

ORDINANCE NO. G-1136

AN ORDINANCE AMENDING TITLE IV ENTITLED "LAND USE" CHAPTER 455 ENTITLED "SUBDIVISION REGULATIONS" OF THE CODE OF THE CITY OF JUNCTION CITY, KANSAS BY AMENDING ARTICLE VI ENTITLED "DESIGN STANDARDS" BY AMENDING SECTIONS 455.270 ENTITLED "STREETS-LAYOUT AND DESIGN" AND 455.280 ENTITLED "ALLEYS"; BY AMENDING ARTICLE VII ENTITLED "CONSTRUCTION STANDARDS" BY AMENDING SECTION 455.340 ENTITLED "STREET CONSTRUCTION STANDARDS"; BY AMENDING ARTICLE VIII ENTITLED "INSTALLATION OF REQUIRED IMPROVEMENTS" BY AMENDING SECTIONS 455.350 ENTITLED "SUBDIVISION TYPES", 455.360 ENTITLED "JURISDICTION", 455.370 ENTITLED "REQUIRED IMPROVEMENTS", AND 455.380 ENTITLED "EXCEPTIONS FOR EXISTING IMPROVEMENTS"; BY AMENDING ARTICLE IX ENTITLED "IMPROVEMENT PROCEDURES" BY AMENDING SECTIONS 455.410 ENTITLED "SUBMISSION OF REQUIRED AGREEMENTS", 455.420 ENTITLED "FINAL IMPROVEMENT PLANS", 455.430 ENTITLED "CONTENT OF ENGINEERING DRAWINGS", BY REPEALING 455.440 ENTITLED "REVIEW OF PLANS", BY AMENDING 455.450 ENTITLED "APPROVAL OF PLANNING COMMISSION", 455.460 ENTITLED "CONSTRUCTION OF IMPROVEMENTS", 455.480 ENTITLED "INSPECTION PROCEDURES", BY REPEALING 455.490 ENTITLED "FINAL INSPECTION", BY AMENDING 455.500 ENTITLED "REPORT TO PLANNING COMMISSION AND GOVERNING BODY", 455.510 ENTITLED "AS BUILT" DRAWINGS", AND 455.530 ENTITLED "ACCEPTANCE OF IMPROVEMENTS; AND BY AMENDING ARTICLE X ENTITLED "APPEALS, WAIVERS AND VARIANCES".

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:

SECTION 1. Subsections H., I., K., M. and N. of Section 455.270 are hereby repealed and reserved for future use; subsections A., J., L., O., P. and Q. of Section 455.270 of Article VI of Chapter 455 of Title IV of the Code of the City of Junction City Kansas are hereby amended by repealing said subsections and enacting in lieu thereof the following:

SECTION 455.270: - STREETS—LAYOUT AND DESIGN

A. The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Development Plan and shall be considered in their relation to existing and planned streets, topographical conditions, to public convenience and safety, and their appropriate relation to the proposed uses of the land to be served by such streets. A developer desiring to construct any street improvement shall in addition to any Planning Commission review and approval, apply to the City of Junction City, Engineering Department for approval of the location, dimensions, design, construction methods and material for such street. Street improvements shall be designed per the City *Engineering Design Standards* as adopted by resolution of the City Commission.

H. Reversed for future use.

I. Reversed for future use.

- J. The minimum right-of-way width, roadway width, and other relevant design criteria for all new streets shall be designed per the *City Engineering Design Standards* as adopted by resolution of the City Commission.
- K. Reserved for future use.
- L. Cul-de-sacs shall be designed per the *City Engineering Design Standards* as adopted by resolution of the City Commission.
- M. Reserved for future use.
- N. Reserved for future use.
- O. Sidewalks shall be required on both sides of all streets in urban subdivisions. Minimum sidewalk width shall be five (5) feet. Sidewalks shall be designed per the *City Engineering Design Standards* as adopted by resolution of the City Commission. The Planning Commission, subject to approval of the City Commission, may permit sidewalks at the curb line on local residential streets.
- P. Street grades shall be designed per the *City Engineering Design Standards* as adopted by resolution of the City Commission.
- Q. Cul-de-sac islands, if constructed, shall be designed per the *City Engineering Design Standards* as adopted by resolution of the City Commission.

