

ARTICLE 1  
GENERAL PROVISIONS

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1-101 Title and Scope: This Ordinance, entitled the Valley Falls Subdivision Ordinance, prescribes minimum design requirements and approval procedures for the development of new subdivisions and resubdivisions of land within the corporate limits of the City of Valley Falls, Kansas.

1-102 Purpose: The division and improvement of land for urban or nonagricultural development has a significant and lasting impact upon the physical environment of Valley Falls, Kansas, and it places increasing demands upon public facilities and services. The creation of new streets, lots and utility systems requires significant public and private capital investments. Failure to properly size and construct adequate sewers and streets, ensure available water supplies, manage storm water runoff and erosion, and plan for public services may result in physical and environmental problems which are difficult and costly to resolve.

This Ordinance sets forth uniform rules and procedures for the division and improvement of real property to assure that new subdivisions are properly planned and integrated with existing streets, utilities and other public facilities systems; to prevent potential environmental hazards; and to coordinate the use of private and public resources to achieve planned and orderly land development through proper location and design of streets, building lines, open spaces, and utilities; and to establish standards by which streets, utilities and other physical improvements shall be erected, constructed or installed.

1-103 Applicability: This Ordinance shall apply to any person desiring to do any of the following:

1. Subdivide or further subdivide any lot or tract of land into two or more parts.
2. Resubdivide any lot or tract of land that has previously been subdivided into two or more parts.
3. Establish any street, alley, sidewalk, park or other property intended for public use or for the use of prospective or existing owners of lots or tracts of land fronting on or adjacent to such property.

The owner(s) of any land located within Valley Falls, Kansas, subdividing said land in a manner previously cited shall cause to be prepared a subdivision plat in accordance with the provisions of this Ordinance. No building permit shall hereafter be issued by Valley Falls, Kansas, for construction on any land that has not been subdivided in compliance with this Ordinance and all other applicable state laws and Valley Falls ordinances in effect at the time of the subdivision of said land.

1-104      Exemptions: This Ordinance shall not apply in the following instances or transactions:

1. Any lot or tract of land located within the area governed by this Ordinance that has been legally subdivided or platted prior to the effective date of this Ordinance.
2. The division or further division of land into tracts of 20 acres or more when subdivided only for agricultural purposes, when it does not entail the establishment of a new residential dwelling, and when it does not involve or result in the creation of any new streets, easements of access or other dedication.
3. A transaction between owners of adjoining tracts of land or lots which involves only a change in the boundary between the land owned by such persons, provided no additional lots are created and such tracts of land or lots comply with the design requirements for lots in Section 4-104 of this Ordinance and applicable provisions of the Valley Falls Zoning Ordinance.
4. The use of land for right-of-way by railroads or public utilities subject to local, state or federal regulations, provided no new street is created or involved.
5. The division of a tract of land or lot which creates no more than one additional tract or lot subject to the provisions for tract or lot splits described in Article 3 of this Ordinance and provided such division does not involve the creation of any new streets or easements of access and such newly created tracts or lots comply with the design requirements for lots in Section 4-104 of this Ordinance and applicable provisions of the Valley Falls Zoning Ordinance. Any further division of the lots or tracts of land shall be platted in compliance with the requirements of this Ordinance.

1-105      Definitions: For the purpose of this Ordinance, certain terms, words, and phrases are hereby defined and shall have the meaning assigned to them in this Section when used or referred to throughout this Ordinance.

1. **ACCESS:** The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.
2. **ALLEY:** A public or private thoroughfare which provides only a secondary means of access to abutting property.
3. **ARTERIAL STREET:** See Major Street.

4. **BLOCK:** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroads, rights-of-way, shoreline or waterways, or boundary lines of municipalities.
5. **BOND:** Any form of security including cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the City of Valley Falls. All bonds shall be approved by Valley Falls whenever a bond is required by this Ordinance.
6. **COLLECTOR STREET:** A street intended to move traffic from local roads to major streets. A collector street serves a neighborhood or large subdivision and should be designed to discourage residential properties from facing onto it.
7. **CORNER LOT:** A lot abutting upon two or more streets at their intersection.
8. **CITY:** The Governing Body of the City of Valley Falls, Kansas, or its delegated staff, boards or agencies.
9. **CITY ATTORNEY:** The City Attorney, or such licensed attorney designated by the City Attorney, responsible for the prosecution of all violations of this Ordinance in accordance with the provisions contained herein, and as established by law.
10. **CITY ENGINEER:** The City Engineer, or such licensed engineer designated by the City Engineer or Governing Body, to provide engineering assistance in administering these and other ordinance governing areas of normal responsibilities assigned to the City Engineer.
11. **COUNTY HEALTH OFFICER:** The Director of the Jefferson County Health Department, or such person designated to administer the health regulations of Jefferson County.
12. **CUL-DE-SAC:** A local street with only one outlet and having a circular turnaround for the safe and convenient reversal of traffic movement.
13. **DEAD END STREET:** A street having only one outlet.
14. **DEVELOPER:** The owner, or any other person, firm or corporation authorized by the owner, undertaking proceedings under the provisions of this Ordinance for the purpose of subdividing land.
15. **DOUBLE FRONTAGE:** A lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.
16. **EASEMENT:** A grant by a property owner to specific persons or the public to use land for a specific purpose or purposes. Also, a right acquired by prescription.
17. **FINAL PLAT:** The map, plan or record of a subdivision and any accompanying materials, as described in this Ordinance.

