

Chapter 28 SUBDIVISIONS AND LOT SPLITS

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28.01 Statement of Intent

The intent of this chapter is to provide subdivision regulations designed to serve the following purposes: to protect the public health, safety and welfare of the City and its residents; to guide public and private policy and action in providing adequate and efficient transportation, water, sewerage, drainage, schools, parks, recreation facilities and other public facilities and requirements; to provide the most beneficial relationship between the uses of land and buildings, and the circulation of traffic throughout the City, particularly in order to avoid congestion in the streets and highways, and to provide for

the proper location and width of streets and building lines in accordance with the *Major Street Map*; to establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to encourage the orderly layout and use of land; to ensure proper legal descriptions and monumentalizing of subdivided land; to ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision; to prevent pollution of the air and waterways; to encourage the wise use and management of natural resources throughout the City; to preserve the natural beauty and topography of this City and to ensure appropriate development preserving natural features; and to secure dedication of public improvements which are in conformance with City standards, specifications and the Capital Improvement Program of the City.

28.02 Applicability

The provisions and regulations of this chapter apply to all zoning districts. Except the provisions and regulations of any section of this chapter may be modified for mixed-use developments zoned Planned Unit Development.

28.03 Subdivision Approval

Except as otherwise provided in this chapter, no subdivision may be developed within the City until both a preliminary and final plat have been filed and approved in accordance with the provisions of Chapter 5, Applications and Procedures and the consideration of the *Comprehensive Plan*. No improvements shall take place in the subdivision prior to approval and recording of the final plat and submittal and approval of street, sanitary sewer, water line and storm sewer construction plans by the City of Cheney.

28.04 Conditions Stated on Plat

All conditions to approval of a subdivision by the Planning Commission or the acceptance of dedications of land by the Governing Body, and all rule exceptions granted by the Planning Commission, shall be clearly stated on the final plat prior to its recording.

28.05 Endorsement and Filing of Plats

Approval of a final plat by the Planning Commission shall be endorsed on the plat by the chairperson of the Planning Commission. The secretary of the Planning Commission shall attest the chairperson's signature. Acceptance of lands and easements dedicated for public purposes, that have been approved by the Governing Body for the City of Cheney, shall be endorsed on the plat by the Mayor. The City Clerk shall attest the Mayor's signature. Thereafter, the final plat shall be recorded with the Sedgwick County Register of Deeds as provided by law; no plat shall be recorded with the Register Of Deeds prior to its endorsement by the appropriate City officials.

28.06 Preliminary Development Plan as Substitute for Preliminary Plat

Where property has been zoned to a planned zoning district, an approved preliminary development plan may substitute for a preliminary plat where said preliminary development plan contains all information required for preliminary plats as set forth in Chapter 5, Applications and Procedures.

28.07 Minor Subdivisions

Minor subdivisions may be presented by combining the preliminary and final plat. For purposes of this section, a "Minor subdivision" shall mean a subdivision containing not more than five (5) lots.

28.08 Protection from Flooding

Subdivision proposals shall be designed to assure that all such proposals are consistent with the need to minimize flood damage, that all public utilities and facilities (such as sewer, gas, electrical and water systems) are located, elevated and constructed to minimize or eliminate flood damage and that adequate drainage is provided so as to reduce exposure to flood hazards. It shall be the responsibility of the City Engineer to determine whether any portion of a proposed subdivision is located within a floodplain or flood hazard area. Subdivisions shall be designed in accordance with the standards established in Chapter 20, Floodplain Zoning, and any Stormwater Management regulations.

28.09 Street Design and Arrangement

Proposed new streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety, and in appropriate relation to the proposed uses of land to be served by such streets.

A. Design and Arrangement

1. All streets shall be properly integrated with the existing and proposed system of collector and arterial streets, and dedicated rights-of-way, as established on the City street map and this ordinance.
2. All service, collector and arterial streets shall be properly related to special traffic generators such as industries, business districts, schools, churches and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
3. Local, collector and service streets shall be laid out to conform as much as possible to the topography, to discourage use by through 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.
4. The rigid rectangular gridiron street pattern need not necessarily be adhered to for local and collector streets. However, variations on the grid pattern are encouraged.

The use of curvilinear streets, cul-de-sacs, or "U" shaped streets shall be permitted where such use will respond to and preserve natural features.

5. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, or developed, unless prevented by topography or other physical conditions, or unless in the opinion of the City of Cheney such extension is not necessary or desirable for the coordination of the layout of the subdivision or development with the existing layout or the most advantageous future development of adjacent tracts. At a minimum, there shall be one (1) street extended to the boundary line of the tract for each six hundred sixty (660) linear feet of the boundary line with adjoining tracts.

6. In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

7. All streets within subdivisions shall conform to the applicable minimum design standards established by the City.

8. The final street design and arrangement of the development shall be completed in accordance with the applicable corridor studies and plans, if needed, and shall be subject to approval by the Planning Commission and the Governing Body.

B. Any owner subdividing or developing a tract, one (1) acre or more, or conveying by deed any portion of said tract to another party shall submit a concept plan for the entire tract for approval by the City. In the event a plan was not submitted for approval by the original owner, the subsequent owner of any part of the tract shall submit a plan for the entire tract. The concept plan may be applicable to any subsequent preliminary plat and development plan affecting the entire tract. An appeal of any decision on the plan may be made to the Planning Commission.

28.18 Cul-de-sacs

Cul-de-sacs may be permitted where a vehicular connection is not essential.

