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CITY OF NEWTON, KANSAS

Subdivision Regulations

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Chapter XXIV. Subdivision Regulations

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ARTICLE 1. GENERAL PROVISIONS

24.101. PURPOSE.

These regulations are designed to ensure that the subdivision and development of land is in the public interest and promotes the health, safety, economy, livability, sustainability, and amenities of the city of Newton, Kansas. The purpose of the subdivision regulations is to:

- A. Provide for the harmonious and orderly development of Newton in accordance with the comprehensive plan.
- B. Ensure adequate traffic circulation through coordinated street systems with relation to major thoroughfares and adjoining subdivisions.
- C. Provide safe and convenient vehicular and pedestrian traffic movements appropriate to the various uses of land and buildings throughout the city, and to provide for proper location and width of streets and building lines.
- D. Achieve individual property lots of reasonable utility and livability.
- E. Ensure that public facilities and services are available concurrent with development and will have sufficient capacity to serve the proposed subdivision.
- F. Ensure consideration for adequate sites for schools, parks, recreation areas, and other public facilities and services.
- G. Provide for the conservation and protection of natural

resources, and prevent the pollution of air, streams, and ponds.

- H. Ensure compatibility between adjacent and neighboring subdivisions; to promote harmony in the relationships and transitions between subdivisions and between new development and existing development.
- I. Ensure that each subdivision provides that all building sites are safe from damage by the 100-year (1% flood event) flood plain where the 100-year flood line has been designated or from damage by the regulatory flood, where the Federal Insurance Administrator has designated the regulatory flood elevation.
- J. Ensure the conveyance of land by accurate legal description.
- K. Establish standards of design and procedures for subdivisions and resubdivisions to further the orderly layout and use of land.
- L. Provide off-site and on-site public improvements.
- M. Provide for the reservation or dedication of lands for open spaces.
- N. Provide for recreational facilities, which may include, but are not limited to the dedication of land area for park purposes.
- O. Provide for any other services, facilities and improvements deemed appropriate.

24.102. AUTHORITY.

The Planning Commission is authorized to review, approve, conditionally approve, and disapprove applications for the subdivision of land, including sketch, preliminary and final plats. Approval by the Planning Commission of a final plat under these subdivision regulations shall constitute a recommendation for approval by the appropriate governing body. The Planning Commission is authorized to grant variances from these regulations pursuant to the provisions of Section 24.109.

These subdivision and development regulations are adopted by the Planning Commission and approved by their City Commission under the powers conferred by K.S.A. 12-749, as amended.

24.103. JURISDICTION.

- A. MUNICIPAL CORPORATE LIMITS. These subdivision regulations shall apply to all subdivisions of land, as defined

herein, located within the corporate limits of Newton.

B. RESERVED.

24.104. APPLICABILITY.

After the effective date of these regulations, land shall not be split, divided into lots or parcels, auctioned, or conveyed for development purposes except as provided by these regulations, unless exempted under Section 24-105 of this article. It shall be unlawful for any person to sell or otherwise convey land for the purpose of laying out any subdivisions, suburban lots, building lots, tracts or parcels or any owner of any land to establish any street, alley, park or other property intended for public use or to offer for development purposes any land without reference to a valid, recorded plat or approved certificate of survey. The City Clerk shall not convey a plat of any subdivision to The Register of Deeds of Harvey County, Kansas, to be recorded until such plat bears the endorsement of the Planning Commission or Administrative Official, as appropriate, and acceptance of any dedications or public improvements by the Governing Body, and the survey review by the Harvey County Surveyor or his/her designee.

No building permit shall be issued for any parcel or plat of land that was created by subdivision after the effective date of these regulations that is not in conformity with the provisions of these subdivision regulations.

24.105. EXEMPTIONS.

Notwithstanding the requirements of Section 24.104 of this article, these regulations shall not apply to the following:

- A. A split, division, or transfer of land for a valid agricultural purpose.
- B. A split or division of land 40 acres or greater in area.
- C. The subdivision of any land used exclusively for cemetery purposes and associated accessory uses.
- D. The vacation of land used for public use (i.e., right-of-way, alley, or utility easement).
- E. The land is owned or held in trust for the United States government, State of Kansas, Harvey County or its political subdivisions, City of Newton.

- F. A lot has been previously subdivided and is proposed to be split into no more than two conforming lots or tracts.

24.106. FEES.

The subdivider shall pay all fees associated with the filing of an application for a subdivision.

- A. A subdivision review fee must be paid prior to any consideration by the City Staff of a preliminary plat, lot split, lot merger, final plat, or replat. No fee shall be refunded after publication of the legal notice for the meeting.
- B. All other incidental costs associated with legal publication and recording of documents and plats shall be paid by the applicant.

24.107. ENFORCEMENT, VIOLATIONS, AND PENALTIES.

- A. ENFORCEMENT. It shall be the duty of the Administrative Official to enforce these subdivision regulations and to bring to the attention of the Municipal Prosecuting Attorney or the designated agent any violation of these regulations.
 - 1) No owner, or agent for the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been approved by the Planning Commission or Administrative Official, as appropriate, and Governing Body, and recorded with the Harvey County Register of Deeds.
 - 2) The subdivision of any lot or any parcel of land, except used exclusively for an agricultural purpose, by the use of metes and bounds description for the purpose of sale, transfer, lease or development is prohibited. All such described subdivisions shall be subject to all of the requirements contained in these regulations.
 - 3) No building permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided or sold in violation of the provisions of these regulations, nor shall the municipality have any obligation to extend utility services to any parcel created in violation of these regulations.
- B. VIOLATION AND PENALTIES. A violation of any regulation adopted in these subdivision regulations shall be a

misdemeanor and shall be punishable by a fine not to exceed \$500.00 or by imprisonment for not more than six months for each offense, or by fine and imprisonment. Each day's violation shall constitute a separate offense.

- 1) In addition, the City may institute appropriate action, injunction and mandamus, to prevent unlawful erection, construction or alteration of structures, use of the land, occupation of buildings, abatement of nuisances, failure to obtain permits, sale of land for development purposes without reference to a valid plat or refusal to obey and adhere to a lawful order of the Administrative Official.
- 2) Any person, the value or use of whose land is or may be affected by such violation, shall have the authority to maintain suits or actions in a court of competent jurisdiction to enforce these adopted regulations and to abate nuisances maintained in violation thereof.

24.108. CONDITIONS ON PLATS.

The Planning Commission and/or Governing Body is authorized to attach reasonable conditions to a preliminary or final plat concerning design, dedication, improvement, and restrictive use of the land to conform to the comprehensive plan and the physical and economic development of the city and to promote the health, safety, and general welfare of the future lot owners in the subdivision and community at large.

24.109. VARIANCES AND WAIVER OF CONDITIONS.

A. VARIANCES. The Planning Commission may grant variances from the provisions of these subdivision regulations where there exists an extraordinary hardship or practical difficulty that would prevent strict compliance with these rules or regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal. The Planning Commission shall consider variances as a separate agenda item prior to action on a preliminary or final plat. The applicant and any other interested person shall be given an opportunity to be heard with respect to the proposed variance request. The Planning Commission shall not approve a variance unless it shall make findings that all of the following apply:

- 1) The granting of the variance will not be detrimental to

the public safety, health, or welfare or injurious to other nearby property.

- 2) The conditions upon which the request is based are unique to the property in question.
- 3) Because of the particular physical surroundings, steeper topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience.
- 4) The proposed variance request is in harmony with the intended purposes of these regulations as identified in Section 24-101.

B. VARIANCE FOR PLANNED UNIT DEVELOPMENT. When a plat is presented that includes land for which a planned unit development plan has been approved, the Planning Commission may vary the design standards in these regulations as necessary to conform to the approved planned unit development plan.

24.110. INTERPRETATION AND CONFLICT.

- A. INTERPRETATION. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.
- B. PUBLIC PROVISIONS. The provision of these regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule, or regulation, or other provision of law, the provision that is more restrictive or imposes higher standards shall control.
- C. PRIVATE PROVISIONS. The provisions of these regulations are not intended to abrogate any easement, covenants, or other private agreement; provided, that where the requirements of these regulations are more restrictive or impose higher standards or regulation than such easement, covenant, or private agreement, the requirements of these

regulations shall govern.

- D. 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.
- E. 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.

24.111. SEVERABILITY.

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such invalidity shall affect only the part, provision, or application directly challenged in the action in which such judgment is rendered and shall not affect or impair the validity of the remainder of the regulations or the application thereof.

24.112. VESTED RIGHTS.

A. SINGLE FAMILY RESIDENTIAL DEVELOPMENT.

Development rights in single family residential development shall vest upon recording of a final plat of such land. If construction is not commenced on such land within five years of recording a plat, the development rights in such shall expire.

Except for lots in a recorded plat, any remaining contiguous lots or tracts of land within the area divided under this rule held in common ownership at the conclusion of said five (5) year period shall be considered a single, unplatted lot and subsequent divisions of said lot shall be platted in conformance with the subdivision regulations then in effect.

- B. NON-SINGLE FAMILY RESIDENTIAL DEVELOPMENT.** For all purposes other than single-family developments, the right to use land for a particular purpose 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. Persons who obtain a validly issued permit on a lot or tract of land created under the provisions of the previous subdivision regulations shall be permitted to develop said property so long as the permit issued does not expire. Failure to start

construction under said permit before the expiration of the permit shall not protect the owner from the provisions of these regulations or the Newton zoning regulations.

C. **APPLICABLE LAWS.** To obtain final plat approval, the applicant shall be in compliance with all local laws and regulations applicable at the time that the preliminary plat was submitted to the Planning Commission, except that the applicant shall comply with those local laws and regulations in effect at the time that the final plat is considered for approval by the Commission, provided that the Planning Commission makes a determination on the record that compliance with any of those local laws and regulations is reasonably necessary to protect public health and safety.