SECTION 2. Subsection B. of Section 455.280 of Article VI of Chapter 455 of Title IV of the Code of the City of Junction City Kansas is hereby repealed and reserved for future use and a new subsection E is added to Section 455.280 to read as follows:

SECTION 455.280: - ALLEYS

- B. Reserved for future use.
- E. Construction of alleys shall be designed per the *City Engineering Design Standards* as adopted by resolution of the City Commission.

SECTION 3. Section 455.340 of Article VII of Chapter 455 of Title IV of the Code of the City of Junction City Kansas is hereby amended by repealing the existing section and enacting in lieu thereof the following:

SECTION 455.340: - STREET CONSTRUCTION STANDARDS

Street pavements, grading, curb & gutter, and storm water systems, shall be designed and constructed per the *City Engineering Design Standards* as adopted by resolution of the City Commission.

SECTION 4. Section 455.350 of Article VIII of Chapter 455 of Title IV of the Code of the City of Junction City Kansas is hereby amended by repealing the existing section and enacting in lieu thereof the following:

SECTION 455.350: - SUBDIVISION TYPES

For the purposes of this Article, subdivisions shall be classified into the following types:

1. Urban subdivisions. All subdivisions for residential purposes within the City of Junction City having or intended to have a density of less more than one (1) dwelling unit per twenty thousand (20,000) square foot lot; and all subdivisions or portions thereof for commercial, industrial, and public or semi-public purposes.
2. Suburban subdivisions. All other lands within the City of Junction City required to be platted either by Statute or by these Subdivision Regulations.

SECTION 5. Section 455.360 of Article VIII of Chapter 455 of Title IV of the Code of the City of Junction City Kansas is hereby amended by repealing the existing section and enacting in lieu thereof the following:

SECTION 455.360 – JURISDICTION

In setting standards and specifications not covered by this Chapter, approving engineering drawings, inspecting improvements, recommending acceptance of improvements, preparing any petition forms and establishing the amount of surety for guaranteeing the installation of such improvements shall be the responsibility of the appropriate representative of the City of Junction City, Kansas.

SECTION 6. Section 455.370 of Article VIII of Chapter 455 of Title IV of the Code of the City of Junction City Kansas is hereby amended by repealing the existing section and enacting in lieu thereof the following:

SECTION 455.370: - REQUIRED IMPROVEMENTS

The developer of a proposed subdivision shall install, or provide for the installation of, the following facilities and improvements:

- A. Streets, roadways, alleys, curbs, gutters and street drainage shall be installed in all subdivisions and/ or re-subdivisions. All streets, roadways, alleys, curbs, gutters and street drainage facilities required to be installed shall be designed and constructed in accordance with the City *Engineering Design Standards* as adopted by resolution of the City Commission.
- B. Sidewalks shall be required on both sides of all arterial and collector streets in both urban and suburban subdivisions. Sidewalks shall be required on both sides of all local residential streets in urban subdivisions. The developer may request an Exception for sidewalks on cul-de-sacs of less than twelve (12) residences or loop drives with less than eighteen (18) residences unless the City Commission determines sidewalks are necessary for safety of pedestrian traffic near schools, parks or other areas of high pedestrian traffic. The developer may request an Exception to provide sidewalks on only one side of local streets in suburban subdivisions. Sidewalks shall be guaranteed from curb to curb of intersecting streets rather than to property lines. Sidewalks shall be constructed in the street right-of-way to a minimum width of five (5) feet, unless required larger by the City.
- C. Sanitary sewer lines shall be installed to serve each lot created in a subdivision and/ or re-subdivision and designed per City *Engineering Design Standards* as adopted by resolution of the City Commission. Private sewer lines are prohibited. Not more than one (1) house, business building or commercial building shall be served by each service connection. Any

proposed subdivision and/or re-subdivision that seeks to establish lots not served by a sanitary sewer line shall comply with the applicable provisions of the City Code concerning private on-site wastewater treatment systems, and amendments thereto.