Cul-de-sacs shall provide proper access to all lots, and a turnaround shall be provided at the closed end with a minimum outside right-of-way diameter of one hundred ten (110) feet for residential; one hundred twenty (120) feet for nonresidential; and a paved radius of forty-four (44) feet for residential and forty-nine (49) feet for nonresidential. The length of cul-de-sacs shall not exceed six hundred (600) feet, measured from the nearside right-of-way line of the intersecting street to the center of the cul-de-sac turnaround. "Turn-outs" and "eye brows" should be kept to a minimum.

28.19 Residential Streets

Street layouts should always respond to local conditions such as topography, watercourses, greenways and the existing street systems of neighboring developments.

Local streets shall be laid out such that their use by through traffic will be discouraged. However, the street network shall consist of interconnecting streets with alternative routes throughout the neighborhood to diffuse automobile traffic and shorten walking distances. The street network shall not funnel all vehicular and pedestrian traffic on one street through the neighborhood.

28.20 Collector Streets

Collector streets shall be so located as to provide for smooth traffic flow within the areas served, but in such a way as to discourage through traffic. Location of said collector streets shall conform to the *Major Street Map*.

28.21 Street Standards

The minimum right-of-way, horizontal curves, gradients and miscellaneous widths for streets shall be as listed below. Horizontal curves and gradients can be varied subject to approval by the City. Modifications to these standards shall be permitted in mixed-use zoning districts.

A. Right-of-way:

Local Streets (one-family dwellings)	60 feet
Local Streets (two-family or multifamily dwellings)	60 feet
Collector and Service Streets	60-80 feet
Minor Arterials	100-140 feet
Major Arterials	100-150 feet

B. Horizontal Curves:

Curve Radius

Major Arterials	750 feet
Minor Arterials	500 feet
Collector Streets	250 feet
Service Roads	250 feet
Local Streets	175 feet

C. Gradients:

Major Arterials	5 percent
Minor Arterials	6 percent
Collector Streets	8 percent
Service Roads	8 percent
Local Streets	10 percent

D. Miscellaneous Widths:

Alleys, Pedestrian ways and Bikeways

Alleys (public)	20 feet
Alleys or Lanes (private)	12-14 feet
Pedestrian ways	12 feet
Bikeways	12 feet
In Street	4 feet
Separated	8 feet
Bike/Pedestrian	10 feet

28.22 Intersections

The intersection of more than two (2) streets at one (1) point are prohibited. Streets shall intersect one another at approximately a ninety (90) degree angle and no intersections of streets at angles less than seventy-five (75) degrees shall be approved. "T" intersections (3-way) are encouraged for all streets except arterials and highways. Off-center street intersections shall be separated by a minimum centerline to centerline dimension of one hundred fifty.

28.23 Temporary Turnarounds

At locations where a street is to be temporarily terminated, which will be extended at a later date, and said street extends beyond the intersection of an adjacent street more than five (5) lots, a temporary cul-de-sac shall be constructed with a minimum radius of forty (40) feet for residential and forty-five (45) feet for nonresidential. The temporary cul-de-sac shall be constructed of asphalt or concrete with a minimum depth of six (6) inches. Curb and gutter will not be required. The cul-de-sac shall be constructed within the limits of a permanent construction easement.

28.24 Intersection Sight Distance

A. The intersection sight distance should be sufficient to permit a vehicle on the minor leg of the intersection to cross the traveled way without requiring the approaching through traffic to slow down. To allow this, an area free of visual obstruction is required at every corner of an intersection. This area is known as the sight triangle.

B. All corner lots within the City limits, shall, at a minimum, have a sight triangle from a point twenty-five (25) feet along the minor roadway, as measured from the edge of the curb line of the intersecting major roadway, to a point consistent with the table below along the major roadway. Such an area shall be and remain free of visual obstructions higher than two (2) feet above the roadway surface. Within the Business District the sight-distance triangle shall conform as closely as possible to the above specifications for sight distance, as approved by the City .

28.25 Required Sight Distances on the Major Roadways

(Measured in feet from the edge of the Minor Roadway curb line)

Major Road Type	Clear Distance Required
Arterial	215
Collector	170
Residential	130

28.26 Reverse Curves

A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets. The minimum tangent length between reverse curves shall be fifty (50) feet for local streets. No tangent shall be required for radii longer than five hundred (500) feet.

28.27 Private Streets

No plat containing proposed private streets shall be approved by the Planning Commission unless the proposal to utilize private streets has been previously approved by the Governing Body and adequate assurances are provided for maintenance of said streets. Private streets shall be designed and constructed in conformance with the minimum design standards established by the City and shall be designated as a separate tract or tracts under common ownership on the plat and inspected by the City. In addition, public access easements shall be dedicated to assure adequate access to all adjacent property owners and the general public being served by the private street for government agencies and public utilities consistent with access provided elsewhere by public streets.

88. **Lot Splits**

Any non industrial zoned lot or tract of land may be subdivided into two tracts of land and any industrial zoned lot or tract of land may be subdivided once into two or more tracts of land without having to replat such lot or tract upon a finding by the Planning Commission that each newly created tract of land complies with all existing zoning regulations and has adequate street right-of-way access, easements and public utility access to allow its development in accordance with current zoning.

Application for any such lot/tract split shall contain an application fee as prescribed by resolution of the Governing Body and a surveyor's sketch containing a drawing and legal description of the proposed tracts of land, all necessary rights-of-way and easements and a place for the approval and endorsement by the Planning Commission. Upon approval and endorsement by the Planning Commission, said surveyor's sketch shall be recorded with the Sedgwick County Register of Deeds, thereby permanently creating the new tracts of land.