

# City of Bonner Springs, Kansas

## Subdivision Regulations

Amended Through Ordinance No. 2301  
April 3, 2014

Codified by  
City of Bonner Springs  
Planning Department

Ordinance No.

**Original Subdivision Regulations Adoption – February 13, 2006** 2124

**Amendments:**

Plat Filing Requirements – January 22, 2007 2159  
Lots (Access to Public Streets) – June 23, 2008 2219  
Easements and Regional Stormwater Detention – January 14, 2010 2275  
Violation and Penalty – February 17, 2011 2301  
(Corrections to the County Surveyor’s Signature Block) – April 3, 2014 -

**CITY OF BONNER SPRINGS, KANSAS**

**SUBDIVISION REGULATONS TABLE**

**OF CONTENTS**

	<b><u>PAGE NUMBER</u></b>
<b>ARTICLES</b>	
<b><u>ARTICLE I</u> TITLE .....</b>	<b>1</b>
<b><u>ARTICLE II</u> PURPOSE AND INTENT .....</b>	<b>1</b>
<b><u>ARTICLE III</u> GENERAL PROVISIONS .....</b>	<b>3</b>
Section 1 – Jurisdiction .....	3
Section 2 – Applicability .....	3
Section 3 – Exemptions .....	3
Section 4 – Acceptance of Subdivision Plats .....	3
Section 5 – Building Permits .....	3
<b><u>ARTICLE IV</u> SUBMISSION OF PLATS .....</b>	<b>5</b>
Section 1 – Pre-Application .....	5
Section 2 – Preliminary Plats .....	5
Section 3 – Final Plats .....	7
Section 4 – Final Plat Action .....	9
Section 5 – Filing the Plat .....	10
Section 6 – Concurrent Submission of Preliminary and Final Plats .....	10
Section 7 – Vesting of Development Rights .....	10
Section 8 – Replat .....	11
<b><u>ARTICLE V</u> LOT SPLITS .....</b>	<b>13</b>
Section 1 – General .....	13
Section 2 – Application Procedures .....	13
Section 3 – Requirements for Lot Splits .....	13
Section 4 – Ratification by the Planning Commission .....	14
Section 5 – Filing Fee .....	14
Section 6 – Building Permits .....	14
<b><u>ARTICLE VI</u> MINIMUM DESIGN STANDARDS .....</b>	<b>15</b>
Section 1 – Blocks .....	15
Section 2 – Streets and Alleys .....	15
Section 3 – Lots .....	16
Section 4 – Easements .....	17
Section 5 – Subdivision Design .....	17
Section 6 – Land Subject to Flooding .....	18

<b><u>ARTICLE VII IMPROVEMENTS</u></b> .....	19
Section 1 – Required Improvements .....	19
Section 2 – Exceptions for Existing Improvements .....	19
Section 3 – General Improvement Procedures .....	20
Section 4 – Building Permits .....	20
Section 5 – Occupancy Permits .....	20
Section 6 – Plans and Specifications .....	20
Section 7 – Construction of Improvements .....	21
Section 8 – Inspection .....	21
Section 9 – Final Inspection .....	21
Section 10 – Acceptance of Improvements .....	22
Section 11 – Improvement Maintenance Guarantee .....	22
Section 12 – Dedication or Reservation of Public Sites, Neighborhood Parks and Open Space .....	22
<b><u>ARTICLE VIII AMENDMENTS</u></b> .....	25
Section 1 – Amendment Procedures .....	25
Section 2 – Public Hearing .....	25
Section 3 – Action by the Planning Commission .....	25
Section 4 – Action by the Governing Body .....	25
Section 5 – Publication and Effective Date .....	25
<b><u>ARTICLE IX APPEALS AND VARIANCES</u></b> .....	27
Section 1 – Appeals .....	27
Section 2 – Variances .....	27
Section 3 – Waivers .....	27
<b><u>ARTICLE X RULES, REGULATIONS AND DEFINITIONS</u></b> .....	29
Section 1 – Interpretation and Construction .....	29
Section 2 – Definitions .....	30
<b><u>ARTICLE XI ADMINISTRATION</u></b> .....	33
Section 1 – Duties of the Planning Department .....	33
Section 2 – Duties of the Planning Commission .....	33
Section 3 – Duties of the Governing Body .....	33
Section 4 – Severability .....	33
Section 5 – Violation and Penalty .....	34
<b><u>ARTICLE XII VACATION OF STREETS, EASEMENTS, RIGHTS-OF-WAY</u></b> .	35
Section 1 – General .....	35
Section 2 – Vacation by Platting or Replatting .....	35
Section 3 – Vacation by Ordinance .....	35

## **ARTICLE I**

### **TITLE**

**SECTION 1. TITLE:** These regulations shall be known and may be cited and referred to as the Bonner Springs Subdivision Regulations.

## **ARTICLE II PURPOSE**

### **AND INTENT**

**SECTION 1. PURPOSE AND INTENT:** These regulations, adopted pursuant to the provisions of K.S.A. 12-741 et. seq., are intended to serve the following purposes:

1. To set forth rules and regulations for the division of real property into subdivisions;
2. To provide for the proper location and width of streets, building lines, open spaces, safety and recreation facilities, utilities, and drainage;
3. To provide for the avoidance of congestion of population through requirements of minimum lot width, depth and area and the compatibility of design;
4. To require and fix the extent to which and the manner in which streets shall be graded and improved, and water, sewer, drainage, and other utility mains and piping or connections of other physical improvements shall be installed; and
5. To provide for and secure the actual construction of such physical improvements.

This Page Intentionally Left Blank

## **ARTICLE III GENERAL**

### **PROVISIONS**

**SECTION 1. JURISDICTION:** These regulations shall apply to all land located in the incorporated area of Bonner Springs, Kansas, and the following described tract of land commonly known as the "Loring Area" or "Loring Service Area" to wit: All that generally triangular tract of land lying in the area bounded on the north by the southern boundary line of the City of Bonner Springs, Kansas, on the southeasterly side by the Kansas River; and on the westerly side by the Leavenworth County Line (142nd Street).

**SECTION 2. APPLICABILITY:** The owner or owners of any land located, within the jurisdiction of these regulations subdividing said land into two or more lots and blocks or tracts or parcels, for the purpose of laying out any subdivisions, suburban lots, building lots, tracts or parcels or any owner of any land establishing any street, alley, park or other property intended for public use or for the use of purchasers or owners of lots, tracts, or parcels of land fronting thereon or adjacent thereon, shall cause a plat to be made in accordance with these regulations, unless otherwise, exempted. Any lawfully existing plats recorded prior to the effective date of these regulations shall remain valid, and any replats or resubdivisions shall conform to these regulations.

**SECTION 3. EXEMPTIONS:** These regulations shall not apply in the following instances:

1. A change in the boundary between adjoining lands which does not create an additional or substandard lot or does not create a property description, which is not consistent with application to tax records;
2. Land used for street or railroad right-of-way, a drainage easement or other public utilities subject to local, state or federal regulations, where no new street or easement of access is involved;
3. Whenever any lot, parcel or tract of land has been ordered by law to be partitioned; and
4. Lots which have been previously platted and zoned for industrial purposes may be divided into two or more tracts without replatting or resubdividing such lots in conformance with these subdivision regulations.