- D. A public water supply system shall be installed to serve each lot created in a subdivision and/ or re-subdivision. The public water supply system shall be designed and constructed in accordance with the *City Engineering Design Standards* as adopted by resolution of the City Commission. Lots being created that are not served by a public water supply system shall comply with the applicable provisions of the City Code concerning private on-site wastewater treatment systems, as amended. Water wells established within the City of Junction City shall only be permitted if permitted and constructed by the Sanitary Code of Geary County, Kansas, and amendments thereto. No water well shall be permitted to serve any home, business or industry that is also served by a public water supply system.
- E. Fire hydrants shall be installed in all subdivisions and/ or re-subdivisions. Fire hydrants shall be designed and constructed *City Engineering Design Standards* as adopted by resolution of the City Commission.
- F. Storm sewer system shall be installed in all subdivisions and/ or re-subdivisions. Storm sewer systems shall be designed and constructed *City Engineering Design Standards* as adopted by resolution of the City Commission.
- G. Street signs shall be installed within all subdivisions and/ or re-subdivisions as requested by the City Engineer. Street signs location, type and size shall be per *City Engineering Design Standards* as adopted by resolution of the City Commission.
- H. Wiring or electrical power, telephone and cable television service lines shall be placed underground in all subdivisions within the City of Junction City that are approved from and after November 19, 2013. The developer may request an Exception from this requirement if physical conditions of the land in question make underground installation infeasible. Such request shall be accompanied by a report from the responsible public utility relating to said request and applicable justification for the Exception at the subject site. The Planning Commission shall review the request and make a recommendation to the City Commission.
- I. Underground installation of wiring or electrical power, telephone and cable television service lines shall not be required in flood-plains, drainage easements, major drainage ways or other areas where there is frequently standing water.
- J. Electric distribution or transmission lines with capacities of 3,000 KVA or more shall not be required to be installed underground.
- K. No building permit for new construction of a principal structure shall be issued where underground utilities are required until the utility companies involved have certified that necessary utility lines for that property have been installed or have approved commencement of construction prior to installation of the utility lines.
- L. Any overhead lines in service prior to the effective date of this provision stated above shall not be affected. The installation of underground utilities shall be per the *City Engineering Design Standards* as adopted by resolution of the City Commission. All such construction and installation of the utilities noted in this subsection shall be under contract with the applicable utility provider.

- M. Utility lines will be designed in the rear of the lots where allowable by grade, drainage and per City *Engineering Design Standards* as adopted by resolution of the City Commission.
- N. Monuments and bench marks shall be installed per City *Engineering Design Standards* as adopted by resolution of the City Commission.
- O. The developer shall submit a plan detailing final grading plans for the entire development per City *Engineering Design Standards* as adopted by resolution of the City Commission.

SECTION 7. Section 455.380 of Article VIII of Chapter 455 of Title IV of the Code of the City of Junction City Kansas is hereby amended by repealing the existing section and enacting in lieu thereof the following:

SECTION 455.380: - EXCEPTIONS FOR EXISTING IMPROVEMENTS

- A. Where the proposed subdivision is a re-subdivision or concerns an area presently having any or all required improvements set out in Section 455.370, and where such improvements meet the requirement of said Section and are in good condition as determined by the appropriate representative of the City, no further provision need be made by the subdividers to duplicate such improvements. However, where such existing improvements do not meet the requirements of Section 455.370, the developer shall provide for the repair, correction, or replacement of such improvements so that all improvements will then meet the aforesaid requirements of Section 455.370.
- B. Where the proposed subdivision is a re-subdivision or concerns an area presently abutting or containing any existing public street of less than the minimum required right-of-way width, the plat shall dedicate additional right-of-way, so as to provide a minimum street right-of-way width the per City *Engineering Design Standards* as adopted by resolution of the City Commission.
- C. Where the proposed subdivision is a re-subdivision or concerns an area presently abutting or containing an existing public street of less than the minimum required pavement width, the developer of such proposed subdivision shall provide an additional street pavement width per City *Engineering Design Standards* as adopted by resolution of the City Commission. The developer may request an Exception, subject to approval of the City Commission, to reduce the minimum street width required by this Chapter to match an existing street system if the extension of such street is already improved at each end of the street adjoining said subdivision or re-subdivision, and the street adjacent to the subdivision or re-subdivision is two (2) blocks or less in length.

