

11-101. Interpretation and Construction.

- (A) Where the conditions imposed by the provisions of these regulations are either more restrictive or less restrictive than comparable requirements imposed by the provisions of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations that are more restrictive and impose higher standards or requirements shall govern.
- (B) The provisions of these regulations are not intended to abrogate any easement, covenant or other private agreement, provided that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement, the requirements of these regulations shall govern.
- (C) A subdivision of land that was not lawfully existing at the time of the adoption of these regulations shall not become or be made lawful solely by reason of the adoption of these regulations.
- (D) The provisions of these regulations are cumulative and additional to all other laws and ordinances heretofore passed or that may be passed hereafter governing any subject matter set forth in the provisions of these regulations.
- (E) Except as provided for in Sec. 11-102 of these Regulations, words or phrases defined in the Unified Zoning Code shall have the same meaning whenever the word or phrase is used in these Regulations.

11-102. Definitions. Any word or phrase that is defined in this Section shall have the meaning assigned to it whenever the word or phrase is used in these Regulations, in staff reports or during hearings before the Subdivision and Utility Advisory Committees, the Planning Commission or a Governing Body.

ABUT: Touching, adjoining or contiguous; as distinguished from lying near to or adjacent.

ACCEL LANE: An added roadway lane that permits integration and merging of slower moving vehicles into the main vehicular stream.

ACCESS CONTROL: Access control is the limitation of public access rights to and from properties abutting streets or highways. Access control is used on higher functional classes of roadways to preserve high-quality traffic service and to improve safety.

ALLEY: A public right-of-way along the side of or in the rear of lots intended to provide a secondary means of access to and from streets and the lots. An alley is not intended for general traffic circulation.

AMENITY: A natural or man-made feature that enhances or makes more attractive or satisfying a particular property.

ANNEXATION: The incorporation of a land area into the city limits of Wichita.

APPLICANT: A person submitting an application for approval.

AUXILIARY LANE: An auxiliary lane is that portion of the roadway adjoining the traveled way for parking, speed changes, turning, storage for turning, weaving, or for other purposes supplementary to through traffic movements.

BENCHMARK: Surveying mark made in some object that is permanently fixed in the ground, showing the height of that point in relation to North American Vertical Datum of 1988 (NAVD 88).

BLOCK: A unit or parcel of land bounded by streets, or by a combination of streets, railway rights-of-way or waterways.

BORE HOLE OR SOIL BORING: Soil test(s) conducted by drilling or auguring a hole through the native soil and logging the descriptions of the soil stratification, characteristics, moisture content, presence of groundwater, and other relevant observations in accordance with the Unified Soil Classification System, USDA's Soil Textural Triangle, or other professional soil description system as approved by the City of Wichita Department of Environmental Services/Sedgwick County Code Enforcement, as applicable.

BOUNDARY SHIFT: A change in the boundary between adjoining lands that does not create an additional building site and such transaction, when completed, shall result in tracts of land or lots that comply with the design requirements for lots in Section 7-204 of these regulations and with the applicable provisions of the Wichita-Sedgwick County Unified Zoning Code and Chapter 14, Article V, Sanitary Code of Sedgwick County.

BUILDING SETBACK LINE (FRONT): A line nearest the front of and across a lot or parcel of land establishing the minimum open space to be provided between the front line of a building or structure and the line of the fronting street right-of-way.

CATCH BASIN: An inlet designed to intercept and redirect surface waters.

CHANNEL: A watercourse with a definite bed and banks that confine and conduct the normal continuous or intermittent flow of water.

CHANNELIZATION: (1) The straightening and deepening of channels and/or the surfacing thereof to permit water to move rapidly and/or directly; (2) A traffic control device that forces vehicles into certain traffic flows or turning movements.

CIRCLE: A street naming suffix designating a street with a single common ingress and egress (cul-de-sac). The "circle" suffix is used as a part of a street name when the cul-de-sac is a logical extension or continuation of a street e.g., 14th Circle. See Section 7-201(T).

CITY: The City is defined as the City of Wichita, Kansas, unless the context clearly indicates that another city is being referenced.

CLUSTER SUBDIVISION: A form of development for single-family residential subdivisions that permits a reduction in lot area and bulk requirements, provided that there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space. The clustering design technique concentrates building in specific areas on the site to allow the remaining land to be set aside for recreation, meaningful common open space and preservation of environmentally sensitive features.

COMMISSION: The Wichita-Sedgwick County Metropolitan Area Planning Commission.

COMMUNITY SEWER SYSTEM (CSS): A sewerage treatment system designed to serve a limited number of properties in a limited geographic area; generally two or more lots within a single plat or adjoining plats.

COMPREHENSIVE DEVELOPMENT PLAN: *Preparing for Change: The Wichita-Sedgwick County Comprehensive Plan*, as adopted by the Sedgwick County Board of Commissioners and the Wichita City Council in June 1993, the *2005 Update to the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change*, as adopted by the Sedgwick County Board of Commissioners and Wichita City Council in May 2005, and as amended from time to time.

COUNTY: The County is defined as unincorporated Sedgwick County, Kansas, unless the context clearly indicates that another meaning is intended.

COURT: A street naming suffix designating a street with a single common ingress and egress (cul-de-sac). The "court" suffix is used as a part of a street name when the cul-de-sac emanates from a street at a near right angle, e.g., 14th Court. (See Section 7-201(T)).

CROSSWALK: A strip of land dedicated for public use that is established across a block for the purpose of providing pedestrian access to adjacent areas.

