff. The Subdivider/Developer shall provide erosion control measures during construction of the subdivision.

1. Runoff from the entire upstream drainage area shall be accommodated in the subdivision drainage plan. The City Engineer may require the use of stormwater and erosion control methods such as retention or detention, and/or construction of offsite drainage improvements to mitigate the downstream impacts of the proposed development(s).
2. The stormwater system shall be separate from the waste water system.
3. Drainage patterns shall be shown for each lot and block.
4. If alleys are provided in the subdivision, drainage shall be diverted away from the alley unless the alley is paved and the design approved by the City Engineer.
5. The applicant may be required by the City Engineer to convey by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of the subdivision.
6. Drainage facilities shall be located in the road rights-of-way where feasible, or in easements of appropriate width, and shall be constructed in accordance with the standards and specifications.

**B. Connection to existing storm sewers.**

1. If an existing storm sewer is accessible, the Subdivider/Developer shall install connecting storm sewer facilities; if an existing storm sewer is not within a reasonable distance, adequate provision shall be made for the control and disposal of stormwater, subject to the requirements of the City Engineer. The City Engineer shall conduct inspection of facilities.
2. If a connection to a municipal storm sewer will be provided eventually, as determined by the City Engineer and the Planning Commission, the Subdivider/Developer shall make arrangements for future storm sewer connection and shall be incorporated in the subdivision improvement agreement.

**C. Dedication of Drainage Easements.**

1. When an existing watercourse or drainage way, traverses a subdivision, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate for the purpose as determined by the City Engineer.

2. **Drainage Easements.** Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, easements for drainage facilities shall be provided adjacent to the right-of-way.
  - a. Easements shall be indicated on the plat and shall extend from the road to a natural watercourse or to other drainage facilities.
  - b. When a proposed drainage system will carry water across land outside the subdivision, appropriate drainage easements shall be secured in the name of the City for recording with the Register of Deeds at the time of the final plat and Development Agreement recording.

**D. *Low-lying lands along watercourses.***

Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land shall not be computed in determining the number of lots to be utilized for average density procedures nor for computing the area requirement of any lot.

**Section 70-2: 9.130 PARKS, OPEN SPACES AND RECREATION AREAS**

**A. *Access to parks and Open Spaces***

In both residential and commercial developments, access for pedestrian and maintenance purposes shall be provided by the Subdivider/Developer to parks and open space areas.

**B. *General Parks and Open Space***

1. Land designated for park and recreation use must be suitable for such use and receive the approval of the Governing Body. Such dedication of land or cash-in-lieu payments shall be assessed and collected prior to approval of the final plat but after approval of the preliminary plat.
2. The park open space parcel shall be a cohesive whole but may be of irregular outline or shape.
3. Each park or open space shall have frontage on a public street.
4. Public access shall take into account the need for adequate frontage on a public street and the amount of frontage reasonably required by the circumstances of the particular open space.
5. This frontage may serve as a corridor from the public street to the main body of the park area, which the Governing Body deems necessary to provide acceptable access to the open space from the public street. This corridor shall have a gradient adequate for pedestrian or vehicle use.

**C. *Standards.*** The Planning Commission may require that land be reserved for parks and playgrounds or other recreation purposes in locations designated in the Comprehensive Plan or the City Parks and Tree Advisory Board Park Plan or otherwise where such reservations would be appropriate. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate road access for the particular purposes envisioned. Lands to be dedicated or reserved for park and open space purposes shall have prior approval of the Governing Body. All land to be reserved for dedication to the City for park purposes shall have prior approval of the Governing Body and shall be identified on the plat, "*Reserved for Park and/or Recreation Purposes.*"

**D. *Drainage facilities.*** Drainage facilities may be coordinated with park, open space or recreation purposes; however, such use will require recommendation, for approval to the Governing Body, by the City Engineer and the affected departments.

**E. *Minimum Size of Park and Recreation Dedication or Reservation.*** In general, land dedicated or reserved for such purposes shall be at least four (4) acres. The required park and recreation area are established on the basis of providing two (2) acres of recreation area for every one hundred (100) dwelling units, or eight hundred seventy (870) square feet per lot set aside. However, the Planning Commission may require that a park or recreation area be provided at a suitable place on the edge of the subdivision so that additional land may be added when the adjacent land is subdivided. The Planning Commission shall refer such proposed reservations to the appropriate City official for recommendation.

1. Land dedicated or reserved for park recreation or community open space purpose shall be of a character and location suitable for use as a playground, play field, or for other recreation/open space purposes, and shall be relatively level and dry, unless developed in conjunction with drainage requirements of the subdivision, whereupon the area of recreation or open space shall be signed to warn of potential temporary flooding.
2. The land shall be improved by the Subdivider/Developer to the standards approved by the appropriate City Department and the Planning Commission. Such improvements shall be included in the subdivision improvement agreement.

**F. *Alternative: Cash-in-Lieu of Land.***

1. Where, with respect to a particular subdivision, the reservation of land required pursuant to this section does not equal the total land required to be reserved, the Planning Commission shall require, the Subdivider/Developer to pay, or the Subdivider/Developer may elect to pay, as a condition of final plat approval, a cash-in-lieu payment instead of land dedication.
2. The Subdivider/Developer shall deposit with the Governing Body a cash payment in lieu of land reservation.
  - a. Such deposit shall be placed in a Neighborhood Park and Recreation Improvement Fund to be established by the Governing Body.
  - b. The deposit shall be used by the City for improvement of a neighborhood park, playground, or recreation area and may include the acquisition of property. The amount to be deposited shall be charged at the rate of two hundred dollars (\$200) per lot for each lot, which has not had the appropriate land reservation as required.

## ARTICLE X: VARIANCES, EXCEPTIONS, AND WAIVERS

### Section 70-2: 10.010 GENERAL

- A. Where the Planning Commission** finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may:
1. Approve variances, exceptions, and waiver of conditions to these subdivision regulations provided that the variance, exception, or waiver conditions shall not have the effect of nullifying the intent and purpose of these regulations;
  2. Further provided the Planning Commission shall not approve variances, exceptions, and waiver of conditions unless it shall make findings based upon the evidence presented to it in each specific case as follows:
    - a. The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;
    - b. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
    - c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; and
    - d. The relief sought will not in any manner vary the provisions of the Zoning Regulation, Comprehensive Plan, or Official Maps of same, except that those documents may be amended in the manner prescribed by law.
- B. Conditions.** In approving variances, exceptions, or waivers, the Planning Commission may require such conditions as will, in its judgment, secure substantially the purposes described herein.
- C. Procedures.** The Subdivider/Developer shall submit a variance, exception, or waiver of conditions in writing at the time the preliminary plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

## ARTICLE XI: SUBDIVISION FINANCING

### Section 70-2: 11.010 General

Financing for the infrastructure and related costs in regard to these regulations are the responsibility of the Subdivider/Developer unless otherwise agreed to by the Governing Body. The Subdivider/Developer may propose to the Governing Body the creation of special assessment financing to fund necessary infrastructure improvements. The Governing Body shall set the parameters and conditions of special assessments by resolution. Subdivider/Developers requesting special assessment financing shall be required to provide evidence demonstrating the financial capability to satisfy associated financial obligations.