SECTION 8. Section 455.410 of Article IX of Chapter 455 of Title IV of the Code of the City of Junction City Kansas is hereby amended by repealing the existing section and enacting in lieu thereof the following:

SECTION 455.410: - SUBMISSION OF REQUIRED AGREEMENTS

If the improvements required are addressed with an agreement as required in Section 455.390 the developer shall so indicate at the time the preliminary plat is filed. If the proposed plat is approved, three signed copies by the developer shall be submitted to the City when the final plat is presented for final consideration.

SECTION 9. Section 455.420 of Article IX of Chapter 455 of Title IV of the Code of the City of Junction City Kansas is hereby amended by repealing the existing section and enacting in lieu thereof the following:

SECTION 455.420: - FINAL IMPROVEMENT PLANS

The developer shall have plans and engineering drawings, complete with other engineering information, for all required improvements within a subdivision and/or re-subdivision prepared in conformance with the requirements of the *City Engineering Design Standards* by a licensed professional engineer, licensed within the State of Kansas. Complete plans, drawings, and other engineering information, the number determined by the City shall be submitted per *City Engineering Design Standards* as adopted by resolution of the City Commission, to the City Engineer within thirty (30) days of the approval date of the final plat. The developer may request an extension of the time to submit the plans; however extensions shall not be granted beyond an additional thirty (30) days. Failure to provide the plans required in this section shall constitute a violation of the Development Agreement and shall void said Agreement. No authorization for construction of any of the improvements shall be permitted by the City until a Development Agreement is reestablished and all guarantees fully funded in conformance to these regulations and all other applicable rules, regulations, codes and requirements of the City.

SECTION 10. Section 455.430 of Article IX of Chapter 455 of Title IV of the Code of the City of Junction City Kansas is hereby amended by repealing the existing section and enacting in lieu thereof the following:

SECTION 455.430: - CONTENT OF ENGINEERING DRAWINGS

Engineering plans, drawings, and other engineering information shall be submitted in accordance with the *City Engineering Design Standards* as adopted by resolution of the City Commission.

SECTION 11. Section 455.440 of Article IX of Chapter 455 of Title IV of the Code of the City of Junction City Kansas is hereby repealed and said section is reserved for future use

SECTION 12. Section 455.450 of Article IX of Chapter 455 of Title IV of the Code of the City of Junction City Kansas is hereby amended by repealing the existing section and enacting in lieu thereof the following:

SECTION 455.450: - APPROVAL BY PLANNING COMMISSION

The Planning Commission shall approve a final plat only after confirmation the method of financing the improvements has been identified and, if applicable, the Developers Agreement for said improvements has been filed with the City.

SECTION 13. Section 455.460 of Article IX of Chapter 455 of Title IV of the Code of the City of Junction City Kansas is hereby amended by repealing the existing section and enacting in lieu thereof the following:

SECTION 455.460: - CONSTRUCTION OF IMPROVEMENTS

No improvements shall be constructed nor shall any work preliminary thereto be done until such time as a final plat and the engineering drawings accompanying it shall have been approved and there shall have been compliance with all of the requirements relating to the agreement specified in Section 455.390 of this Chapter. City Engineer shall approve all drawings prior to bidding or submittal to regulating agencies. Prior to bidding, all required permits shall be received by the City Engineer.