**SECTION 4. APPROVAL NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS:** 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 thereto, shall be submitted to the Planning Commission for its official review and action. Upon approval by the Planning Commission the plans, plats or replats shall be submitted to the Governing Body for acceptance or rejection of all land dedicated for public purposes.

**SECTION 5. BUILDING PERMITS:**

1. No building permit shall be issued for the use or construction of any structure upon any lot, tract or parcel of land located within the area governed by these regulations that has been subdivided, resubdivided or replatted after the date of the adoption of such regulations by the Governing Body but which has not been approved in the manner provided herein or is otherwise not in compliance with these regulations.

This Page Intentionally Left Blank



**ARTICLE IV**  
**SUBMISSION OF**  
**PLATS**

**SECTION 1. PRE-APPLICATION:** Prior to the filing of the preliminary plat, the subdivider shall contact the Planning Department to determine:

1. Procedure for filing plats;
2. Availability of City sewer and water;
3. Comprehensive Plan requirements for major streets, land use, parks, schools and public open spaces;
4. Zoning requirements for the property in question and adjacent properties; and
5. Special setback requirements for arterial, collector and local streets.

**SECTION 2. PRELIMINARY PLATS:** After reaching the preliminary conclusions regarding the requirements for the proposed subdivision, the subdivider may submit a preliminary plat together with any supplementary information necessary to the Planning Department.

1. Submission:
  - (a) Filing Fee: A filing fee as set forth by the Governing Body shall accompany the filing of each preliminary plat. The preliminary plat shall not be accepted for filing until the filing fee therefore has been paid by the subdivider;
  - (b) Number of Copies: The subdivider shall submit eighteen (18) copies of the preliminary plat and of a vicinity map (if not on the preliminary plat) as required by the Planning Commission showing the location of the proposed subdivision. These plans shall be filed with the Planning Department in accordance with the Planning Department Calendar prior to a regular meeting of the Planning Commission at which the preliminary plat is to be considered;
  - (c) The subdivider shall submit proof of ownership of the entire tract to be platted;
  - (d) A preliminary grading and drainage plan, including location and size of all storm sewers, existing and proposed land elevations and contours, and necessary widths of all open drainageways, with appropriate design calculations. These plans are not intended to be detailed for construction;
  - (e) Preliminary plats shall contain:
    - (1) The proposed name of the subdivision. The name shall not duplicate or too closely resemble the name or names of an existing subdivision in Bonner Springs or the County in which the property is located;

- (2) The location of the boundary lines of the subdivision and reference to the section or quarter section lines;
  - (3) The names and addresses of the developer, owner, and the engineer or land surveyor who prepared the plat;
  - (4) The legal description of the proposed subdivision complete with section, township, range, principal meridian, county, and acreage;
  - (5) Scale of the plat, 1" = 100' or larger;
  - (6) Date of preparation and north arrow and graphic scale;
  - (7) Survey of the existing conditions to include the following:
    - (i) Location, width and name of platted streets or other public ways, railroads and utility rights-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision;
    - (ii) All existing sewers, water mains, gas mains, culverts, or other underground installations, within or adjacent to the proposed subdivision, with pipe size and manholes, grades and location;
    - (iii) Names of adjacent subdivisions together with arrangement of streets and lots and owners of adjacent parcels of unsubdivided land;
    - (iv) Topography with contour intervals of not more than two feet, where the ground is too flat for contours, spot elevations shall be provided;
    - (v) Location of water courses, bridges, wooded areas, lakes, ravines and such other features as may be pertinent to the subdivision;
    - (vi) Current zoning classification and proposed use of the area being platted; and
    - (vii) Land within the floodway and 100-year floodplain.
  - (8) The general arrangements of lots and their approximate size;
  - (9) Location and width of proposed streets, alleys, and pedestrian ways (sidewalks) and easements to accommodate drainage;
  - (10) All planned site improvements including proposed structures shall be placed on the face of the preliminary plat (except for residential lots);
  - (11) The general plan of sewage disposal, water supply and drainage;
  - (12) Location and size of proposed parks, playgrounds, churches, school sites or other special uses of land to be considered for reservation or dedication for public use;
  - (13) Gross acreage of the subdivision; acreage dedicated to streets and other public uses; total number of buildable lots; maximum, minimum and average lot sizes; and
  - (14) Verification of the preliminary plat by the owner or owners thereof.
2. Preliminary Plat Action: Within sixty (60) days, unless the subdivider shall waive or consent to an extension of the sixty (60) day period, after the first meeting of the Planning Commission following the date of the submission of the preliminary plat to the secretary of said commission, the Planning Commission

shall approve, conditionally approve stating conditions, or disapprove stating reasons of the preliminary plat. Any action or determination by the Planning Commission on a preliminary plat shall require a majority vote of the number of members present and voting at the meeting. If such determination is not made within the sixty (60) day period, such preliminary plat shall be deemed to have been approved and a certificate shall be issued by the Secretary of the Planning Commission upon demand. If the preliminary plat conforms to the requirements of these regulations, there shall be endorsed thereon the fact that the preliminary plat has been submitted to and approved by the Planning Commission. Action by

the Planning Commission shall be conveyed to the subdivider in writing after the meeting at which time the plat was considered. If the preliminary plat has been disapproved, or conditionally approved, the notice shall specifically state the ways in which the preliminary plat fails to conform to these regulations. The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the final plat.

3. Effective Date: The approval of the preliminary plat shall be effective for one (1) year following the date of approval by the Planning Commission, except that prior to the expiration of said one (1) year period the Planning Commission may, at the request of the property owner, grant an extension to the validity of the preliminary plat for up to six (6) months. If a final plat has not been submitted, approved and filed within such one (1) year period, or within an extension period, a revised preliminary plat must be resubmitted to the Planning Commission before a final plat is submitted.

### **SECTION 3. FINAL PLAT:**

1. Submission:
  - (a) After approval of the preliminary plat and after completion of all conditions of approval, the subdivider may submit a final plat;
  - (b) Eighteen (18) copies of the final plat shall be submitted to the Planning Department in accordance with the Planning Department Calendar for review and approval by the Planning Commission;
  - (c) The names and signatures of the owner or owners of the property, duly acknowledged and notarized, shall appear on the original copies submitted;
  - (d) The final plat, prepared for recording purposes, shall be drawn at a scale of at least 1" = 100'. The size of the sheet on which such final plat is prepared shall be 24 inches by 36 inches. Where the proposed plat is of unusual size, the final plat shall be submitted on two or more sheets of the same dimensions. If two or more sheets are required, an index map of the same dimensions shall be filed showing the entire development at a smaller scale; and
  - (e) Any off site utility easements or rights-of-way that will be required to provide public services or access to the platted subdivision shall be shown on the preliminary plat and provided to the Planning Commission for approval and submitted to the Governing Body for acceptance prior to filing.
2. Information: The final plat shall show and contain the following information:
  - (a) Name of subdivision, not to duplicate or too closely resemble the name of any existing subdivision;
  - (b) Location of section, township, range, county and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions, which must be mathematically correct. The allowable error of closing on any portion of the plat shall be one (1) foot in five thousand (5,000) feet;
  - (c) The location of existing monuments or benchmarks shall be shown and described on the final plat. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including the true angles and distances to such reference points or monuments;



testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above-written.