18. **FLAG LOT:** A lot, tract or parcel of land that provides minimum frontage to a road or street by a narrow strip of land and whose main body of land lies to the rear of the property.
19. **FRONTAGE:**
  - a. **STREET FRONTAGE:** All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
  - b. **LOT FRONTAGE:** The distance for which the front boundary line of the lot and the right-of-way are coincident.
20. **FRONTAGE ROAD:** A public or private, marginal access roadway, generally paralleling and contiguous to a street or highway, providing access to abutting properties. A frontage road is designed to promote safety by eliminating unlimited ingress and egress to the principal street or highway by providing points of access at generally uniformly spaced intervals.
21. **GOVERNING BODY:** The City Council of Valley Falls, Kansas.
22. **GRADE:** The slope of a road, street or other public way (rise/run), specified in percent (%).
23. **IMPROVEMENTS:** All facilities constructed or erected by the developer and/or public entity within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, commercial, or industrial use.
24. **LOCAL STREET:** A street intended to provide access to other roads from individual properties.
25. **LOT:** A portion of a subdivision or other parcel of land intended as a unit of ownership and occupied or intended to be occupied by one main building and an accessory building or a complex of buildings, including the open spaces and parking required by this Ordinance and/or the Valley Falls Zoning Ordinance. A lot may be more than one lot of record or may be a metes-and-bounds described tract having its principal frontage upon a street.
26. **MAJOR STREET:** An arterial or thoroughfare which primarily serves as a transportation link for vehicular traffic and discourages direct access from residential lots.
27. **MONUMENT:** The device, usually a metallic bar or tube, used to mark and identify the corners in the boundaries of subdivisions or lots.
28. **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 a tract of land.

29. **OFFSET STREET:** A continuous street whose centerline is not tangent through an intersection.
30. **PRELIMINARY PLAT:** The preliminary drawing or drawings, described in this Ordinance, indicating the proposed manner or layout of the subdivision.
31. **RESUBDIVISION:** A change in a map of an approved or recorded subdivision plat if such change affects any street layout shown on such map, any area reserved thereon for public use, or if it affects any map or plan legally recorded prior to the adoption of any ordinances controlling subdivisions. Tract or lot splitting may be allowed as specified within this Ordinance.
32. **RIGHT-OF-WAY:** A strip of land dedicated or reserved for use as a public way, which normally includes streets, sidewalks, or other public utility or service areas.
33. **SETBACK:** The distance between a building and the lot line, or road right-of-way line, whichever provides the desired minimum distance.
34. **SHORT-FORM PLAT:** A map or drawing of a proposed subdivision containing four lots or less giving, in form suitable for filing in the office of the County Register of Deeds, necessary affidavits, dedications and acceptances, and containing a complete legal description (including references to field markers) sufficient to locate on the ground all streets, alleys, blocks, lots and other divisions of the subdivision.
35. **SIDEWALK:** A paved walkway located along the side of a street.
36. **STREET:** An easement or right-of-way, other than an alley, which provides principal access to adjacent properties.
37. **SUBDIVISION:** Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots or interests for the purpose of offering same for sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions, including resubdivision. A subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes-and-bounds description, map, plat or other recorded instrument.
38. **SUBDIVISION, NON-RESIDENTIAL:** A subdivision which is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of this Ordinance.
39. **TRACT OR LOT SPLIT:** The dividing or redividing of a lot or tract of land into not more than two tracts or lots, subject to the criteria within this Ordinance.
40. **WALKWAY:** Any pathway, surfaced or otherwise, intended for pedestrian use only.

41. **ZONING ADMINISTRATOR:** The person or persons authorized and empowered by the Governing Body to administer the requirements of this Ordinance.