24.113. VACATION OR REPLAT OF PLATS.

The vacation or replat of any plat shall be accomplished in accordance with K.S.A. 12-512(b).

24.114. AMENDMENTS.

These regulations may be amended at any time after the Planning Commission holds a public hearing on the proposed amendment. A notice of such public hearing shall be published in the official city newspaper as provided by law. The Planning Commission may, after such public hearing, adopt such amendment, but such amendment shall not become effective until approved by the Governing Body in accordance with state law.

24.115. REPEAL OF PREVIOUS REGULATIONS.

The 1969 Subdivision Regulations for the City of Newton and all amendments thereto are hereby repealed effective from and after the date of the approval and adoption by the Governing Body and publication of the adopting ordinance for these subdivision regulations.

24.116. EFFECTIVE DATE.

These regulations shall be effective June 2022, after their adoption by the Newton Planning Commission and approval by the Newton Governing Body.

ARTICLE 2. SUBDIVISION APPLICATION PROCEDURE

24.201. PRE-APPLICATION CONFERENCE AND SKETCH PLAN.

The Administrative Official, at their discretion may require a pre-application conference prior to submission of any application of a preliminary plat. A pre-application conference affords the subdivider/applicant an opportunity to meet with city staff and receive assistance before the preliminary plat is prepared. The purpose of the pre-application conference is to acquaint the applicant with the procedural requirements of these regulations; provide for an exchange of information regarding the proposed development plan and applicable elements of these regulations; advise the applicant of any public sources of information that may aid the applicant; identify policies and regulations that create opportunities or pose significant restraints for the proposed development; and permit city staff input into the general design of a project, based on the submitted sketch plan. The conference consists of the following steps:

- A. Contact the Administrative Official at the Newton City Hall at 201 East Sixth, (316) 284-6001.
- B. The applicant shall furnish the Administrative Official with a sketch plat or plan of the proposed development. The Administrative Official may waive the sketch plan due to the limited size of development or elementary character of site development. Five (5) copies of the sketch plan shall be submitted for staff review and comment within ten (days) prior to the scheduled pre-application conference. No fee is required with a sketch plan.

The sketch plat/plan shall contain the following information:

- 1) Name, address and phone of applicant.
- 2) Legal description and existing zoning.
- 3) Proposed boundaries, north point.
- 4) General topographic features at reasonable intervals.
- 5) General drainage features.
- 6) Streets adjacent to tract.
- 7) Availability of utilities and other public services.
- 8) Proposed general street and lot layout.

9) General estimate of lot sizes.

10) General location details showing the relationship of the proposed subdivision to existing utilities, streets, and to surrounding developed and undeveloped land.

- C. The city staff will review pertinent requirements for platting, including streets, easements, physical arrangement and density, and general regulations for public water and sewer connections. When necessary, city staff will give specific instructions for the initial design of facilities and the preliminary plat.
- D. The applicant shall review all environmental, engineering and traffic, and sanitary sewer regulations and flood plain elevation maps that are currently in force in Newton.

24.202. PRELIMINARY PLAT.

The subdivider shall submit a preliminary plat to the Administrative Official in accordance with the following standards.

- A. The applicant shall submit a complete preliminary plat application form available at the Engineering Department. The applicant shall submit fifteen (15) hardcopies, and a digital copy, of a preliminary plat to the Administrative Official, together with any supplementary data specified by these regulations, at least twenty-one (21) days prior to a regularly scheduled Planning Commission meeting.
- B. The applicant shall pay all filing fees associated with preliminary plats before the plat is accepted for review by the city staff and Planning Commission.
- C. The preliminary plat shall contain the information and data as set forth in Section 24-302.
- D. The Administrative Official is authorized to reject an incomplete submission form or preliminary plat that fails to comply with the requirements set forth in Section 24-302.
- E. The Administrative Official shall distribute copies of the preliminary plat to city departments and officials for review and comment.
- F. The city staff review team, which consists of the Administrative Official, City Engineer, Zoning Administrator, and other necessary staff shall review the preliminary plat. The Administrative Official shall prepare a staff report

containing any changes and/or additions, and recommendation for approval or denial.

24.203. PRELIMINARY PLAT ACTION.

- A. **PLAT APPROVAL.** The Planning Commission shall approve, conditionally approve, or disapprove the plat, within 60 days from the date of the first hearing, unless such time is extended by mutual consent. If the Planning Commission finds that the preliminary plat does not conform to the requirements of these regulations, the applicant shall be notified in writing indicating the ways in which the preliminary plat fails to conform to these regulations.
- B. **ADDITIONAL CRITERIA FOR REVIEW.** The Planning Commission shall also review the plat, using reasonable criteria, to assure conformance with the comprehensive plan, environmental impact, utility and municipal service requirements, financial assurance, and other applicable provisions of ordinances, regulations, or policies of the City of Newton.
- C. **PUBLIC IMPROVEMENTS.** The Planning Commission shall require the applicant to indicate on the plat all streets and public improvements to be dedicated, all special districts for water, fire, drainage, street, and utility improvements.
- D. **EFFECTIVE PERIOD OF PRELIMINARY PLAT.** Approval of a preliminary plat shall be effective for no more than one year from the date approval was granted. If a final plat, or phase of a final plat, has not been submitted, approved, and filed within such one-year period, a preliminary plat must be resubmitted to the Planning Commission.

24.204. FINAL PLAT.

If the Planning Commission approves a preliminary plat, the applicant may submit a final plat to the Planning Commission for a compliance review. The subdivider shall file a final plat with the Administrative Official in accordance with the following standards.

- A. The applicant shall submit a complete final plat application form available at the Engineering Department. The applicant shall submit fifteen (15) hardcopies, and a digital copy, of a final plat to the Administrative Official, together with any supplementary data specified by these regulations, at least

twenty-one (21) days prior to a regularly scheduled Planning Commission meeting.

- B. The applicant shall pay all filing fees associated with final plats before the final plat is accepted for city staff and Planning Commission review.
- C. The final plat shall contain the information and data as set forth in Section 24-303.
- D. The Administrative Official is authorized to reject an incomplete submission form or final plat that fails to comply with the requirements set forth in Section 24-303.
- E. The Administrative Official shall distribute copies of the final plat to city departments and officials for review and comment.
- F. The city staff review team, which consists of the Administrative Official, City Engineer, and Zoning Administrator, and other necessary staff shall review the final plat. The Administrative Official shall prepare a staff report containing any changes and/or additions, and recommendation for approval or denial.
- G. The subdivider shall submit a digital version of the plat to the Engineering Department in a format approved by the Director. The digital file shall be registered to the State plane coordinate grid used by the City of Newton and Harvey County.

24.205. FINAL PLAT ACTION.

- A. **PLANNING COMMISSION ACTION.** A majority of the membership of the Planning Commission shall approve, conditionally approve, or disapprove within 60 days from the date of the filing of the plat, unless such time is extended by mutual consent.
 - 1) The question of final approval will be placed upon an agenda at the regularly scheduled meeting of the Planning Commission.
 - 2) No final plat shall be considered for final approval or acceptance unless all provisions of these regulations have been met, including compliance with the conditions set forth by the Planning Commission on the preliminary plat.
 - 3) The Planning Commission is authorized to require the modification of a final plat to conform to these

regulations, or to modify or add conditions to any final plat when such action increases the public convenience, conforms to the goals of the comprehensive plan, supports property values, or secures the public health, safety, and welfare.

- 4) If the Planning Commission finds that the final plat does not conform to the requirements of these regulations, the applicant shall be notified in writing indicating the ways in which the final plat fails to conform to these regulations.
- 5) An approved overall preliminary plat may be final platted in phases rather than as a whole.
- 6) No public notice or public hearing is required for a final plat.
- 7) If the final plat is approved, the Planning Commission Chair shall date and endorse the original final plat.

B. **GOVERNING BODY ACTION.** After the Planning Commission approves the final plat, the Governing Body shall examine the final plat to ensure conformance with all city road standards, offers of dedication, and financial assurances. Within 30 days of the receipt of the plat, the appropriate Governing Body must either resolve to accept the plat, require modifications to conform to development standards and policies, return the plat to the Planning Commission for modification, or refuse its acceptance. If returned to the Planning Commission or refused, the reasons shall be set forth in writing.

C. **AFFECT OF DENIAL FOR PUBLIC ACCEPTANCE.** If a final plat is refused because of failure to adhere to road standards, or if offers of dedication would be contrary to public policy, the matter has reached closure, and the plat may not be filed.

24.206. RECORDATION OF PLAT.

- A. Upon approval of a final plat, and acceptance of all dedications by the Governing Body, and upon submission of all documents and signatures required as part of a final plat, the Administrative Official shall release the final plat to be filed with the Harvey County Register of Deeds.
- B. The subdivider shall be responsible for the recording fee and any outstanding real estate taxes and special assessments, and submitting three (3) reproducible copies of the recorded

final plat to the Administrative Official.

- C. If all documents and signatures are not submitted within one (1) year of the date of acceptance of dedications, or within one (1) year of the approval of the final plat, whichever is later, the approval of said final plat shall be deemed to have been withdrawn and said final plat shall not be filed until it has been submitted again for approval.
- D. No construction or building permits shall be issued until the final plat is recorded

24.207. RESUBDIVISION OR REPLATS.

Any previously subdivided tract(s) may be resubdivided after submission of a new or corrected plat. Resubdivided plats may be used for the following purposes:

- A. The division of any existing lot into two or more additional lots.
- B. The correction of any monument, distances, and/or bearing.
- C. The addition or removal of any easement, the removal of any lot line, or the vacation of a public street(s).
- D. The vacation of a lot(s) from an existing subdivision.
- E. The renaming of an existing plat.
 - 1) TITLE BLOCK. All resubdivision plats shall contain the title RESUBDIVISION or REPLAT followed by the original title of the plat and, if applicable, the lot(s) that are to be divided: i.e., "A Replat of Lots 1 and 2 of Wildcat Subdivision".
 - 2) RENUMBERING OF EXISTING LOTS USING RESUBDIVISION. When one or more lots are created from an existing numbered (or lettered) lot(s), the numbering of new lot(s) shall conform to the requirements set forth in Section 24-304(f) of these regulations, and be subject to review and approval of City staff.