(SEAL) \_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

(6) The endorsement by the Planning Commission in the following form:

This plat of \_\_\_\_\_ has been submitted to and approved by the Bonner Springs Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Planning Commission Chairman

\_\_\_\_\_  
Planning Commission Secretary

(7) The acceptance of easements and dedication of land for public use by the Governing Body in the following form:

These easements and rights-of-way accepted by the Governing Body of Bonner Springs, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(SEAL) \_\_\_\_\_  
Mayor

ATTEST:  
\_\_\_\_\_  
City Clerk

(8) County Surveyor  
This survey has been reviewed for filing pursuant to K.S.A. 53-2003, 58-2005, and 58-2011, for content only, and is in compliance with those provisions. No other warranties are extended or implied.  
Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
County Surveyor

(9) A blank space for noting entry in the following form:  
This is to certify that this instrument was filed for record in the Register of Deeds office on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock and is duly recorded.  
\_\_\_\_\_

Register of Deeds

(n) A copy of any restrictive covenants applicable to the subdivision shall be submitted with the final plat.

**SECTION 4. FINAL PLAT ACTION:** Within sixty (60) days, unless the subdivider shall have consented to an extension or waiver of the sixty (60) day period, after the first meeting of the Planning Commission following the date of the submission of a final plat to the secretary of said commission, the Planning Commission shall approve or

disapprove the final plat. Approval or disapproval by the Planning Commission of a final plat shall require a majority vote of the number of members present and voting at the meeting. If such determination is not made within the sixty (60) day period, such final plat shall be deemed to have been approved and a certificate shall be issued by the secretary of the Planning Commission upon demand.

If the final plat conforms to the requirements of these regulations, there shall be endorsed thereon the fact that the final plat has been submitted to and approved by the Planning Commission. The action of the Planning Commission shall be conveyed to the subdivider in writing following the meeting of the Planning Commission at which the plat was considered. If the final plat has been disapproved, the notice shall state the reasons in which the final plat fails to conform to these regulations.

A final plat that has been approved by the Planning Commission shall be submitted to the Governing Body for its acceptance of the dedication of streets and other public ways, service, and utility easements and any land dedicated for public use. The Governing Body shall approve or disapprove the dedication of land for public purposes within the thirty (30) days after the first meeting of the Governing Body following the date of the submission of the approved final plat to the clerk thereof. The Governing Body may defer action for an additional thirty (30) days for the purpose of allowing for modifications to comply with the requirements of the Governing Body.

No additional filing fees shall be assessed during that period. If the Governing Body defers or disapproves such dedication, it shall advise the Planning Commission of the reasons therefore. Failure of the Governing Body to execute an acceptance of dedication shown on the plat shall be deemed to be a refusal of the proposed dedication.

**SECTION 5. FILING THE PLAT:** Two (2) mylar originals and eight (8) paper copies with all required signatures shall be submitted to the Planning Department for the City's endorsement along with the required filing fee. The original of any final plat shall be filed with the Register of Deeds only after approval by the Planning Commission and acceptance of dedications or easements by the Governing Body, execution of an agreement regarding construction or financial guarantees for completion of public improvements, and approval of engineering drawings as required by these regulations and other City ordinances.

**SECTION 6. CONCURRENT SUBMISSION OF PRELIMINARY AND FINAL PLATS:** Nothing in these regulations shall be construed to prohibit the concurrent submission of preliminary and final plats, so long as they contain all the information that would be required by these regulations, if such preliminary and final plats were submitted separately.

**SECTION 7. VESTING OF DEVELOPMENT RIGHTS:**

1. For the purposes of single-family residential developments, development rights in such land use shall vest upon recording of a final plat of such land. If construction is not commenced on such land within five (5) years of recording a final plat, the development rights in such shall expire; and
2. Development rights in other than single-family developments shall vest upon the issuance of all permits required for such use by the City and construction has begun



and substantial amounts of work have been completed under a validly issued permit.

**SECTION 8. REPLAT:** Requirements for submission and approval of a replat are the same as those contained in Section 3. Final Plat, Section 4. Final Plat Action, Section 5. Filing the Plat and Section 7. Vesting of Development Rights.

This Page Intentionally Left Blank

## ARTICLE V

### LOT SPLITS

**SECTION 1. GENERAL:** The intent of this section is to provide for the issuance of building permits in lots divided into not more than two tracts without having to replat said lot, provided that the resulting tracts shall not again be divided without replatting. However, lots zoned for industrial purposes may be divided into two or more tracts without replatting such lot. The Building Official may issue building permits for such lots in accordance with the following regulations.

**SECTION 2. APPLICATION PROCEDURE:** Requests for lot split approval shall be made to the Planning Department by the owner of the land. The application shall include:

1. Fourteen (14) copies of the scaled lot split drawing showing the following:
  - a. Legal description of the lots;
  - b. The location of any structures on the lot or lots thereon together with the precise nature, location and dimensions;
  - c. Location of all public utilities;
  - d. Location of the public sewer or septic system tank and lateral field; and
  - e. Name, signature, and seal of the registered land surveyor who prepared the drawing.
2. Upon approval of the lot split addressing all the conditions of approval, two (2) mylar originals and four (4) endorsed copies of the lot split shall be submitted to the Planning Department for the Planning Commission's acknowledgement along with the required filing fee.

**SECTION 3. REQUIREMENTS FOR LOT SPLITS:** No lot split shall be approved, nor shall any building permit for a tract created by a lot split be issued; if:

1. A new street or alley or other public improvement is needed;
2. A vacation of streets, alleys, setback lines, access control or easements is required or proposed;
3. Such action will result in significant increases in service requirements (e.g., utilities, schools, traffic control, streets, etc.); or will interfere with maintaining existing service levels (e.g., additional curb cuts, repaving, etc.);
4. There is less street right-of-way than required by these regulations or the Comprehensive Plan;
5. All easement requirements have not been satisfied;
6. Such split will result in a tract without direct access to a street (i.e., property must abut a street and meet minimum lot width requirements);
7. A substandard-sized lot or parcel will be created; and
8. The lot has been previously split in accordance with these regulations.

**SECTION 4. RATIFICATION BY THE PLANNING COMMISSION:** The Planning Commission shall, within sixty (60) days of application, in writing, either ratify, deny or continue for cause those applications which in their opinion do not comply with these regulations. The acknowledgment of the Planning Commission must appear on the scaled drawing in the following form:

This lot split, as described and shown above, has been submitted to and ratified by the Bonner Springs Planning Commission this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ .

\_\_\_\_\_  
Planning Commission Chairman

\_\_\_\_\_  
Planning Commission Secretary

County Surveyor

This survey has been reviewed for filing pursuant to K.S.A. 53-2003, 58-2005, and 58-2011, for content only, and is in compliance with those provisions. No other warranties are extended or implied.

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
County Surveyor

STATE OF KANSAS

COUNTY OF WYANDOTTE

BE IT REMEMBERED that on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned a Notary Public in and for the County and State aforesaid, came \_\_\_\_\_, personally known to me to be the same person who executed the within instrument and each such person duly acknowledged the execution of same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed by notorial seal the day and year last above written.

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

My Commission Expires:

**SECTION 5. FILING FEE:** The filing fee as set forth by the Governing Body shall accompany the application for lot splits.

**SECTION 6. BUILDING PERMIT:** No building permit shall be issued for any lot or tract which contains a division of a platted lot of record, unless such division has been ratified in the manner provided by these regulations.