SECTION 14. Section 455.470 of Article IX of Chapter 455 of Title IV of the Code of the City of Junction City Kansas is hereby amended by repealing the existing section and enacting in lieu thereof the following:

SECTION 455.470: - INSPECTION

All improvements constructed or erected shall be subject to inspection by the City Engineer. The cost attributable to all inspections required by this Section shall be charged to and paid by the developer. Before any required inspections take place, the developer shall be required to post a deposit with the City, to cover the cost of such inspections. Inspections shall be completed per the *City Engineering Design Standards* as adopted by resolution of the City Commission.

SECTION 15. Section 455.480 of Article IX of Chapter 455 of Title IV of the Code of the City of Junction City Kansas is hereby amended by repealing the existing section and enacting in lieu thereof the following:

SECTION 455.480: - ENGINEERING REVIEW, INSPECTION AND ADMINISTRATIVE FEES.

- A. Fees shall be charged for review of site plans, plats, land divisions public & private improvements, field inspection of construction by the City as set forth by resolution of the City Commission.
- B. The developer shall pay to the City at the time the plans are submitted for review, a nonrefundable fee in the amount as set forth by resolution of the City Commission, of the cost (estimated cost to be used, but to be adjusted to final actual costs after final plan approval) of the proposed utility, improvement and/or structures to defray the City's cost of engineering review, planning and recording on City's records the proposed utility, improvement and/or structures. The developer shall pay to the City an additional fee to reimburse the ordinary cost of the City's inspection of construction. The developer shall deposit with the City, prior to start of construction, an amount of money for inspection services as set forth by resolution of the City Commission. In the event that the cost of inspection is greater than the amount deposited, the developer shall deposit additional moneys. In the event that the cost of inspection is less than the amount deposited, the excess shall be refunded to the developer.
- C. Fees for City Attorney review of plats, easements and/ or agreements shall be as set forth by resolution of the City Commission and shall be paid by the developer.

SECTION 16. Section 455.490 of Article IX of Chapter 455 of Title IV of the Code of the City of Junction City Kansas is hereby repealed and said section is reserved for future use

SECTION 17. Section 455.500 of Article IX of Chapter 455 of Title IV of the Code of the City of Junction City Kansas is hereby amended by repealing the existing section and enacting in lieu thereof the following:

SECTION 455.500: - REPORT TO PLANNING COMMISSION AND GOVERNING BODY

The City Engineer upon final inspection indicates that all improvements as installed contain no defects, deficiencies, or deviations, from the completion of such inspection, the City Engineer shall certify to the City Commission, and utility that all improvements have been installed in reasonable conformity with the engineering plans and specifications accompanying the final plat.

SECTION 18. Section 455.510 of Article IX of Chapter 455 of Title IV of the Code of the City of Junction City Kansas is hereby amended by repealing the existing section and enacting in lieu thereof the following:

SECTION 455.510: - "AS BUILT" DRAWINGS

Upon completion of the work, or any phases thereof, the developer producing "as-constructed" construction plans for said work shall furnish to the City, per the *City Engineering Design Standards* as adopted by resolution of the City Commission.

SECTION 19. Section 455.530 of Article IX of Chapter 455 of Title IV of the Code of the City of Junction City Kansas is hereby amended by repealing the existing section and enacting in lieu thereof the following:

SECTION 455.530: - ACCEPTANCE OF IMPROVEMENTS

Upon receipt by the City Commission of the notification of the City Engineer that all improvements have been installed in reasonable conformity with the approved engineering drawings and in reasonable conformity with the requirements of this Chapter and all other applicable Statutes, ordinances, and regulations, that all "as built" drawings have been furnished as required and that all survey monuments are in place, the City Commission will thereupon, by resolution, formally accept such improvements. The developer shall file a two-year Maintenance Bond in a form prescribed by the City, which bond must be executed by a surety company licensed to do business in the State of Kansas and acceptable to the City. Said bond shall inure to the benefit of the City for the quality and initial maintenance of all public improvements installed for the subdivision and/or re-subdivision. At the conclusion of the two-year period covered by the maintenance bond, the City Engineer shall inspect all the improvements of the subdivision and/or re-subdivision and, if determined to be acceptable to the standards established by the City for said improvements, shall become the property of the City of Junction City and the developer shall be released of all responsibilities thereto. The improvements shall become the property of the City of Junction City involved. The City of Junction City may refuse to issue building permits for a subdivision until the improvements have been declared complete and the required Maintenance Bond has been provided to the City.