24.208. CONCURRENT PLAT APPROVAL.

The Administrative Official is authorized to decide if a preliminary plat and final plat for the same property can be filed and placed on the Planning Commission agenda for concurrent approval. Concurrent plats shall only be considered when no public infrastructure improvements are required.

24.209. DEVELOPMENT AGREEMENTS.

The Governing Bodies may enter into a development agreement:

A. **PURPOSE AND INTENT:** The purpose of a development agreement is to implement one or more of the following policies:

- 1) Advancement and not mere conformity to the adopted comprehensive plan, capital improvements program, financing strategies and the implementation of zoning, subdivision, environmental, and related ordinances.
- 2) Advancement of critical goals, objectives, policies, and strategies of Newton.
- 3) Contributions of infrastructure both onsite and offsite in excess of those merely required by existing regulations.
- 4) Provision for joint public-private development that provides revenue enhancement for the City of Newton.
- 5) Protection of open space, environmentally sensitive lands, natural habitats, historic and archeological resources, regional or statewide facilities, in excess of what can be required under existing regulations.
- 6) Utilization of flexible and innovative techniques, including land acquisition funding; solar, light, energy, noise, advanced design, mixed use, new town, and heightened performance standards.

B. **GENERAL.** The development agreement shall constitute a binding contract between the subdivider of the proposed subdivision and the municipality (the parties) and shall contain those terms and conditions agreed upon to by the parties and those required by this Section 24-209. The

Newton City Attorney is authorized to negotiate development agreements on behalf of the appropriate municipality.

- C. **THIRD PARTY RIGHTS.** Except as otherwise expressly provided in the development agreement, the development agreement shall create no rights enforceable by any party who/which is not a party to the development agreement.
- D. **LIMITATION ON LIABILITY.** The development agreement shall contain a clause that any breach of the development agreement by the municipality shall give rise only to damages under state contract law and shall not give rise to any liability for violation of the fifth and fourteenth amendments of the U.S. Constitution or similar state constitutional provisions.
- E. **DEVELOPER'S COMPLIANCE.** The development agreement shall include a clause that the government's duties under the agreement are expressly conditioned upon the subdivider's substantial compliance with each and every term, condition, provision, and covenant of the agreement, all applicable federal, state and local laws and regulations, and its obligations under the subdivision improvement agreement.
- F. **ADOPTION.** The development agreement shall be adopted by the Governing Body pursuant to applicable state and local laws and shall be recorded in the appropriate City Clerk and Harvey County Register of Deeds.
- G. **INCORPORATION AS MATTER OF LAW.** All clauses, covenants, and provisos required by these regulations to be included in a development agreement shall be incorporated into the development agreement as a matter of law without respect to the intent of the parties.

ARTICLE 3. CONTENTS OF PRELIMINARY AND FINAL PLATS

24.301. PURPOSE.

The purpose of this article is to identify the application submission requirements for preliminary and final plats.

24.302. PRELIMINARY PLAT.

Unless waived by the Administrative Official or City Engineer, all preliminary plats shall contain the following information:

- A. Vicinity map showing the location of the proposed subdivision.
- B. A north point and scale of one-inch equals 100, feet, unless the City Engineer approves an alternate scale.
- C. A legal description and a current zoning designation.
- D. Names of applicant, developer/subdivider, title of subdivision and proposed street names.
- E. Name and seal of surveyor/engineer.
- F. Date surveyed.
- G. Adequate legend.
- H. Adequate street rights-of-way shall be provided along all section lines and quarter section lines.
- I. Block and lot numbers and dimensions of blocks and lots.
- J. Complete outline drawing of all boundaries, lots, and streets, together with courses, distances and areas. Boundaries shall be shown as solid lines and all easements or required yards as dashed lines.
- K. Proposed streets, road, alleys, and sidewalks (including location, width, names, approximate grade), and their relation to platted streets, proposed streets, or streets as shown on any recorded plat of adjacent property. Street names of all existing streets shall be identified.
- L. Rights-of-way and/or easements proposed to be created for all drainage purposes, utilities, walkways, access, and other purposes.
- M. The location of the water/sewer distribution/collection system; the plat must show that these systems extend along the entire property line of each lot, or in an easement appurtenant to each lot. It is preferred that water lines are

placed along the street frontage within the required twenty-foot (20') utility easement, and sewer placed in the rear of the lots within the required twenty-foot (20') utility easement. All lots within 400 feet of existing sewer main lines shall be required to connect to sewer at the cost to the developer.

- N. Total acreage and size of each lot in a data table.
- O. Contours at vertical intervals of one (1) foot unless the City Engineer approves an alternate interval.
- P. Setbacks, yards and any entrance restrictions. Setbacks shall be shown as a building envelope representing that portion of the lot within the yards and setbacks that can reasonably contain, depending upon watercourses, topography or geology, and the principal structure.
- Q. Location and direction of all watercourses and of the 100-year floodplain (1% flood event).
- R. Existing features such as ponds, lakes, wetlands, and wooded areas.
- S. Existing use of the property including the location of all existing structures showing those that will be removed and those that will remain on the property after the final plat is recorded.
- T. If the subdivision is scheduled for phasing, then each phase shall be clearly indicated on the plat.
- U. Horizontal location within the subdivision and the horizontal location of the adjoining streets and property of existing sanitary and stormwater sewers, including flow lines, water mains, culverts, underground wiring, pipelines and gas lines proposed to serve the property to be subdivided.
- V. Location, description and elevation of all benchmarks established, or source used for vertical control. If no benchmark is available within 300 feet, the applicant shall provide one.
- W. Sites proposed for dedication as drainageway, park, school or other public purpose.
- X. Utility Plan showing existing and proposed utilities and easements with the widths and owner of the easement provided.

24.303. SUPPLEMENTAL INFORMATION FOR PRELIMINARY PLATS.

The following supplementary information shall be submitted with the preliminary plat or be included thereon.

- A. The preliminary plat shall contain a drainage concept, and the final plat a complete drainage plan inclusive of data, analysis, information and supplemental maps of surrounding property in sufficient detail as required by the most current versions of “City of Newton Standard Engineering Design Criteria for Paving and Drainage Improvements with 2019 Drainage Criteria Update, Manual for Construction Site – Best Management Practices, and Manual for Post Construction – Best Management Practices”. The City Engineer may request additional data, analysis, information, and supplemental maps from the applicant regarding stormwater drainage, as appropriate.
- B. On lots adjacent to all drainage easements and on drainageways that are designated by the City Engineer, the preliminary plat shall indicate:
 - 1) The required minimum habitable floor elevations for structures on the lot; or,
 - 2) The minimum elevation for a foundation opening(s) that shall be certified by a licensed land surveyor or engineer.
 - 3) Lacking a drainage easement or drainageway, all lots shall drain to streets.
- C. The preliminary plat shall show the location of adjoining lots, parcels, structures, and natural features in the nearby vicinity.
- D. A statement as to the general nature and type of improvements proposed for the subdivision, and in what manner the subdivider intends to provide for their installation, e.g., petition, actual construction, escrow deposit, performance bond.

24.304. FINAL PLAT.

All final plats shall contain the following information:

- A. Final plats shall be prepared at a scale of not less than one inch represents one hundred feet.

- B. The words "FINAL PLAT" followed by the name of the subdivision.
- C. A legal description of the subdivision boundaries.
- D. The instrument of survey, which shows the point of beginning, corners, bearings, courses, distances, exterior boundaries, interior lot boundaries, pins, monuments found or set. All major Addition boundary corners shall be monumented with a ½ inch by 24-inch iron bar. Additional data shall be included in accordance with K.A.R 66-12-1 "Minimum Standards for the Practice of Land Surveying" (current or as amended).
- E. Either individual notations or a table showing: All lot sizes, building setbacks, and building envelopes {if envelopes are required by ordinance (i.e., PUD) or staff}. A lot envelope indicates the area of a lot, which may be used for structure development when physiography, drainage or general soil conditions restrict building practices.
- F. Block and lot numbers and dimensions of blocks and lots. Blocks shall be numbered clearly in the center of the block, within a circle.
- G. All streets right-of-way with curve data, which shall include radius, arc length, chord length, and central angle.
- H. Ingress/egress limitations if required. (access control)
- I. The location of existing and proposed easements, with widths.
- J. Person or entity responsible for maintaining each easement.
- K. An instrument of dedication for all streets and easements
- L. Special notations required as a condition of platting by the Planning Commission.
- M. A copy of the proposed restrictive covenants if applicable.
- N. A four-corner lot grading plan for the addition shall be submitted with the final plat that indicates the proposed grade at each lot corner, high points, and sump locations along with recommended garage floor, top of foundation and viewout/walkout elevations (where applicable).

24.305. REQUIRED CERTIFICATES.

- A. Owner's Certificate with Notary Certificate and Seal.
- B. Certificate of the Newton Governing Body signature block indicating approval of the plat and acceptance of the public dedications

- C. {Attest} signature block for City Clerk with date.
- D. Newton Planning Commission approval as evidenced by the signature of the Chair and Secretary.
- E. City Attorney
- F. Certificate of the Register of Deeds.
- G. Surveyor's Certificate and Seal.
- H. City Engineer's Certificate.
- I. Certificate of review by the County Surveyor or designee indicating that the plat and survey description has been reviewed and approved.
- J. Special Certificates as required.
- K. County Clerk Transfer of Record.