## ARTICLE VI

### MINIMUM DESIGN STANDARDS

#### SECTION 1. BLOCKS:

1. Length: Intersecting streets which determine block length shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets in the neighborhood. In residential districts, where no existing plats are recorded, the blocks shall not exceed one thousand (1,000) feet in length, except that a greater length may be permitted where topography or other conditions justify a departure from this maximum. In blocks longer than seven hundred fifty (750) feet, pedestrian ways and/or easements through the block may be required near the center of the block. Such pedestrian ways or easements shall have a minimum width of ten (10) feet; and
2. Width: In residential development, the block width shall normally be sufficient to allow two tiers of lots of appropriate depth. In certain instances, however, a different arrangement may be required in order to provide better circulation or to protect a major circulation route. Blocks intended for business or industrial use shall be of such width and depth as may be considered most suitable for the prospective use.

#### SECTION 2. STREETS AND ALLEYS:

1. Relationship to Adjoining Street Systems: The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining additions, or their proper projection where adjoining property is not subdivided, insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall be not less than the minimum street widths established in Section 5203 of the City's Design Criteria. Alleys when required, and street arrangement must cause no hardship to owners of adjoining property when they plat their land and seek to provide for convenient access to it. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted and dedicated as a public way;
2. Street Names: Streets that are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. Street names should not be similar to already platted/existing street names. All street names shall be issued by the Planning Department;
3. Arterial Streets: Arterial streets through subdivisions shall conform to the master street plan of the Comprehensive Plan as adopted by the Planning Commission and the Governing Body;
4. Half-Streets: Half-streets shall be prohibited, except where no lots front on such half-street;
5. Alleys: Alleys may be required in commercial, industrial, and residential areas. Dead-end alleys shall be avoided, wherever possible; but if unavoidable, such alleys shall be provided with adequate turnaround facilities at the dead-end;

6. Minimum Requirements: The right-of-way widths for streets and alleys, dedicated and accepted, shall conform to the designation in the Comprehensive

Plan and shall not be less than the minimum for each classification as described in Section 5203 of the City's Design Criteria;

7. Street Alignment: Minimum horizontal and vertical alignment on all streets, except in unusual cases, shall be as described in Section 5203 of the City's Design Criteria; and
9. Street Alignment: On streets with reverse curves, a reasonable tangent shall be provided between curves to permit a smooth flow of traffic.

### **SECTION 3. LOTS:**

1. Minimum lot width shall be measured at the building setback line. In addition, corner lots shall have a width twenty-five (25) feet greater than the minimum width;
2. The maximum depth of residential lots shall not exceed three (3) times the width thereof, except where the lots are intended for single-family attached dwellings in which case the depth shall not exceed five (5) times the width;
3. Minimum lot area shall be subject to the Zoning Ordinance of the district in which the subdivision is located and the minimum design standards of this regulation. The more restrictive of the regulations shall govern;
4. All side lot lines shall bear between 60 and 90 degrees from the street right-of-way line on a straight street or from the tangent of a curved street;
5. Front building or setback lines shall be shown on the final plat for all lots in the subdivision and shall not be less than the setbacks required by the Zoning Ordinance or any other regulations adopted by the Governing Body; the most restrictive setback requirement shall govern;
6. Double frontage lots shall be avoided unless, in the opinion of the Planning Commission, a variation to this rule will give better street alignment and lot arrangement;
7. Every residential lot shall abut on and have access to a public street other than an alley;
8. Every non-residential lot shall abut on and have access to a public street or have access to a public street by means of a public access easement to a point approved by the City and shall be noted on the face of the final plat;
9. The subdivision or resubdivision of a tract or lot shall not be permitted where said subdivision or resubdivision places an existing permanent structure in violation of the requirements of the Zoning Ordinance or the minimum design standards of these regulations;
10. Where possible, residential lots should not face an arterial street. The number of lots facing on collector streets shall be kept to a minimum in each subdivision. The street pattern shall be designed so that the side and/or rear lines of lots abut collector streets wherever land shapes and topography permit;
  - (a) Access to all corner lots shall be from the street of lesser functional classification. In cases, where the corner lot is adjacent to two streets of the same classification, the access may be permitted on either street,



notwithstanding safety hazards, such as limited site distances, as determined by the City Engineer;

- (b) No single parcel, lot or tract of record shall be permitted more than one access to (from) any arterial or collector street. However, field accesses to arterial and collector streets may be permitted for agricultural uses in agricultural zoning districts; and
- (c) Parcels, tracts or lots of record that are adjacent to other parcels, tracts or lots of record under the same ownership shall not be permitted more than one (1) access to any arterial or collector street. However, field accesses to arterial and collector streets may be permitted for agricultural uses in agricultural zoning districts.

#### **SECTION 4. EASEMENTS:**

1. Permanent utility easements of not less than ten (10) feet in width shall be provided along front/rear lot lines and not less than five (5) feet in width along side lot lines where necessary, for utility poles, wires, conduits, underground conductors, storm and sanitary sewers, gas, water and heat mains, and other public utilities. These easements shall provide for a continuous right-of-way. Where the City, utility company or agency has the need for a wider easement for a specific location, this easement shall be shown on the plat. Permanent easements shall not be obstructed by structures, retaining walls or trees. A property owner may install fences and landscape the easement with grass and shrubs at his or her own risk and providing the appropriate permits have been obtained; and
2. Drainage Easements: If a subdivision is traversed by a watercourse, drainageway or channel, then a storm water easement shall be provided. Such easement or right-of-way shall conform substantially to the lines of such watercourse and shall be of such width or construction, or both, as may be necessary to provide adequate storm water drainage and for access for maintenance thereof. The subdivider may be required to have an engineer's study prepared for the Planning Commission as to the required width of such easement for each major water course or drainageway involved. Such study shall be in accordance with Section 5600 of the City's Design Criteria.

#### **SECTION 5. SUBDIVISION DESIGN:**

1. **Access Control:** In the interest of public safety and for the preservation of the traffic-carrying capacity of the street system, the Planning Department, during the review of proposed subdivisions, shall have the right to restrict and regulate points of access to all property from the public street system. In a case that a property is specifically allowed access to an arterial or collector street, it shall be specifically stated on the final plat. The Planning Department has the right to restrict all other points of access onto arterial and collector streets;
2. **Subdivision Design:** The design of the subdivision shall provide for efficient traffic flow, proper mixing of land uses, and a logical link between surrounding, existing development, and the proposed layout. The Comprehensive Plan shall be used as a guide in determining if the design of the proposed subdivision is proper. The Planning Commission shall have the authority to deny a plat or request redesign;

3. **Stormwater Management:** A subdivider shall be required to provide an engineering study prepared by a licensed engineer in compliance with Section 5600 of the City's Design Criteria;
4. **Regional Stormwater Detention:** A subdivider, may upon approval from the City Engineer and Public Works Director, pay a fee-in-lieu of detention if the downstream system has the capacity to convey the design storm as set forth in APWA Section 5600 of the City's Design Criteria. If construction of the regional detention system is approved, the subdivider shall pay into the City the established costs for private detention so that the City may construct a regional detention facility; and
5. **Utilities:** All utilities including service lines for new subdivisions shall be placed underground.

**SECTION 6. LAND SUBJECT TO FLOODING:**

1. Land subject to periodic flooding shall not be subdivided for residential use or any other use, which would be incompatible with such flooding; and
2. If protective flood works, including adequate and proper surface drainage are designed and installed by the subdivider in accordance with standards of the appropriate regulatory agency or other public body having exclusive jurisdiction for flood control in the subject area, only then shall an area of this classification be subdivided for residential or other permitted use.