SECTION 20. Article X of Chapter 455 of Title IV of the Code of the City of Junction City Kansas is hereby amended by repealing the existing article section and enacting in lieu thereof the following:

ARTICLE X. – EXCEPTIONS, PLAT DESIGN ADJUSTMENTS, PLANNED DEVELOPMENTS, WAIVERS AND VARIANCES

SECTION 455.540: - EXCEPTIONS — IN GENERAL

Except for actions concerning Planned Developments as noted in Section 455.580 herein, the developer of a proposed subdivision may request an Exception to any required development standard and/or guarantee as provided herein.

SECTION 455.550: - EXCEPTIONS FROM REQUIRED IMPROVEMENT STANDARDS AND/OR STANDARDS

Any request for an exception to the installation, standards, or plans and engineering drawings in connection with required improvements shall be directed to the City Commission, and the action of the City Commission on said request shall be final. The proof of the need to grant an exception is solely on the developer and must show the improvements and/or standards are not technically feasible for the subdivision and/or re-subdivision in question.

SECTION 455.560: - EXCEPTION FROM REQUIRED IMPROVEMENTS OR GUARANTEES OF INSTALLATION OF SAME

Any request for an exception from the required guarantees for improvements in a subdivision and/or re-subdivision shall be directed to the City Commission, and the action of the City Commission on said request shall be final. The proof of the need to grant an exception is solely on the developer.

SECTION 455.570: - PLAT DESIGN ADJUSTMENTS

In cases in which there is unwarranted hardship in carrying out the literal provisions of the Zoning and/or Subdivision Regulations in the design of the plat with respect to lot width, lot depth, block length, or other plat design issues, the Planning Commission may grant an adjustment from such provision in the approval of the plat of said subdivision and/or re-subdivision. The request must be identified in the preliminary platting process, unless the platting is authorized to go to final plat approval without a preliminary plat. The Planning Commission shall not grant an adjustment unless it shall find that the strict application of the Zoning and/or Subdivision Regulations will create an unwarranted hardship, and unless the proposed adjustment is in harmony with the intended purpose of the Zoning and/or Subdivision Regulations and that the public safety and welfare will be protected.

Adjustments permitted under the provisions of this Article shall not include adjustments or exceptions from the requirements of making improvements required herein, unless approved as provided for in Section 455.560, the standards of specifications thereof, nor from the provisions of the Zoning Regulations of the City, except as to adjustments for minimum lot width and/or area requirements. Consideration of an application for an adjustment pursuant to this provision does not relieve the applicant, or any future owner of the applicable lot or property in question, from the necessity of proceeding under the applicable provisions of any other rules, regulations, or codes, including Zoning Regulations of the City, relating to variances.

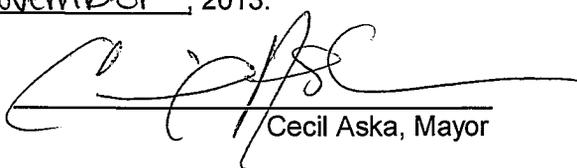
SECTION 455.580: - EXCEPTIONS — PLANNED UNIT DEVELOPMENT

When a plat or subdivision is proposed in connection with a planned unit development authorized by the Zoning Regulations of the City, the Planning Commission may vary the design standards contained in the Zoning/ or Subdivision Regulations to such extent as may be necessary to permit the preparation of a planned development in accordance with the standards, conditions and restrictions of such Zoning Regulation. In said approval process, a Development Agreement may be established that modifies and/or adjusts the improvement requirements within said planned development. All actions concerning proposed planned developments shall be subject to the approval of the City Commission.

SECTION 21. This ordinance shall be in full force and effect from and after its adoption and publication as provided by law.

PASSED AND ADOPTED this 19th day of November, 2013.

ATTEST: 
Tyler Ficken, City Clerk


Cecil Aska, Mayor