ARTICLE 4. MINIMUM SUBDIVISION DESIGN STANDARDS

24.401. PURPOSE.

The purpose of this article is to provide reasonable standards of design for the subdivision and resubdivision of land. The Planning Commission shall study and review all subdivision plats in relation to the general character of the area, the general requirements of the community, and the particular requirements of the neighborhood. These design standards shall guide private and public policy regarding the efficient layout and design of public improvements.

24.402. PUBLIC WATER AND SEWER CONNECTIONS.

No preliminary plat shall be approved unless the Planning Commission determines that public facilities will be adequate to support and service the area of the proposed subdivision. The intent is to maximize local municipal coordination of public facilities in accordance with the comprehensive plan and capital improvement program.

24.403. GENERAL DEVELOPMENT.

Subdivisions, resubdivisions and all related improvements shall be planned, designed, and constructed in accordance with the standards and specifications set forth in this Article.

- A. A subdivision shall be designed to comply with the Newton Comprehensive Plan.
- B. The name of the subdivision shall not duplicate or closely approximate that of any existing development within the postal delivery areas of Newton. The Planning Commission shall approve all subdivision names.
- C. The name of any new subdivision road shall not duplicate or closely approximate that of any existing road within the postal delivery area of Newton. The Planning Commission shall approve all street names.
- D. The purchase and installation of all facilities and utilities shall be the responsibility of the developer. No building permit may be issued unless the City Engineer inspects and certifies that all public improvements have been properly installed.
- E. All subdivisions shall be designed according to “best practices” that emphasize good landform and drainage, the

preservation of natural features, safe transportation facilities, and promote the goals of pedestrian and traffic connectivity.

- F. The Planning Commission shall have the power to impose reasonable conditions on the subdivision of land as a valid exercise of the police power granted to Kansas municipalities to protect the health, safety, and welfare of current and future residents.
- G. Any land that the Planning Commission finds unsuitable for subdivision and subsequent development due to flooding, improper drainage, steep slopes, rock formations, topography, inadequacy of utility easements, or other features that will reasonably affect the public health, safety, and welfare shall not be subdivided or developed until reasonable and adequate methods are formulated by the developer and approved by the Planning Commission to solve the problems of adverse development conditions.

24.404. LOT DESIGN AND LAYOUT.

All lots and landform design shall be planned in accordance with the following general standards.

- A. The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision for the type of development and use contemplated.
- B. All subdivisions shall conform to policies for subdivision design in the comprehensive plan and regulations contained in the Zoning Ordinance of the City of Newton.
- C. All lots shall be designed and arranged with safe access to a public street. Where driveway access from an arterial or a collector street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazards.
- D. Lot arrangement shall be designed to provide positive drainage to the municipal storm water system.
- E. All subdivisions shall conform to the requirements of the Newton Flood Plain Regulations.
- F. Side lines of lots shall be at right angles or radial to the street lines, unless a variance is granted to provide a better street and lot plan. The angle of variation will be marked on the plat.

Lot lines shall be straight, when not adjacent to street right-of-way.

- G. Flag lots or private travel easements shall not be permitted except by a specific plat variance issued by the Planning Commission.
- H. The minimum lot areas and widths, measured at the setback lines, shall conform to the requirements of the Newton Zoning Ordinance.
- I. Lots that front upon a cul-de-sac or curved street having a radius of 200 feet or less shall be measured at the building setback line along an arc parallel to the right-of-way of such cul-de-sac or curved street. Such lots shall also be laid out so that their lot frontage, as measured on the arc of such right-of-way line, is not less than fifty (50) percent of the required lot width measured at the building setback line.
- J. The maximum depth of all lots shall not exceed two and one-half times the width of the lot. The width of an irregularly shaped lot shall be measured at the rear lot line.
- K. All block corners or cardinal corners and points-of-intersection shall be monumented with a 1/2 inch by 24-inch iron bar. If removed or destroyed, this monument must be reset by developer.
- L. Corner lots for residential use shall have extra width to permit appropriate building setback from an orientation to both streets.
- M. Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of residential development from arterial streets or to overcome specific disadvantages of topography or orientation. No access shall be allowed from individual lots to arterial streets.
- N. If an owner places restrictions on any lot that are greater than those imposed by these subdivision regulations, or by the Zoning Ordinances of Newton, such restrictions or a reference thereto shall be placed on the final plat.

24.405. BLOCKS.

Intersecting streets determining block lengths shall be provided at such intervals as to serve cross traffic adequately and to meet existing and future streets. In residential districts, where no existing

plats are recorded, the blocks shall not exceed 1,300 feet in length, unless previous adjacent layout or topographical conditions justify a variation from this requirement. Blocks planned for residential purposes should be of sufficient width to allow for two tiers of lots of appropriate depth. Blocks intended for commercial or industrial use shall be designed specifically for such purpose, with adequate space set aside for off-street parking and loading.

24.406. STREETS AND CIRCULATION.

The plan for general circulation and the development of all streets shall be prepared in accordance with the following standards.

- A. CLASSIFICATION. The arrangement of arterial, collector, and local streets shall conform to the major thoroughfare system and policies identified in the comprehensive plan.
- B. TOPOGRAPHY. Streets shall be related appropriately to the topography. Local streets may be designed to a curvilinear, gridiron, or modified-grid system. Steep grades and curves shall be avoided.
- C. ARRANGEMENT. All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way. Additionally, all streets shall be properly related to specific traffic generators and to the pattern of existing and proposed land uses.
 - 1) Where required by the Planning Commission, rights-of-way shall be provided for extending streets to adjoining unsubdivided property. Land in such rights-of-way shall be dedicated to the appropriate City.
 - 2) Rights-of-way shall be designated along all section and quarter section lines. Section line right-of-way shall be for arterial streets.
 - 3) Where a proposed subdivision abuts an approved subdivision containing future street rights-of-way, the developer of the proposed subdivision shall construct the street and all required improvements from the proposed subdivision to the approved street in the existing subdivision.
 - 4) New streets shall be extended to the boundaries of the subdivision to provide access to adjoining property, and shall intersect with existing streets.
 - 5) When a subdivision borders on, or contains a railroad

right-of-way or a limited access highway, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

- 6) Local streets shall be so designed as to discourage through or non-local traffic.
 - 7) Under normal conditions, streets shall be laid out to intersect, as nearly as possible, at right angles. Where topography or other conditions justify a variation from the right-angle intersection, the Planning Commission may authorize a variation with a minimum angle of eighty (80) degrees.
 - 8) When deemed necessary, the developer shall provide appropriate traffic calming.
- D. CONNECTIVITY. In order to promote connectivity to adjacent properties, every plat shall provide multiple access points, to the greatest extent possible. Streets in a proposed subdivision must connect, where feasible, to existing streets in abutting platted subdivisions.
- E. FRONTAGE ON IMPROVED STREETS. No subdivision shall be approved unless it has access to a public street that has been suitably improved.
- F. PUBLIC STREETS. All proposed new streets in a new subdivision shall become public streets and dedicated to the City of Newton following a final inspection by the City Engineer. The subdivider shall warrant all repairs and reasonably necessary changes on the streets for a period of one year following the date of final acceptance by the City.
- G. HALF-STREET. Dedication of half-streets shall not be approved.
- H. PRIVATE STREETS. Private streets are generally discouraged; however, when private streets are approved as part of a subdivision, they shall meet the design standards for local streets of these regulations. Approval of a subdivision involving a private street shall be solely at the discretion of the Planning Commission. The right-of-way width and roadway width for private streets are the same as those required for public streets. Turnaround provision for private

streets, with a single point of ingress and egress, are the same as are required for public streets. Applications for a private street shall be accompanied by a development agreement, which shall be recorded with the Harvey County Register of Deeds as part of the final plat. This agreement shall establish the conditions under which the street will be constructed and maintained, as well as the conditions controlling an offer of dedication, and shall stipulate:

- 1) The street shall be constructed and maintained to conform to the Newton Design Standards and Standard Construction Specifications.
 - 2) The owners of the abutting lots will include, with any future offer for dedication, sufficient monies, as estimated by the City Engineer, to restore the street to conformance with municipal standards.
 - 3) An offer for dedication of the street shall be made only for the street as a whole.
 - 4) The method of assessing maintenance and repair costs.
- I. GRADING AND CONSTRUCTION PLAN. All streets shall be designed, graded, and improved in accordance with the design and construction standards of the City of Newton.
- 1) All streets shall be provided with a permanent surface and curbs and gutters that meet the specifications of the City of Newton.
 - 2) All street pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the City of Newton.
- J. STREET ALIGNMENT. Minimum horizontal and vertical alignment on all streets, except in unusual cases, shall be as follows:
- 1) Horizontal Alignment: Radii at the Centerline
Major Streets – 350 Feet
Local Street –100 Feet
- A tangent of 25 feet, minimum, shall be provided between all reversed curves to provide for a smooth flow of traffic.
- K. TEMPORARY TURNAROUND. When a temporary turnaround is provided on a street that is to be extended in the future, the Planning Commission, with the assistance of

the City Engineer, shall establish the width of the turnaround and the need for temporary easements. Temporary cul-de-sacs shall have, as a minimum, the same dimensions as a permanent cul-de-sac.

- L. CUL-DE-SACS. Permanent cul-de-sacs (dead end streets) shall not be longer than 600 feet and a center-to-back-of-curb pavement not less than 45 feet in radius, with a minimum right-of-way of sixty (60) feet, shall be provided at each terminus to provide adequate provision for turn-around of emergency or commercial vehicles, such as fire trucks, trash trucks, and school busses.
- M. CROSS ACCESS. The Administrative Official has the authority to require cross access easements to be provided to link adjoining properties when necessary for connectivity.
 - 1) All such agreements shall be filed with the Harvey County Register of Deeds.
- N. ACCESS MANAGEMENT. Access management includes the control of the spacing, location of driveways, side streets and intersections.
 - 1) Special Access Management Corridor: Additional driveway cuts shall be prohibited on KS Hwy. 15 / Main Street, between 1st Street and 12th Street, without City Engineer approval.