## ARTICLE VII

### IMPROVEMENTS

**SECTION 1. REQUIRED IMPROVEMENTS:** The subdivider shall install or provide for the installation of the following improvements:

1. **Streets:** The subdivider shall provide for the installation of all interior streets, pedestrian facilities not adjacent to developable lot(s), and storm drainage systems and shall improve all existing streets, pedestrian facilities, and storm drainage systems adjacent to the proposed development. No grading or other construction shall take place within a street right-of-way until the construction plans have been reviewed and approved by the City Engineer prior to construction. All street construction shall conform to the City's adopted Design Criteria and Standard Specifications and compliance therewith shall be confirmed by the City Engineer prior to release of surety by the Governing Body;
2. **Sidewalks:** Sidewalks shall be installed on both sides of all arterial, collector and commercial streets. Sidewalks shall be required on one side of all other streets. All sidewalks shall be not less than four (4) feet in width and shall comply with the City's Design Criteria and ADA requirements. Sidewalks shall be located in the platted street right-of-way. Sidewalks shall also be installed in any pedestrian easements as may be required by the Planning Commission;
3. **Storm Drainage:** The subdivider shall install culverts, storm sewers, rip-rap slopes, stabilized ditches, and these and other improvements shall comply with the standards of Section 5600 of the City's Design Criteria and such plans shall have been reviewed and approved by the City Engineer prior to construction;
4. **Sanitary Sewers, Water Supply and Other Utilities:** The subdivider shall be responsible to provide for and pay the full cost for the proper installation of all utilities, including sanitary sewers and connection to approved treatment facilities, and water supply, natural gas, electricity and telephone service. Such utilities shall be installed according to the specifications of the controlling utility company or public agency and the City's Design Criteria;
5. **Street Name Signs:** The City shall install street name signs at all intersections within a subdivision. The developer shall pay the costs associated for the signs, poles and installation of all street signs;
6. **Street Lights:** Standard street lights approved by the electric company and the City are to be installed and maintained by the electric company in accordance with Section 5800 of the City's Design Criteria. The costs for the poles and appurtenances, installation and underground power for the required street lights shall be paid by the developer to the electric company. The monthly street light maintenance fee is paid by the City; and
7. **Permanent Monuments:** Permanent monuments shall be placed at all lot and block corners, angle points, point of curve in streets, and at intermediate points as required prior to the final acceptance of the plat by the City. Said permanent monuments shall be in accordance with State and County requirements.

**SECTION 2. EXCEPTIONS FOR EXISTING IMPROVEMENTS:**

1. Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements as previously set out, and where such improvements meet the requirements of this article and are in good condition as

determined by the Governing Body upon its consideration of the opinion of the City Engineer, no further provision need be made by the subdivider to duplicate such improvements. However, where such existing improvements do not meet said requirements as determined by the Governing Body upon its consideration of the opinion of the City Engineer, the subdivider shall provide for the repair, correction, or replacement of such improvements so that all final improvements will then meet said requirements as determined by the Governing Body.

2. Where the proposed subdivision is a resubdivision or concerns an area presently abutting or continuing any existing public street of less than the minimum required right-of-way width or roadway width, land shall be dedicated so as to provide a minimum street right-of-way width established by these regulations and/or by the policy of the Governing Body, and the subdivider of such proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by these regulations and the Governing Body. The Governing Body shall determine what adjustment to make where the aforesaid widening merge with existing streets which are of smaller width at the boundary of such proposed subdivision. The Governing Body may reduce the minimum roadway width if the extension of such roadway is already improved at each end of the roadway in the subdivision and the roadway in the subdivision to be reduced is two (2) blocks or less in length.

**SECTION 3. GENERAL IMPROVEMENT PROCEDURES:** After the approval, but prior to the recording of the final plat, the subdivider may construct the required improvements in accordance with this Article.

In lieu of the actual construction of all physical improvements prior to the filing of the final plat, the Governing Body may at its option, accept one or a combination of the following:

1. A corporate surety bond, cashier's check, escrow account, irrevocable letter of credit or other like security, in the amount that will guarantee the construction of the required improvements within a period of time to be specified and approved by the Governing Body. Such surety shall be properly executed prior to any grading or construction and may be released in segments upon written approval of the City; and
2. A petition presented to and approved by the Governing Body having jurisdiction, properly executed by the property owners as provided by law. Said petition to be used for the construction of the improvements by the Governing Body and the costs of which will be assessed against the subdivided property.

**SECTION 4. BUILDING PERMITS:** Unless the required public improvements have been installed and accepted by the City of Bonner Springs, no building permits shall be issued for that lot or tract.

**SECTION 5. OCCUPANCY PERMITS:** No occupancy permit shall be issued until all public improvements have been installed and accepted by the Governing Body.

**SECTION 6. PLANS AND SPECIFICATIONS:** Concurrent with or after the submittal of the final plat, the subdivider shall have prepared by a licensed professional engineer, engineering drawings for proposed required improvements containing the data and information specified below:

1. **Content of Engineering Drawings:** Engineering drawings for required improvements shall contain the following data and information in accordance with the City' Design Criteria:
  - (a) Grading plans which shall indicate stormwater management for handling drainage for all lots and other sites in the subdivision;
  - (b) When unusual site conditions exist, the Planning Department may require such additional plans, specifications and drawings as may be necessary for an adequate review of the improvements to be installed; and
  - (c) All plans shall be based on the appropriate County datum for horizontal and vertical control.
2. **Review of Plans:** The City Engineer shall review all engineering drawings in order to advise the Planning Department as to whether or not such drawings are consistent with the approved final plat and comply with the City's Design Criteria. The City Engineer shall forward to the Planning Department a notice stating its opinion. In the event that the drawings do not so conform or comply, the City Engineer shall notify the Planning Department of the specific manner in which such drawings do not conform or comply. After consideration of the City Engineer's opinion, the Planning Department shall notify the subdivider as to whether or not the drawings are consistent with the approved final plat and comply with the City's Design Criteria and, if not, of the specific manner in which such drawings do not conform or comply. The subdivider may then correct any defective drawings and resubmit the corrected drawings. The final plat shall not be filed until the engineering drawings have been approved and bonded in accordance with Article VII, Section 3(1).

**SECTION 7. CONSTRUCTION OF IMPROVEMENTS:** No improvements shall be constructed until such time as the final plat has been approved by the Planning Commission, dedications accepted by the Governing Body, engineering drawings have been approved by the City Engineer, bonding of all public improvements, and all fees paid. Any off site utility easements or rights-of-way that will be required to provide public services or access to the platted subdivision shall also be approved by the Planning Commission and accepted by the Governing Body.

**SECTION 8. INSPECTION:** All improvements constructed or erected shall be subject to inspection by the City or its designated representative responsible for setting and enforcing the applicable design and construction standards of the required improvement. The subdivider shall pay all inspection fees as established by the City. After such inspection has been made, said official shall notify the City of his or her opinion thereof. If the City shall determine, after consideration of the opinion of the official, that such work does not comply with the approved engineering plans and specifications, the City shall so notify the subdivider, and may require the subdivider to terminate all further work until necessary steps are taken to correct any defect, deficiency, or deviation to the satisfaction of the City.

