

10-101. Appeals General. The subdivider of a proposed subdivision may appeal decisions made in the enforcement of these Regulations by the Planning Department to either the Subdivision Committee or to the Planning Commission. Decisions of the Subdivision Committee may be appealed by the subdivider or the Planning Director to the Planning Commission. In the event the Planning Commission sustains the Subdivision Committee, the action of the Subdivision Committee shall be final, except as otherwise provided in Section 10-103 of these Regulations. If the Planning Commission overrules the Subdivision Committee, their reasons shall be reflected in the official minutes of the meeting.

As provided for in Section 10-103, the decisions of the Planning Commission, regarding required improvements, may be appealed to the Governing Body of the appropriate engineer for streets as established in Section 8-102 unless otherwise provided for in these Regulations. Appeals shall be considered within thirty (30) days after the subdivider notifies the Planning Department in writing of their desire to appeal a decision. In the event the governing body sustains the Planning Commission, the action of the Planning Commission shall be final, except as otherwise provided by law. If the governing body overrules the Planning Commission, their reasons shall be reflected in writing or in the official minutes of the meeting.

10-102. Appeals on Improvement Standards. All appeals regarding improvement standards, or plans and engineering drawings in connection with required improvements, shall be directed to the governing body. The decision of the governing body shall be final.

10-103. Waiver of Required Improvements. Any waiver of required improvements mentioned in Article 8 of these Regulations may be made only by the appropriate governing body by showing that the improvement is technically not feasible. Waiver of sidewalk requirements shall be directed in writing to the City Council of the City of Wichita in the manner set forth in the Sidewalk Ordinance adopted by the City Council.

10-104. Modification of Design Criteria. In cases where there is unwarranted hardship in carrying out the literal provisions of these Regulations as to design criteria, e.g., lot width, lot depth, block length, etc., the Planning Commission may modify the design criteria.

- (A) When used in this Section, the term "unwarranted hardship" shall mean the effective deprivation of use as distinguished from a mere inconvenience.
- (B) A request for the modification of design criteria shall be made to the Planning Department. The Planning Department shall then transmit the request to the Planning Commission. The Planning Commission shall give the applicant and all interested persons an opportunity to be heard with respect to the request.
- (C) The Planning Commission shall not grant the request for modification of design criteria unless the Commission finds that the strict application of the design criteria will create an unwarranted hardship, and unless the proposed modification is in harmony with the intended purpose of these Regulations and that the public safety and welfare will be protected.

- (D) Modifications permitted under the provisions of this Article shall not include changes from the requirements of making improvements required in Article 8, unless the change is approved by the governing body as required in Section 10-103 of these Regulations.
- (E) Modifications to the standards contained in these Regulations may be permitted when the proposed development exhibits features that foster increased density, mixed uses or atypical street patterns and/or development standards.

Also, modification or changes to the provisions of the Unified Zoning Code, except as to a reduction of minimum building setback, shall not be permitted; however, setbacks from County roads shall not be modified.

Consideration of a request for a design modification pursuant to this Article does not relieve the applicant from the necessity of proceeding under the applicable provisions of any other regulations (including zoning regulations) of the City or County.

10-105. Modification - Planned Developments. When a plat or subdivision is prepared in connection with plans for a comprehensive group development that is a part of a Community Unit Plan or Planned Unit Development District authorized by the zoning regulations, then the Planning Commission may modify the design standards contained in this regulation to such extent as may be necessary to permit the preparation of a subdivision in accordance with the approved Community Unit Plan or Planned Unit Development District.

10-106. Request for Legal Opinion. An applicant, through staff, may request a legal opinion on any part of this text and its regulations from the legal counsel of the appropriate governing body.