O. INTERSECTION SPACING BASED ON TRAFFIC SPEED.

MINIMUM INTERSECTION SPACING STANDARDS	
Through Traffic Speed	Minimum Intersection Spacing
30 mph	210 feet
35 mph	300 feet
40 mph	420 feet

P. DRIVEWAY SPACING FOR ARTERIAL STREETS.

MAXIMUM DRIVEWAY GUIDELINES		
Maximum Number of Driveways	Driveway Spacing	
	Undivided Arterial Streets Length of Lot Frontage	Divided Arterial Streets Length of Lot Frontage
1	0 – 399 feet	0 – 529 feet
2	400 – 899 feet	530 – 1,199 feet
3	900 – 1,399 feet	1,200 – 1, 859 feet
4	1,400 – 1,899 feet ¹	1,860 – 2525 feet ²
¹ For each 500 feet above 1,899, one additional driveway is permitted		
² For each 665 feet above 2,525 feet, one additional driveway is permitted.		

- Q. DRIVEWAY SPACING ON ARTERIAL, COLLECTOR AND LOCAL STREETS. For arterial streets, no driveway shall intersect the arterial street within 250 feet from the centerline of an intersecting street or driveway. For collector streets, no driveway shall intersect the collector street within 180 feet from the centerline of an intersecting street or driveway. For local streets, no driveway shall intersect the local street within 105 feet from the centerline of another intersecting local street, except that a driveway for a single-family residential development may be reduced to 40 feet if no other option for the placement of the drive is present. Arterial, Collector, and Local Streets are as described in the latest version of the AASTO A Policy on Geometric Design of Highways and Streets (Green Book)
- R. STREETS FOR COMMERCIAL & INDUSTRIAL USE. The minimum right-of-way width of streets adjacent to an area designed, proposed, or zoned for commercial or industrial use may be increased by the Planning Commission to such extent as the Commission may deem necessary to assure the free flow of through traffic without interference from parked or parking vehicles.
- S. MARGINAL STREET ACCESS. When blocks or lots in a proposed commercial or industrial subdivision front on any limited access highway or arterial street, the subdivider may

be required to dedicate a marginal access street to provide ingress and egress to and from such blocks or lots.

T. ACCESS TO ARTERIALS. When a subdivision is proposed to front on an arterial street, the following standards shall apply:

- 1) A residential lot shall not have direct access to the arterial street.
- 2) As an alternative, and approved by the Planning Commission, the subdivision may be separated from the arterial streets by a service or frontage road. The frontage road shall be separated from the arterial street by at least 20 feet and planted with grass and other landscaping material suitable for a sound barrier.

U. Should a developer construct a wall adjacent to an arterial street, a wall easement shall be provided and added to the Final Plat.

V. SITE DISTANCE CLEARANCE. Clear sight triangles of 50 feet measured along the street right-of-way lines from their points of junction shall be provided at all intersections, and no obstruction shall be higher than 2 feet above the center line within the sight triangle.

W. RESERVED.

X. MINIMUM STREET DESIGN STANDARDS

MINIMUM DESIGN STANDARDS FOR ARTERIAL, COLLECTOR, AND LOCAL STREETS						
Street Class	R.O.W.	Number of Lanes	Pavement Width	Maximum Grade	Design Speed	Design Volume
Arterial						
	100 – 120 ft			6 %	45 mph	
Lane Configuration						
Moving Lanes		3-4	12 ft.			!16,000 vpd
Turning Lanes		1-2	10 - 13 ft.			12,000 vpd
Parking Lanes		None				
! May require a traffic study (at the cost of the developer) to verify number of moving lanes						

needed with design volumes exceeding 16,000 vpd.

Collector						
	80-90 ft			8 %	30-35 mph	
Lane Configuration						
Moving Lanes		2	11 ft.			12,000 vpd
Turning Lanes		0-1	10 - 13			
Parking Lanes		0-2	9 ft.			
Local [Min. width of local streets shall measure 31 feet back-of-curb to back-of-curb]						
	60-70 ft.			10 %	25 mph	
Lane Configuration						
Moving Lanes		2	10 ft.			1,500 vpd
Turning Lanes		0-1	10-13 ft.			
Parking Lanes		0-1	9 ft.			
* When existing or anticipated traffic on arterial and collector thoroughfares warrants greater widths of rights-of-way, the additional width shall be provided.						

24.407. PEDESTRIAN ACCESS.

The Planning Commission may require, in order to facilitate pedestrian access from the streets to schools, parks, playgrounds, or other nearby streets, pedestrian easements at least ten (10) feet in width, unless modified by the Commission. Pedestrian easements and maintenance responsibility thereof, shall be indicated on the plat.

24.408. BICYCLE AND LINEAR TRAIL ROUTES (Reserved)

24.409. SUBDIVISION ENTRANCES AND DECORATIVE STRUCTURES.

Where one or more entrance or street structures or ornaments, such as monuments, pillars, fences, walls, statues or other decorative features are to be installed in a permanent fashion. Such features shall be located on private property, and the bylaws of the homeowner's association shall indicate permanent responsibility for

maintenance and repair.

24.410. STORM DRAINAGE.

Minimum design standards applicable to storm drainage plans and related design are found in most current versions of “City of Newton Standard Engineering Design Criteria for Paving and Drainage Improvements with 2019 Drainage Criteria Update, Manual for Construction Site – Best Management Practices, and Manual for Post Construction – Best Management Practices”

24.411.

EASEMENTS AND RESERVATIONS:

All permanent and temporary easements shall be prepared for dedication in accordance with the following standards and specifications.

- A. All public utility installations, including lines for street lighting systems, which traverse privately owned property, shall be protected by easements granted by the developer to the public and appropriate public utility. Such easements shall be located so as to not interfere with the use of any lot or other part of the subdivision. The size of, and restrictions pertaining to, such easements shall be in accordance with the standards and specifications of the agency having jurisdiction over the utility lines if such standards and specifications are greater than those imposed by this ordinance.
- B. Permanent easements for utilities and facilities shall be provided at the rear line of all lots. The Planning Commission may also provide for utility easements on side lot lines when necessary. Easements shall be 20 feet in width (or 10' companion easements) except the easements for street lighting purposes may be 10 feet in width.
- C. A twelve (12) foot temporary construction easement shall be provided on each side of the permanent twenty (20) foot easement required in (c) above for initial construction of water, sewer, and other utility lines. The temporary easement shall be considered released after the installation of all utilities. The temporary easement may be shown on the plat by footnote.
- D. Where a lot or group of lots side or back on an existing high-pressure oil or gas transmission line, a 35-foot easement, at a minimum, shall be provided on each side of the line. The easement width will be greater if required by the owner of the line or if a greater distance, in the opinion of the Planning Commission, is warranted. Where a lot or group of lots side or back on an existing electrical transmission line, an easement will be provided as required by the owner of the line.
- E. If a subdivision is traversed by a water course, drainage way, or channel, then a storm water easement or drainage right-of-way shall be provided. The easement shall conform substantially to the lines of such water course and shall be of

such width or construction or both, as may be necessary to provide adequate storm water drainage and access for maintenance. The final plat shall indicate maintenance responsibilities of such areas.

- F. A drainage easement(s) on land subject to rapid storm water discharge may be required by the Planning Commission. The easement may also provide for the installation of storm water retention or detention basins as directed by the Planning Commission. All such basins shall be designed by a professional Civil Engineer registered in the State of Kansas.

24.412. RESERVED.

24.413. SEDIMENTATION & EROSION CONTROL.

All subdivisions shall be prepared in accordance with State of Kansas NPDES Standards.

ARTICLE 5. REQUIRED PUBLIC IMPROVEMENTS

24.501. PURPOSE.

The purpose of this article is to advance the orderly development of the City of Newton. These required public improvements are established to ensure that adequate public facilities are available and will have sufficient capacity to serve new developments; to provide stormwater drainage and retention/detention, streets, sidewalks, and other public facilities.

24.502. GENERAL PROVISIONS.

All improvements required under the provisions of this Article shall be constructed in accordance with the design standards and plan requirements of these subdivision regulations, the City of Newton Design Standards and Standard Construction Specifications, and, where applicable, the requirements and authorization of the appropriate state agency or utility company.

24.503. GUARANTEE OF INSTALLATION.

The subdivider shall install or provide for the installation of all or a portion of the facilities and improvements required by the development policy and practices of the City of Newton Governing Body. The Governing Body may, at its discretion, determine a reasonable method for insuring completion of improvements by the subdivider.

24.504. SIDEWALKS.

Sidewalks shall be provided by the subdivider on both sides of all arterial, collector, and local streets, for all subdivisions located within the corporate limits of the City of Newton and shall comply with the City of Newton Design Standards and Standard Construction Specifications.

- A. Sidewalks along arterial and collector streets shall be a minimum of five (5) feet wide.
- B. Sidewalks along local streets shall be a minimum of four (4) feet wide.
- C. Ensure a seven (7) foot landscape area from the back of curb to the edge of the sidewalk.
- D. Crosswalks shall be required at intersections.
- E. Walkways shall be required to connect subdivisions to

reduce walking and bicycling distances.

The Planning Commission may waive a sidewalk on one side, provided unique topography or other unique site conditions exist. If a sidewalk is constructed on one side of the street, the developer shall grade and prepare the opposite side of the street for future installation of the sidewalk. A median strip of grassed or landscaped area at least seven (7) feet wide should separate all sidewalks from adjacent curbs.

Access ramps for disabled persons shall be installed whenever new curbing and/or sidewalks are constructed or reconstructed in the City of Newton. Such ramps shall conform to the standards adopted by the City Engineer and each specific ramp location shall be subject to review and approval by the City Engineer. Two ramps shall be installed on each side of the street per lineal block, thereby providing reasonable access to crosswalks for handicapped persons. These standards shall apply to any City street or connecting street for which curbs and sidewalks are required by this ordinance or on which curb and sidewalk have been prescribed by the Governing Body.