**SECTION 9. FINAL INSPECTION:** Upon completion of all improvements within the area covered by the final plat and upon submission of the certified "record drawings" for all public improvements to the City, the City shall thereupon conduct a final inspection of all improvements installed. If the City determines that there are defects, deficiencies, or deviations in any such improvements as installed, or if there are any deviations

in such improvements as installed from the approved engineering plans and specifications, the City shall so notify the subdivider in writing, and the subdivider shall, at



its sole expense, correct such defects, deviations, or deficiencies. When such defects, deficiencies, or deviations have been corrected, the subdivider shall notify the City that the improvements are ready for final reinspection.

**SECTION 10. ACCEPTANCE OF IMPROVEMENTS:** Upon the determination by the City that there are no defects, deficiencies, or deviations in the improvements, and that all improvements have been installed in conformance with the approved engineering drawings, and with the requirements of these regulations, the Governing Body shall thereupon formally accept such improvements. The improvements shall become the property of the City or appropriate utility company involved.

**SECTION 11. IMPROVEMENT MAINTENANCE GUARANTEE:** Prior to the acceptance by the City of the improvements required herein, the subdivider shall provide one of the following:

1. Maintenance bond written by a bonding company callable unto the City of Bonner Springs; or
2. Cash deposited in escrow from which the subdivider would be entitled to any interest income; or
3. Upon approval by the Governing Body, a surety bond guaranteeing each improvement that the subdivider installs or has installed against defects in workmanship and materials for a period of two (2) years from the date of acceptance for such improvements. Such guarantee shall be in the full amount of the estimated cost of the improvements and shall be filed with the Planning Department prior to the acceptance of the improvements by the City.

**SECTION 12. DEDICATION OR RESERVATION OF PUBLIC SITES, NEIGHBORHOOD PARKS AND OPEN SPACES:** In subdividing land, due consideration shall be given by the subdivider to the dedication or reservation of sites for public uses, schools, parks, playgrounds and other public recreational areas or open spaces.

1. **Conformance with Comprehensive Plan:** Any areas so dedicated or reserved shall conform with the recommendations in the approved Comprehensive Plan, and, if applicable, with recommendations of the Educational Facilities Planning Study of Unified School District No. 204.
2. **Indication on Preliminary Plat:** All areas proposed to be reserved for or dedicated to public use, school, park, playground, recreation or open space use shall be indicated on the preliminary plat in accordance with Article IV, Section 2, Subparagraphs 2(e), (11) of these Subdivision Regulations in order that it may be determined when, in what manner and under what circumstances and conditions such areas will be reserved or dedicated to the City or other appropriate public agency. The Planning Commission shall require that reserved or dedicated lands be of suitable size, location, dimension, topography and general character and shall have proper and adequate road and/or pedestrian access, as may be appropriate, for the particular purpose for which such land is intended to be used. Reserved or dedicated land shall be clearly indicated as such on the preliminary plat.

3. **Required Dedication of Land for Neighborhood Park or Payment of a Fee in Lieu Thereof:** Every developer of a residential subdivision in the City of Bonner Springs shall dedicate land within such subdivision to the City for a

neighborhood park, or, at the discretion of the Planning Commission shall make a cash payment in lieu of such required dedication.

- (a) The amount of land to be dedicated by a subdivider for a neighborhood park shall be calculated on the basis of one-half (1/2) acre of park land for every 250 persons in a residential subdivision. The number of persons in a residential subdivision shall be determined at the rate of 2.5 persons per dwelling unit;
- (b) The amount of cash payment to be paid in lieu of dedication of land for a neighborhood park shall be determined in accordance with the City Services Fee Schedule;
- (c) In making the above calculations for multi-family living units, the number of multi-family living units shall be the actual number of such units; and
- (d) Manufactured homes shall be considered as a single-family dwelling unit.

4. **Conditions Applicable to Payment of Fee in Lieu of Neighborhood Park Land Dedication:**

- (a) **Time of Determination of Fee:** The applicable fee in lieu of neighborhood park land dedication shall be determined by the Planning Commission after submission by the subdivider of the preliminary plat as part of the review process set forth in Article IV, Section 2(2). The requirement for payment of the fee, as calculated by the Planning Commission, shall be collected at the time of issuance of a building permit;
- (b) **Form of Payment of Fee:** Payment shall be made to the Building Code Department, who shall provide the building permit applicant with a receipt therefore. Prior to accepting payment, the Planning Department shall verify the amount due by referring to the condition of such payment imposed on the preliminary plat and by referring to the final plat;
- (c) **Use of Fees Collected:** All in lieu park fee payments received pursuant to this section shall be used solely and exclusively for the acquisition of land for neighborhood parks and the construction of improvements thereon or thereto, for costs incidental and ancillary to such purposes, including, but not necessarily limited to planning, engineering, and design of the neighborhood park and improvements, utility relocation, provision of pedestrian and/or vehicular access and purchase of park equipment;
- (d) **Placement of Fees in Special Revenue Fund:** Fees received pursuant to this provision shall be deposited in a segregated interest-bearing fund to be known as the Park Dedication Fund. The use of such fees shall be restricted to financing neighborhood parks directly, as herein defined and set out, or for reimbursement to the City for the advancement and/or expenditure of funds for the acquisition of land for parks and the construction of improvements. The City may, in its sole discretion, (a) supplement fees collected pursuant to this provision; (b) advance funds to the Park Dedication Fund to enable early development of parks; or (c) expend funds for parks and obtain reimbursement from fees collected in the Park Dedication Fund;

- (e) **Maintenance of Financial Records:** The Finance Director shall keep and maintain adequate financial records for the Park Dedication Fund which shall: show the source of disbursement of all fees; account for all fees

received; and ensure that the disbursement of fees from such Fund shall be used exclusively for the purposes set forth herein; and

- (f) **Interest on Park Dedication Fees:** Interest earned on the Park Dedication Fees collected shall be credited to the Park Dedication Fund and shall be utilized solely for and limited to the purposes specified for fees of the Fund.

**5. Conditions Applicable to Dedication of Neighborhood Park Land:**

- (a) **Preliminary Plat:** Land proposed to be dedicated as a neighborhood park shall be clearly shown on the preliminary plat and shall be marked accordingly;
- (b) **Planning Commission Review:** The Planning Commission shall, during the preliminary plat review process, determine whether the land proposed to be dedicated for a neighborhood park is of a size, location, dimension, topography, and general character, as appropriate for neighborhood park use and whether such site is in conformance with the Comprehensive Plan;
- (c) **Imposition of Conditions:** In its approval of a preliminary plat which proposes neighborhood park land dedication, the Planning Commission shall impose such conditions as deemed necessary to assure that the intent and purposes of this section are satisfied;
- (d) **Final Plat:** The final plat shall be consistent with the approved preliminary plat and shall incorporate all conditions imposed by the Planning Commission;
- (e) **Submittal to Governing Body:** A final plat that has been approved by the Planning Commission and which shows dedication of land for a neighborhood park shall be submitted to the Governing Body for acceptance of the proposed dedication. No dedication shall be deemed approved without express action of the Governing Body in the form of a written "Acceptance of Dedication". Failure of the Governing Body to execute an Acceptance of Dedication shall be deemed to be a refusal of the proposed dedication. A final plat which shows a neighborhood park dedication which has not been accepted by the Governing Body shall not be dated or endorsed by the Planning Commission and shall not be filed with the Register of Deeds;
- (f) **Effect of Failure by Governing Body to Accept Dedication:** If the Governing Body refuses to accept the dedication, the final plat shall be returned to the subdivider for resubmission to the Planning Commission with (1) appropriate changes to indicate the use of the portion of the property originally proposed to be dedicated for the neighborhood park; and (2) payment of the applicable in-lieu fee pursuant to subsection 3(b) and 4(a) - (f) hereof.

## ARTICLE VIII

### AMENDMENTS

**SECTION 1. AMENDMENT PROCEDURE:** These regulations may be amended at any time after the Planning Commission has held a public hearing on the proposed amendment. A notice of such public hearing shall be published at least once in the official newspaper at least twenty (20) days prior to the public hearing. Such notice shall fix the time and place for such hearing and shall describe such proposal in general terms.

**SECTION 2. PUBLIC HEARING:** The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedure as the Planning Commission may from time to time prescribe by rule. Any interested person or party may appear and be heard at the hearing in person, or by agent, representative or attorney. The hearing may be adjourned from time to time.

**SECTION 3. ACTION BY THE PLANNING COMMISSION:** Upon the conclusion of the public hearing, the Planning Commission shall prepare its recommendations and by affirmative vote of a majority of the entire membership of the Planning Commission adopt the same in the form of proposed amendments to these regulations and shall submit the same, together with a written summary of the hearing thereon, to the Governing Body.

**SECTION 4. ACTION BY THE GOVERNING BODY:** When the Planning Commission submits a recommendation of approval or disapproval of such amendment, the Governing Body may (1) approve such recommendation ordinance; (2) override the Planning Commission's recommendation by a two-thirds (2/3) majority vote; or (3) may return the same to the Planning Commission for further consideration, together with a statement specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Planning Commission's recommendations, the Planning Commission, after considering the same, may resubmit its original recommendation giving the reasons therefor or submit new and amended recommendations. Upon the receipt of such recommendations, the Governing Body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendations by ordinance, or it need take no further action thereon. If the Planning Commission fails to deliver its recommendations to the Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly.

**SECTION 5. PUBLICATION AND EFFECTIVE DATE:** If the Governing Body adopts an amendment by ordinance, said amendment shall not become effective until its publication in the official City newspaper.

This Page Intentionally Left Blank

## ARTICLE IX

### APPEALS AND VARIANCES

**SECTION 1. APPEALS:** The subdivider of a proposed subdivision may appeal to the Governing Body decisions made in the enforcement or interpretation of these regulations by the Planning Commission. Any such appeal shall provide a hearing de novo. In the event the Governing Body sustains such decisions, the prior enforcement or interpretation shall be final, except as otherwise provided by law. If the Governing Body overrules the Planning Commission, the Governing Body shall state its decisions and the reasons therefore in writing and submit the decision and plat to the Planning Commission, seeking concurrence. In case of nonconcurrence, the decision of the Governing Body shall be final.

**SECTION 2. VARIANCES:** Whenever the Planning Commission deems full conformance to the provisions of these regulations is impractical or impossible due to the size, shape, topographic location or condition, or such usage of land included in a subdivision plat being presented for approval, the Planning Commission may authorize variances of these regulations. In authorizing such variances or exceptions, the Planning Commission shall find all of the following:

1. That strict application of these regulations will create an undue hardship upon the subdivider;
2. That the proposed variance is in harmony with the intended purpose of these regulations; and
3. That the proposed variance will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

**SECTION 3. WAIVERS:** Any waiver of the required public improvements shall be made to the City Engineer in accordance with the City's Design Criteria showing that such improvements are technically not feasible. Any request for a waiver shall be submitted to the City Engineer for a recommendation to the Planning Commission.



This Page Intentionally Left Blank

## ARTICLE X

### RULES, REGULATIONS AND DEFINITIONS

**SECTION 1. INTERPRETATION AND CONSTRUCTION:** The following rules and regulations regarding interpretation and construction of the Subdivision Regulations shall apply:

1. Where the conditions imposed by the provisions of these regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
2. The provisions of these regulations are not intended to abrogate any easement, covenant or other private agreement; provided, that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of these regulations shall govern.
3. A subdivision of land which was not lawful at the time of the adoption of these regulations shall not become or be made lawful solely by reason of adoption of these regulations.
4. The provisions of these regulations are cumulative and are additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter in the provisions of these regulations.
5. In the construction of these regulations, the provisions and rules of this section shall be preserved and applied, except when the context clearly requires otherwise:
  - (a) Words used in the present tense shall include the future.
  - (b) Words in the singular number include the plural number, and words in the plural number include the singular number.
  - (c) The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
  - (d) The word "shall" is mandatory.
  - (e) The word "may" is permissive.
  - (f) The word "person" includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
  - (g) Unless otherwise specified, all distances shall be measured horizontally.
  - (h) Any word or phrase which is defined in this Article or elsewhere in these regulations shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.

**SECTION 2. DEFINITIONS:** Definitions for the interpretation of these rules and regulations are as follows:

**Alley:** A public or private right-of-way which affords only a secondary means of access to abutting property from a street or road.

**APWA:** Kansas City Metropolitan Chapter of the American Public Works Association to be known as “the City’s Design Criteria”.

**Arterial Street:** A street serving major traffic movements, designed primarily as a traffic carrier between, around and across cities, and between various sections of the city and which forms part of the through-street network.

**Block:** A piece or parcel of land entirely surrounded by public highways, streets, steams, railroad rights-of-way or parks, etc., or a combination thereof.

**Building Line:** A line on a plat generally parallel to the street right-of-way indicating the limit beyond which no buildings or structures may be erected.

**City Engineer:** The person responsible to perform the duties of the City Engineer including any and all special engineers as appointed by the City Manager.

**Collector Street:** A street which is designed to serve traffic needs between arterial and local streets and not to provide access to abutting properties.

**Comprehensive Plan:** The Bonner Springs Comprehensive Plan as amended.

**Cul-de-sac:** A vehicular turnaround which is located at the closed end of a dead-end street or alley.

**Design:** The location of streets, alignment of streets, grades and widths of streets, alignment of easements, grades and widths of easements, alignment and rights-of- way for drainage and sanitary sewers, and the designation of minimum lot area, width and length.

**Design Standards or Design Requirements:** All requirements and regulations that relate to design and layout of subdivisions.

**Easement:** A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.

**Engineer:** A professional engineer or land surveyor licensed by the State of Kansas or licensed to practice in the State of Kansas.

**Final Plat:** A plan or map prepared in accordance with the provisions of this regulation and those of any other applicable local regulation, which plat is prepared to be placed on record in the office of the Register of Deeds.

**Governing Body:** The Governing Body of Bonner Springs, Kansas.

**Half-Street:** A street bordering one or more property lines of a subdivision tract to which the subdivider has allocated only a portion of the required street width.

**Improvements:** 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.

**Local Street:** A street or road which provides primarily for direct access to adjoining properties and is designed to serve minor traffic needs.

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

**Lot Depth:** The mean horizontal distance between the front lot line and the rear lot line.

**Lot Width:** The mean horizontal distance between the side lot lines.

**Minimum Elevation for Building:** The finished floor elevation of the lowest floor.

**Neighborhood Park:** A park of an approved size, containing relatively unstructured facilities such as playground equipment, picnic tables, basketball courts and the like and designed to serve an area within a radius of approximately one-half mile from the park site (a total service area of approximately one (1) square mile). A neighborhood park shall mean and include the acquisition of land for a neighborhood park and the construction of improvements thereon and the expenditure of funds incidental thereto, including but not necessarily limited to planning, engineering and design of the neighborhood park and improvement, utility, relocation, provision of pedestrian and vehicular access and purchase of park equipment for a neighborhood park.