24.505. SEWAGE FACILITIES.

- A. All subdivisions platted after the adoption date of these regulations that are located within the corporate limits, of the City of Newton shall be provided service from a municipal sanitary sewer system in accordance with the City of Newton Design Standards and Standard Construction Specifications.
 - 1) Proposed subdivisions located in the “Urban Service Areas” of the Future Land Use Plan map, of the City of Newton shall first, seek annexation by the appropriate municipal jurisdiction and second, seek municipal subdivision plat approval.
 - 2) Sewers shall be installed to serve each lot, or unit of up to a quadplex, and to grades and sizes required by the City Engineer and appropriate Governing Body.
 - 3) Septic tanks are prohibited on any land that is platted under these regulations and is located within corporate limits of Newton.
 - 4) The developer shall be responsible for the creation of a sanitary sewer district to provide sewer facilities to a subdivision when no district exists for the land to be

subdivided.

- 5) The cost of extending such municipal sewage facilities shall be borne in full by the developer and/or owners of the real estate constituting such subdivision or benefit district; except that the cost of extending utility mains may be borne in part by the City on a case-by-case basis.
- 6) Before a subdivision connects to a sewer main and/or installs laterals, the subdivision shall be annexed by the appropriate municipal jurisdiction.

24.506. WATER FACILITIES.

- A. All subdivisions platted after the adoption date of these regulations that are located within the corporate limits, and “Urban Service Areas” of the Future Land Use Plan map, of the City of Newton shall be provided service from a municipal water system in accordance with the City of Newton Design Standards and Standard Construction Specifications.
 - 1) Proposed subdivisions located in the “Urban Service Areas” of the Future Land Use Plan map, of the City of Newton shall first, seek annexation by the appropriate municipal jurisdiction and second, seek municipal subdivision plat approval.
 - 2) Adequate water facilities (including fire hydrants) shall be installed to serve the subdivision as required by the City Engineer and appropriate Governing Body.
 - 3) The subdivider shall be responsible for the creation of a water-supply district to provide water facilities to a subdivision when no district exists for the land to be subdivided.
 - 4) The cost of extending such water facilities shall be borne in full by the developer and/or owners of the real estate constituting such subdivision or benefit district; except that the cost of extending water mains may be borne in part by the City on a case-by-case basis.
 - 5) Before a subdivision connects to a water main, the subdivision shall be annexed by the appropriate municipal jurisdiction.

24.507. STORM DRAINAGE FACILITIES.

The subdivider shall design and construct storm drainage facilities in conformance with the City of Newton Drainage and Paving Design Standards, the Manual for Construction Site Best Management Practices (BMPs), and the Manual for Post-Construction Site BMP's. The storm water drainage system shall be separate and independent of any sanitary sewer system. A storm drainage plan shall contain such information as may be required by the City Engineer, and shall be reviewed and approved by the City Engineer.

- A. If a drainage way is proposed over an area with existing physical features such as streams, ponds, ravines, wooded areas, or other natural features, the width and location of the drainage way shall be approved by the Planning Commission, following the recommendation of the City Engineer in order to protect the existing natural features.
- B. All storm drainage systems shall be designed by a licensed engineer and sized with capacity to permit ultimate development of the drainage basin, and the improvements shall be constructed to the extremities of the development where necessary to accommodate future extension.
- C. The subdivider shall dedicate to the City all public storm drainage facilities required by the City Engineer so as to provide for the drainage of storm water through the development. The subdivider shall convey permanent storm water maintenance easements to the City for all such facilities.
- D. The Planning Commission may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area, prohibit the subdivision of any portion of the property that lies within the flood plain of any stream or drainage course.
- E. The Platting Engineer shall provide a four (4) corner lot grading plan for the addition.
- F. As each lot develops, and prior to Certificate of Occupancy, the applicant shall provide a detailed lot grading plan and a certification of all lot corner as-built elevations by a land surveyor licensed in the State Kansas for the individual lot requesting the permit or certificate.

24.508. STREETLIGHTS.

The City Engineer may require streetlights capable of illumination of streets and pedestrian walkways for safe movement of vehicles and pedestrians at night in accordance with the City's street light policy. The City Engineer shall require the energy provider to submit a streetlight and electrical service plan during the platting process.

24.509. UNDERGROUND WIRING.

All utility lines and mains including telephone, electric, cable television and street lighting lines, gas and water mains and other necessary facilities shall be installed underground, except for the following:

- A. Lines rated over 3000 KV.
- B. Appurtenance serving such lines that may be mounted on the ground, such as transformers, transformer pads, and telephone service pedestals. The City Engineer shall approve the location of such incidental appurtenances to ensure their location is not unsightly or hazardous to the public.
- C. Proposed subdivisions or replats of existing subdivisions that are less than five (5) acres and located in developed areas which presently have an overhead type of distribution system.
- D. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities.

24.510. BENCHMARKS, MONUMENTS AND CORNERS.

A. BENCHMARKS. All elevations shown on plats shall be based on National Geodetic Survey (NGS) datum. The permanent benchmark location and description that is used to extend datum to the project shall be noted on the Preliminary and Final Plat.

B. MONUMENT LOCATIONS.

- 1) Permanent monuments shall be set at each and every controlling corner on the boundary of the parcel or tract being subdivided, and any controlled point

included in the legal description of the property.

- 2) In cases where the placement of a monument at its proper location is impractical, it shall be permissible to set reference monuments close to that point. If such reference monument is set, its location shall be properly shown on the plat. When conditions warrant setting a monument on an offset, the location shall be selected so that the monument lies on a line of the survey or on the prolongation of such line. Offsets shall be set at even foot intervals from the true location.

C. CHARACTER, TYPE, POSITION, NOTED ON THE PLAN, AND APPROVAL.

- 1) The character, type and position shall be noted on the plat, all distances must be expressed to the nearest hundredth of a foot.
- 2) Permanent monuments shall be of material capable of being detected by commonly used magnetic or electronic equipment.
- 3) The monument size shall be a solid steel rod of not less than 1/2" O.D.
- 4) The minimum length shall be 24".

D. PLACEMENT.

- 1) All boundary monuments and interior controlling corners shall be set prior to the filing of the final plat.

24.511. OFF-SITE IMPROVEMENTS.

The subdivider shall guarantee any off-site improvements determined by the Planning Commission to be necessary for the development of the proposed subdivision. Such off-site improvements may include, but shall not be limited to, construction of acceleration/de-acceleration lanes or other widening of existing street pavement, installation of street intersection signalization and/or channelization, street construction, installation of drainage channels or swales and the extension of municipal water, storm sewer or sanitary sewer lines.

ARTICLE 6. LOT SPLITS and LOT MERGERS

24.601. PURPOSE & INTENT.

The purpose of these regulations are to administer an orderly intake and review of lot splits, lot mergers, lot combinations, boundary shift applications, and single-lot plats, as defined in Article 7. The intent of these regulations is to ensure that all applications, and the land conditions that result from them, meet the minimum size and area requirements of the zoning district in which said lots are located. Any new lot created under the provisions of this article shall not be further subdivided without replatting.

24.602. SUBMITTAL REQUIREMENTS.

The owner of the land shall submit an application to the Administrative Official in accordance with the following standards.

- A. The applicant shall submit a complete application form available from the Engineering Office and five (5) copies of a plot plan to the Administrative Official, together with any supplementary data specified by these regulations.
- B. The applicant shall pay all filing fees associated with the project type before the application is accepted for review by the city staff.
- C. The plot plan shall be submitted as a certificate of plat and sealed by a licensed land surveyor or engineer in Kansas.

24.603. GENERAL CRITERIA.

The following criteria shall apply to all lot split, lot combination, and boundary shift applications.

- A. If the application will add unimproved street frontage to a lot with improved frontage, improvements may be required. The City may require an agreement to construct improvements at some time in the future in lieu of construction at the time the adjustment is made.

- B. If the application includes a property abutting a street or proposed street with less than recommended right-of-way, then the City may require that the additional right-of-way be granted to the City to correct the deficiency.

All lot(s) resulting from an application shall meet the standards specified in the zoning code, where no lot created shall contain insufficient area and dimensions to meet minimum requirements for width and area for a building.

24.604. CONTENTS OF PLAT.

The plat shall contain the following information:

- A. Signature and date blocks for the County Surveyor, City Engineering Office, City Attorney, Governing Body, Planning, County Clerk, and the Register of Deeds.
- B. Signature and date blocks for the Surveyor, Engineer, and Owner and Dedication Certification
- C. The location and dimension of existing structures and/or curb cuts on the lot with respect to the existing lot lines.
- D. All platted building setbacks.
- E. The dimensions of the existing lot(s) and any proposed lot(s)
- F. The legal description(s) for the proposed lots.
- G. The current zoning of the subject parcel.
- H. The total square footage of all lots, existing, and proposed.
- I. All existing easements and utilities. If the easements were granted by separate instrument the certificate of survey must contain a note indicating that these instruments are on file with the Register of Deeds.
- J. The total square footage of all lots, existing, and proposed.
- K. The Surveyor's or Engineer's signature, certificate and seal.
- L. The Owner's signature.
- M. Certificate that all taxes and special assessments due and payable have been paid. In the case of unpaid special assessments, a proposed redistribution of such unpaid special assessments which meets the city's requirements and is acceptable to the City Clerk and City Engineer.

24.605.

APPROVAL GUIDELINES.

A. Applications shall not be approved if one or more of the following applies:

- 1) A new street or alley, extension of an existing street is needed, or a vacation of streets, alleys, setback lines, access control or easements is required or proposed.
- 2) There is less street right-of-way than required by these regulations unless such dedication can be made by separate instrument.
- 3) The application results in a lot or tract without direct access to a street.
- 4) The application results in a lot that does not meet minimum lot size, setbacks, or other requirements of the zoning regulations.
- 5) An easement requirement has not been satisfied.
- 6) A lot grading plan has not been approved by the Administrative Official for the lot(s).
- 7) There is not an approved plan for on-site sewage disposal and/or water supply if the proposed site is not served with sanitary sewer and/or municipal water. All lots within 400 feet of sewer main shall be required to connect to sewer at the developer's expense.

B. The Administrative Official may request that the Planning Commission review certain lot splits, lot mergers, lot combinations, boundary shifts, or single-lot plats that could result in an increase in public service requirements, interfere with maintaining existing levels of service, or propose private easements for access and/or utilities. In such instances, the applicant shall submit ten (10) additional copies of the associated plot plan, a digital copy of the plans (PDF format), and any other supplemental information regarding the location of existing utilities.

24.606. APPROVAL AUTHORITY.

The Zoning Administrator or appointed agent is authorized to approve or disapprove administrative projects with these regulations.

- A. The Administrative Official shall provide a written approval, with or without conditions, or denial of the lot split within thirty (30) days after receiving a complete application.
- B. The Administrative Official may provide conditions as deemed necessary to implement the intent and purpose of these regulations. Requirements may include, but are not limited to, installation of public facilities, dedication of right-of-way and easements.
- C. If the application is approved, the applicant shall file the approved lot split with the Harvey County Register of Deeds. A copy of the filed request must be returned to the Administrative Official within sixty (60) days of approval.

ARTICLE 7. DEFINITIONS

Definitions for the interpretation of the subdivision regulations are as follows:

1. **ACCESS CONTROL:** The limitation of public access rights to and from properties abutting streets or highways to preserve traffic service and to improve public safety.
2. **ADMINISTRATIVE OFFICIAL:** The person or persons designated by the City Manager to administer the Newton Subdivision and Zoning Code.
3. **ALLEY:** A public thoroughfare which provides only a secondary means of access to abutting property not intended for general traffic circulation, the right-of-way of which is twenty (20) feet or less in width.
 - A. **OPEN ALLEY:** An existing, paved alley, which is open on both ends of the block.
 - B. **PRIVATE ALLEY:** A private alleyway, to be maintained by private individuals. Requires a private access easement and maintenance agreement to be filed.
4. **BLOCK:** A unit of land bounded by streets, or by a combination of streets and public land, railway rights-of-way, waterways, or any other barrier to the continuity of development.
5. **BOUNDARY SHIFT:** A minor transfer of land between two (2) contiguous, legally recorded lots within the same zoning district, to correct property line or setback encroachments, or improve access without creating substandard lots or substandard yard or setback requirements. Boundary shifts may not result in an increase in the number of dwelling units, or creating additional lots.
6. **BUILDABLE AREA:** The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.
7. **BUILDING ENVELOPE:** The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations and minimum yard setbacks.
8. **CAPITAL IMPROVEMENTS PROGRAM:** A proposed schedule of all future projects listed in order of construction priority together with cost estimates and anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.
9. **CITY:** The City of Newton, Kansas.

10. CITY ATTORNEY: The attorney designated by the City Manager to furnish legal assistance for the administration of these regulations.
11. CITY ENGINEER: The licensed engineer designated by the City Manager to furnish engineering assistance for the administration of these regulations.
12. CITY PLANNER: The person designated by the City Manager to administer these regulations as staff of the Planning Commission.
13. COMPREHENSIVE PLAN: (ReNewton): A plan for the development of the locality and its environs, prepared and adopted by the Planning Commission, pursuant to state law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.
14. COMMON OWNERSHIP: Ownership by one or more individuals in any form of ownership of two or more contiguous lots.
15. COMPLETE APPLICATION: An application form completed as specified by ordinance and the rules and regulations of the governmental agency and all accompanying documents and fees required for approval of the application.
16. CUL-DE-SAC: A local street with one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
17. DESIGN STANDARDS OR DESIGN REQUIREMENTS: All requirements and regulations relating to design and layout of subdivisions contained in these regulations.
18. DEDICATION, FEE IN LIEU OF: Payments in cash as an alternative to dedication of land or construction of improvements.
19. DEED RESTRICTION: A restriction upon the use of a property placed in a deed.
20. DETENTION BASIN: A facility for the temporary storage of stormwater runoff and the release of it gradually into a watercourse or storm water facility.
21. DEVELOPER: The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.
22. DEVELOPMENT AGREEMENT: Agreement between the Governing Body and developer through which the Governing Body agrees to vest development use or intensity or refrain from interfering with subsequent phases of development through new legislation in exchange for the provision of public facilities or amenities by the developer in excess of those required under these regulations.

23. ENGINEER: An individual who is licensed to practice engineering in the state of Kansas.
24. EASEMENT: A permanent or temporary grant of right by the property owner to the public, a corporation, or another person or entity, of the use of a portion of a lot or tract of land for specified purposes where title to said portion of the lot or tract of land remains with the landowner.
25. EASEMENT, CONSERVATION: The grant of a property right stipulating that the described land will remain in its natural state and precluding future or additional development.
26. EASEMENT, DRAINAGE: Land required for the installation of stormwater sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.
27. ELEVATION. The vertical alignment of a surface, as it exists or as it is made by cut and/or fill.
28. ENLARGEMENT: An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.
29. FRONTAGE: That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.
30. FRONTAGE ROAD: A public or private marginal access roadway generally parallel and contiguous to a street or highway and designed to promote safety by providing limited ingress and egress at more-or-less regular intervals.
31. GRADE: The slope of a road, street, or other public way, specified in percentage terms.
32. GRADE, FINISHED: The elevation of the ground level after development.
33. GRADING: Any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.
34. GOVERNING BODY:
- A. City Commission: The City Commission of Newton, Kansas
 - B. County Commission: The Board of County Commissioners of Harvey County, Kansas.

35. 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.
36. IMPACT FEE: A fee imposed on a development to help finance the cost of improvements or services.
37. IMPROVEMENTS: See Lot Improvements or Public Improvements.
38. LATERAL: A utility line between a main line, located in a utility easement of street right-of-way, and the building which the line serves.
39. LOT: A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.
40. LOT, COMBINATION: The process through which shared legal boundaries, as recorded through plat or by deed, are consolidated or otherwise 'merged' whereby the resulting number of lot(s) is reduced by at least one (1) legal lot.
41. LOT, CORNER: A lot or parcel of land abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the applicant.
42. LOT, INTERIOR: A lot whose side lot lines do not abut upon any street.
43. LOT, FLAG: A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.
44. LOT, REVERSE FRONTAGE: Lots which front on one public street and back on another.
45. LOT, DOUBLE FRONTAGE: See reverse frontage lot.
46. LOT COVERAGE: That portion of the net site area that is covered by the ground floor of any structure, parking lots, and private streets and drives. Pools, tennis courts, sidewalks are not counted toward lot coverage.
47. LOT DEPTH: The mean horizontal distance from the front lot line to the rear lot line.
48. LOT FRONTAGE: The length of the front lot line measured at the street right-of-way line.
49. LOT SPLIT: The dividing of a lot in a recorded plat into not more than two lots, subject to the provisions of these regulations. Only one "lot split" shall be allowed. No "surveyed" lots shall be allowed, all lots shall be platted.

50. **LOT WIDTH:** The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required setback line.
51. **LOT LINE, FRONT:** The lot line separating a lot from a street right-of-way. In the case of a corner lot, a line separating the narrowest frontage of the lot from the street.
52. **LOT LINE, REAR:** The lot line opposite and most distant from the front lot line. In the case of a corner lot where there are two lot lines abutting intersecting streets, the front lot line shall normally be the one with the shortest length. In the case of a through lot, the front lot line shall be the one adjacent to the street which provides primary access to the lot or towards which the main building on the lot is oriented.
53. **LOT LINE, SIDE:** Any lot line other than a front or rear lot line.
54. **LOT OF RECORD:** A lot that exists as shown or described on a plat or deed in the records of the Harvey County Register of Deeds.
55. **LOT IMPROVEMENT:** Any building structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.
56. **MAJOR THOROUGHFARE PLAN:** A plan for the development of arterial and collector streets as delineated in the Cities' Comprehensive Plans.
57. **MARGINAL ACCESS STREET:** A service street that runs parallel to a higher-order street and provides access to abutting properties and separation from through traffic. Marginal access street may be designed as a local or collector street according to anticipated daily traffic.
58. **NET AREA OF LOT/SITE:** The land area of a lot or tract remaining after subtraction of all public street and alley rights-of-way as are required by the zoning or subdivision regulations.
59. **NONCONFORMING LOT:** A lot existing on the effective date of these regulations that does not meet the minimum area requirement of the zoning district in which the lot is located.
60. **OFF-SITE IMPROVEMENT:** Improvements required to be made off-site as a result of an application for development and including, but not limited to, road widening and upgrading, stormwater facilities, and traffic improvements.
61. **OWNER:** Any person, group of persons, firm or firms, corporation or corporations,

or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

62. PEDESTRIAN WAY: A right-of-way dedicated to public use, which cuts across a block, tract, or parcel to facilitate pedestrian access to adjacent streets and properties.
63. PERFORMANCE GUARANTEE: Any security that may be accepted by the City of Newton to assure that improvements required as part of an application for development will be satisfactorily completed.
64. PLANNING COMMISSION: The Newton Area Planning Commission.
65. PLAT, FINAL: A plan or map prepared in accordance with the provisions of these regulations, which plat is prepared to be placed on record in the office of the Register of Deeds of Harvey County, Kansas.
66. PLAT, PRELIMINARY: The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.
67. PLAT, SINGLE-LOT: The process through which a single parcel or tract or land is platted into a single lot and shall subsequently be filed with the Register of Deeds for Harvey County.

Only property zoned R-1 may be platted administratively, plats in all other zoning districts shall be required to proceed through the full plat process. One single-lot plat shall be allowed to be reviewed administratively. Additional requests shall be required to proceed through the full plat process.