**Open Space:** An area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas, or required front, rear or side yards.

**Owner:** Any person or persons, firm or firms, corporation or corporations, or any other legal entity having title to land.

**Pedestrian Way:** A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

**Performance Bond:** A surety bond or cash deposit made out to the City of Bonner Springs in an amount equal to the full cost of the improvements which are required by these regulations, said cost being estimated by the City Engineer, and said surety bond or cash deposit being legally sufficient to secure to the City of Bonner Springs that the said improvements in lieu of completion will be constructed in accordance with these regulations.

**Planning Commission:** Shall mean the Bonner Springs Planning Commission.

**Preliminary Plat:** A map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it; this map need not be based on accurate or detailed final survey of the property.

**Public Improvements:** All public facilities constructed or erected by a subdivider within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, business or manufacturing purpose.

**Public Water:** Water supplied for domestic purposes by a municipality or county and approved by the Kansas State Department of Health.

**Resubdivision:** The further subdivision of a tract of land which has previously been lawfully subdivided and for which a plat of such prior subdivision has been duly recorded.

**Road or Roadway:** The paved or improved area of a street right-of-way, exclusive of sidewalks, driveways, or related uses.

**Secretary:** Secretary of the Planning Commission

**Setback Line or Building Line:** A line on a plat generally parallel to the street right-of-way, indicating the minimum open space to be provided between buildings or structures and the edge of the street right-of-way.

**Street:** A right-of-way, dedicated to the public use, or a private right-of-way which provides principal vehicular and pedestrian access to adjacent properties.

**Street Width:** The distance measured perpendicular to the centerline of the paved portion of the right-of-way; either to the back of the curb, where a curb exists, or to the edge of the pavement where no curb exists.

**Subdivider:** A person, firm, corporation, partnership or association who causes land to be divided into a subdivision for itself or for others.

**Subdivision:** The voluntary division of a lot, parcel or tract of land into two or more lots for the purpose, whether immediate or future, of transfer of ownership or building development, including resubdivision.

**Tract:** A portion of unplatted land or unplatted parcel of land, intended as a unit for transfer of ownership or for development.

## **ARTICLE XI**

### **ADMINISTRATION**

#### **SECTION 1. DUTIES OF THE PLANNING DEPARTMENT:**

1. Maintain permanent and current records with respect to these regulations including amendments thereto. Keep minutes and agendas of all meetings and hearings;
2. Accept applications, filing fees, preliminary and final plats and public improvement engineering drawings;
3. Transmit preliminary and final plats to the Planning Commission;
4. Transmit Planning Commission recommendations regarding acceptance of dedications or easements to the Governing Body for its action; and
5. Transmit final plats to the County Register of Deeds on behalf of the City.

#### **SECTION 2. DUTIES OF THE PLANNING COMMISSION:**

1. Review and approve, approve conditionally, or disapprove preliminary plats;
2. Review and approve, approve conditionally, or disapprove final plats and transmit the same together with appropriate recommendations to the Governing Body for its acceptance of dedications of easements and rights-of-way; and
3. Make other determinations and decisions as may from time to time be required by these regulations, and by the applicable sections of the Kansas Statutes Annotated.

#### **SECTION 3. DUTIES OF THE GOVERNING BODY:**

1. Consider Planning Commission recommendations on final plats and accept or reject dedications of easements and rights-of-way;
2. Accept or reject financial guarantees from subdividers in lieu of immediate completion or installation of improvements required by the regulations;
3. Accept all privately funded public improvements associated with the subdivision of land; and
4. Take other actions as required from time to time including the consideration of amendments to these regulations

**SECTION 4. SEVERABILITY:** It is hereby declared to be the intention of the City that the several provisions of these regulations are severable, in accordance with the following rules:

1. If any court of competent jurisdiction shall adjudge any provision of these regulations to be invalid, such judgment shall not affect any other provisions of these regulations.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of these regulations to a particular property or structure, such judgment shall not affect the application of said provisions to any other property or structure.

**SECTION 5. VIOLATION AND PENALTY:** Any person, firm or corporation who shall violate any of the provisions of these Regulations or fail to comply herewith, or with any of the requirements thereof; or who shall build or alter any building in violation of any plan submitted and approved hereunder shall be guilty of a misdemeanor; and, upon conviction thereof, shall be liable to a fine of not more than five hundred dollars (\$500.00) and/or imprisonment for not more than six (6) months for each offense and each day such violation shall be permitted to exist shall constitute a separate offense. (Revised Ordinance No. 2301)



## ARTICLE XII

### VACATION OF STREETS, EASEMENTS AND RIGHTS-OF-WAY

**SECTION 1: GENERAL:** Kansas State Statutes; KSA 12-504-506 provides for procedures for the vacation of streets and alleys and vacation or release of easements and building setback lines. When deemed to be in the public interest and when no private rights will be injured or endangered and the public will suffer no loss of inconvenience thereby, all or a portion of any street, alley or public easement, including, but not limited to public utility or drainage easements, dedicated building setback lines and access control may be vacated.

**SECTION 2: VACATION BY PLATTING OR REPLATTING:** Any street, alley, public easement, or portions thereof, may be vacated both as to use and title by plat approved in accordance with the provisions of these regulations and providing:

1. Appropriate public hearing notice has been made;
2. In the event of a petition for vacation of an easement, written consent for such vacation must be obtained from all utility companies; and
3. Rights-of-way and easements shall be reserved where necessary for use by public utilities.

**SECTION 3: VACATION BY ORDINANCE:** Any street, alley, easement, building setback line or portion thereof, may be vacated by ordinance adopted by the Governing Body, providing the following procedures have been met:

1. Submission of a petition to vacate from the Planning Department complete with all filing fees and supporting documentation to the office of the City Clerk. The City Clerk will forward such application to the Planning Department;
2. The Planning Department shall cause a public notice be published at least one time at least twenty (20) days prior to the date of the hearing in the official local city newspaper. Such public hearing notice shall state the street, alley or public easement or reservation requested to be vacated. The notice shall further state that a petition has been filed in the office of the City Clerk stating the date, time and place such hearing shall be conducted and that all persons interested may appear and be heard;
3. The Planning Department shall post the subject property at least twenty (20) days prior to the public hearing;
4. The Planning Commission shall proceed to hear the petition request and consider all testimony and public comment. The Planning Commission shall at the conclusion of the public hearing shall forward their recommendation to the office of the City Clerk for consideration by the Governing Body;
5. If the Governing Body approves the petition to vacate, they shall order such vacation by ordinance and order the use of the area to be vacated. The Governing Body may at their discretion reserve the right to utilize the vacated right-of-way for use by the City and owners of lesser property rights as a public utility easement;

6. The petition shall not be granted if a written objection thereto is filed with the office of the City Clerk at the time of or before the public hearing by the Planning Commission by any owner or adjoining owner who would be a proper party to the petition;
7. The City Clerk shall cause such order of vacation by ordinance to be certified to the Register of Deeds who shall cause the order to be recorded; and
8. The streets, alleys or other public reservations ordered to be vacated shall revert to the owners of the real estate immediately abutting thereon provided by state statutes.