No property shall be issued a building permit for construction unless it is a platted lot. Meets and Bounds is not considered a platted lot.
68. PLAT, SKETCH: A concept, informal map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.
69. PUBLIC IMPROVEMENT: Any improvement, facility, or service together with its associated site or right-of-way necessary to provide transportation, drainage, utilities, or similar essential services and facilities and that are usually owned and operated by a governmental agency.
70. PUBLIC UTILITIES: A closely regulated enterprise with a franchise for providing the public a utility service deemed necessary for the public health, safety, and welfare.
71. RESUBDIVISION: The further division of lots or the relocation of lot lines of any lot

or lots within a subdivision previously approved and recorded according to law; or the alteration of any streets or the establishment of any new streets within any such subdivision, but not including conveyances, made so as to combine existing lots by deed or other instrument.

72. **RIGHT-OF-WAY:** A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, shade trees, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.
73. **RURAL SEWER DISTRICT:** A district formed in the unincorporated area of the county to provide public utilities.
74. **SETBACK LINE OR BUILDING LINE:** A line on a plat, generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be altered or erected.
75. **SEWAGE DISPOSAL SYSTEM, PRIVATE:** A subsurface soil absorption system used for the collection and disposal of sewage from a single-family dwelling.
76. **SEWER SYSTEM, PRIVATE:** Any system that is not required to hold a National Pollutant Discharge Elimination System Permit (NPDES), or Kansas Water Pollution Control Permit, and includes wastewater disposal systems which function by soil absorption, evaporation, transpiration, holding tanks or any combination of the above.
77. **STREET, PUBLIC:** A right-of-way, which affords principal means of vehicular access to property, abutting thereon, which right-of-way is owned, controlled and maintained by the City.
78. **STREET OR ROAD, PRIVATE:** A non-dedicated way, which forms the principal vehicular access to a property or subdivision. A private drive serving one residence is not considered a private street or road.
79. **STREET CLASSIFICATION:** For the purpose of providing for the development of the streets, highways, streets, and rights of-way in the governmental unit, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, road, and right-of-way, and those located on approved and filed plats, have been designated on the Thoroughfare Plan and classified therein, according to the following categories:
- A. **Arterial Street:** A street with access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from minor arterials.

- B. Collector Street: A street that collects traffic from local streets and connects with arterials.
 - C. Local Street: A street intended to provide access to other streets from individual properties.
80. SUBDIVIDER: Any person who 1) having an interest in land causes it, directly or indirectly, to be divided into a subdivision, or 2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a subdivision, or 3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unity, or plat in a subdivision; and who is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.
81. SUBDIVISION: The division of a lot, tract, or parcel of land into two or more lots, tracts, plots, sites, parcels, or other divisions of land for sale, development, or lease.
82. SUBDIVISION, URBAN: A subdivision located within the City of Newton corporate city limits, or within the Urban Service Area as depicted in the Newton Comprehensive Plan.
83. SUBDIVISION, RURAL/SUBURBAN: A subdivision located in the unincorporated area of Harvey County, and also within the Long-Term Development Area as depicted in the Newton Comprehensive Plan.
84. SUBDIVISION IMPROVEMENT AGREEMENT: A contract entered into by the applicant and the Planning Commission on behalf of the municipality by which the applicant promises to complete the required public improvements within the subdivision within a specified time period following final subdivision plat approval.
85. SURVEYOR: An individual licensed to survey land in the State of Kansas.
86. TINY HOME: A single-family dwelling unit with a maximum of 400 sq ft of floor area, excluding lofts that shall comply with regulations found in IRC 2018, Appendix Q.
87. URBAN FRINGE AREA: An area of anticipated urban growth or density as shown in the official comprehensive plan maps of the city of Newton, and Harvey County. Municipal annexation is encouraged to ensure that the staging of development corresponds with the availability of facilities and services.
88. VESTED RIGHT: A right that cannot be changed or altered by changes in regulation.

**SAMPLE FINAL PLAT
RECITATIONS CITY OF
NEWTON, KANSAS**

DEDICATIONS

STREETS: Streets shown on the plat and not heretofore dedicated to the public are hereby so dedicated.

BUILDING LINES: Building lines or setback lines are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

[Insert other matters of dedication as appropriate.]

All Plats (including replat/single-lot):

County Surveyor Certificate

State of Kansas)
County of Harvey) SS

I hereby certify that I have reviewed the surveyed plat and certify said plat to be in compliance with the requirements of K.S.A. 58-2005

County Surveyor, Harvey County, Kansas

Owners Certification and Dedication (required to be notarized)

State of Kansas)
County of Harvey) SS

This is to certify that the undersigned is the owner of the land described in the plat. They have caused the same to be surveyed and subdivided as indicated thereon for the uses and purposes therein set forth and does hereby acknowledge and adopt the same under the style and title thereon indicated. All street rights-of-way as shown on this plat are hereby dedicated to the public. An easement or license to the public to locate, construct, and maintain or authorize the location, construction, and structures upon the area marked for easement on this plat is hereby granted. Given under my hand at _____, _____ this _____ day of _____, 20____.

Owner
Address

Date

Governing Body Certificate

State of Kansas)

County of Harvey) SS

The dedications shown on this plat are hereby approved by the governing body of the City of Newton, Kansas, this _____ day of _____, 20_____.

At the direction of the City Commission

Richard E. Stinnett, Mayor

Attest: Denise R. Duerksen, City Clerk

Surveyor Certificate

State of Kansas)

County of Harvey) SS

I, _____, do hereby certify that I am a duly licensed and registered professional surveyor in the State of Kansas, with experience and proficiency in land surveying; that the henceforth described property was surveyed and subdivided by me or under my direct supervision; that all subdivision regulations of the City of Newton have been compiled with in the preparation of this plat; that this plat and the survey on which it is based were made in accordance with the Kansas Minimum Standards for Boundary Surveys, and that all monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief. Given under my hand and seal at Newton, Kansas, this _____ day of _____, 20_____.

Existing public easements, dedications, building setback lines, and access controls, if any, being vacated by virtue of K.S.A. 12-512(b), as amended.

Date of Survey: _____

Registered Land Surveyor

License No.

Attorneys Certificate

State of Kansas)
County of Harvey) SS

This plat of _____ an Addition to Newton, Harvey
County, Kansas has been submitted to me and the same is hereby approved on this
_____ day of _____, 20_____.

Christopher Towle, City Attorney

Transfer Record

Entered on transfer record this _____ day of _____, 20_____.

Rick Piepho, County Clerk

Engineers Certificate

State of Kansas)
County of Harvey) SS

This plat of _____ an Addition to Newton, Harvey
County, Kansas has been submitted to me and the same is hereby approved on this
_____ day of _____, 20_____.

Suzanne C.S. Loomis, P.E., City Engineer

Register of Deeds

State of Kansas)
County of Harvey) SS

This is to certify that this plat has been filed for record in the office of the Register of
Deeds, this _____ day of _____, 20_____ at _____ o'clock __ M;
and is duly recorded.

Raquel Langley, Register of Deeds

Simone Juarez-Llamas, Deputy Register
of Deeds

For Plats requiring Planning Commission Approval:

Planning Commission Certificate

State of Kansas)
County of Harvey) SS

This plat of _____, an Addition to the City of Newton, Harvey County, Kansas, has been submitted to and approved by the Newton Area Planning Commission and is hereby transmitted to the governing body of the City of Newton, Kansas. Dated this _____ day of _____, 20____.

Tyson Weidenbener, Chair

Attest: Denise R. Duerksen, City Clerk

For Plats approved Administratively:

Planning Certificate

State of Kansas)
County of Harvey) SS

This plat of _____, an Addition to the City of Newton, Harvey County, Kansas, has been submitted to and approved administratively by the Administrative Official, as designated in the Newton Subdivision Regulations, and is hereby approved this _____ day of _____, 20____.

Justin Erickson, Planning and Zoning Supervisor

When appropriate:

Mortgage Certificate

We, the undersigned holders of a mortgage on the above-described property, do hereby consent to this plat of _____, an Addition to Newton, Harvey County, Kansas

Owner
Address

Date

SAMPLE MAINTENANCE OF RESERVE LANGUAGE (Where applicable)

1. Maintenance of Reserves (name Reserves), (Addition Name), an Addition to Newton, Harvey County, Kansas, shall be the responsibility of (Platters Name or Company) until such time that a homeowner's association is formed and charged with maintenance responsibilities of said Reserves.

In the event that the undersigned, its successors or assigns, shall fail at any time to maintain the drainage improvements or the planned sidewalk system within said Reserves situated in (Addition Name), the appropriate governing body may serve a written Notice of Delinquency upon the undersigned setting forth the manner in which the undersigned has failed to maintain the drainage improvements or planned sidewalk system. Such notice shall include a statement describing the obligation that has not been fulfilled and shall grant twenty (20) days within which the undersigned may fulfill the obligations. If said obligation is not fulfilled within the time specified, the appropriate governing body, in order to preserve the taxable value of the properties within the Addition, to ensure proper functioning of the drainage improvements or to prevent the reserves from becoming a nuisance, may enter upon said Reserves and perform the obligations listed in the Notice of Delinquency. All costs incurred by the governing body, in carrying out the obligations of the undersigned may be assessed against the Reserves situated in (Addition Name), in the same manner as provided by law for such assessments and said assessments may be established as liens upon said Reserves. Should the undersigned, its successors or assigns, upon receipt of said Notice of Delinquency believe that the obligations described in said Notice of Delinquency are not proper for any reason, may, within the twenty-day period to be provided in said notice, apply for a hearing before the governing body having jurisdiction over the Notice of Delinquency, to appeal said assessments and any further proceedings with respect to such appeal.

FOR PLAT EXAMPLES, PLEASE SEE THE HARVEY COUNTY REGISTER OF DEEDS, PLATS WEBSITE:

<https://www.harveycounty.com/departments/register-of-deeds/plats/newton>