CULVERT: A drain, ditch or conduit not incorporated in a closed system that carries drainage water under a driveway, roadway, railroad, pedestrian walk or public way.

CURB CUT: The opening along the curb line at which point vehicles may enter or leave a roadway.

CURB RETURN: The connecting link between the street curb and the ramp (driveway) curb.

DECEL LANE: An added roadway lane that permits cars to slow down and leave the main vehicle stream.

DEDICATION: Gift or donation of property by the owner to a governmental unit. The transfer is conveyed by a plat or a written separate instrument. The act of dedicating is completed with a formal acceptance by the governing body.

DESIGN STANDARDS OR DESIGN REQUIREMENTS: All requirements and regulations relating to design and layout of subdivisions contained in Article 7 of these regulations.

DETENTION POND: A storage facility for the temporary storage of storm water runoff. The storm water may be released to downstream facilities at a designed rate of flow.

DEVELOPER: The legal or beneficial owner or owners of a lot or of land proposed to be subdivided including the holder of an option or contract to purchase, or other person having enforceable proprietary interests in the land.

DIRECTOR OF PLANNING: The chief administrator or executive of the Wichita-Sedgwick County Metropolitan Area Planning Department.

DRAINAGE SYSTEM: Pipe, waterways natural features and man-made improvements designed to carry drainage.

DRIVE: A street naming suffix designating a marginal access street or frontage road, e.g., Kellogg Drive.

EASEMENT: A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

EASEMENT, AVIGATIONAL: An air rights easement that protects air lanes around airports.

EASEMENT, DRAINAGE: An easement required for the installation of storm water sewers or , waterways and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.

EASEMENT, PRIVATE: A right-of-way granted for limited use of land for a public purpose.

EGRESS: An exit.

ENCROACHMENT: Any obstruction in a delineated floodway, right-of-way, easement, building setback or adjacent land.

ENCUMBER: To place a legal claim or restriction upon a tract or parcel of land.

ENGINEER: A professional engineer licensed by the State of Kansas or licensed to practice in the State of Kansas.

FIRE HYDRANT: An outdoor water supply outlet with wrench-actuated valve and a connection for a fire hose.

FLOOD, BASE ELEVATION: The highest elevation, expressed in feet above sea level, of the level of flood waters having one percent chance of being equaled or exceeded in any given year.

FLOOD CONTROL: The elimination or reduction of flood losses by the construction of flood storage reservoirs, channel improvements, dikes and levees, by-pass channels, or other engineering works.

FLOODWAY: The channel of a natural stream or river and portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river, without increasing the water surface elevation at any point more than one foot. See RESERVE.

FLOODWAY FRINGE: That area of the mapped flood plain, outside of the regulatory floodway, that is likely to be flooded by the base flood.

FLOOD INSURANCE STUDY (FIS): The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Insurance Rate Map and Flood Boundary/Floodway Map and the water surface elevation of the base flood.

FLOODWAY, REGULATORY: The channel of a river or other watercourse and the adjacent land areas as tabulated in the FIS (Flood Insurance Study) that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

FORCE MAIN: A sanitary sewer line through which waste water is pumped rather than carried by gravity flow.

FRONTAGE: That side of a lot abutting on a street; the front lot line.

FRONTAGE ROAD: A public or private marginal access roadway generally paralleling and contiguous to a street or highway and designed to promote safety by eliminating unlimited ingress and egress to the street or highway by providing points of ingress and egress at more-or-less uniformly spaced intervals. A frontage road is designated by the use of the suffix "Drive" in the name assigned to the road, e.g., Kellogg Drive.

GOVERNING BODY: The elected governing body of any city or of Sedgwick County.

GROUNDWATER: Any subsurface water in the zone of saturation, including but not limited to spring water, perched water tables, seasonal water tables and aquifers.

HALF-STREET: The street right-of-way, measured from the street's centerline, that borders one or more property lines of a subdivision.

HOMEOWNERS ASSOCIATION: A community association, other than a condominium association, that is organized in a development where individual owners share common interests in open space or facilities. The homeowners association usually holds title to reserves, manages and maintains the common property, and enforces certain covenants and restrictions. Condominium associations differ from homeowners associations in that condominium associations do not have title to the common property.

IMPROVEMENTS: All facilities constructed or erected by a subdivider to permit and facilitate the use of lots and blocks for residential, institutional, business or manufacturing purpose. Improvements shall include all facilities listed in Article 7 of these Regulations.

INFRASTRUCTURE: Facilities and services needed to sustain industry, residential, institutional, and commercial activities.

INGRESS: An entrance.

INTERSECTION: Where two or more roads cross at grade.

LIMITED ACCESS HIGHWAY: An expressway or freeway, as defined in these regulations. See STREET, EXPRESSWAY; STREET, FREEWAY.

LOT: A designated parcel of area of land established by plat or subdivision to be used, transferred, developed or built upon as a unit.

LOT DEPTH: The distance between the midpoint of the front lot line and the midpoint of the rear lot line.

LOT, DOUBLE FRONTAGE: A lot, with two opposite lot lines that abut upon streets that are more or less parallel.

LOT, FRONTAGE: That portion of the lot that lies between the side lot lines and is adjacent to the street serving the lot.

LOT LINE: A line bounding a lot.

LOT SPLIT: The dividing of a lot in a recorded plat into not more than four new building sites or parcels for non-industrial lots; and two or more new building sites for industrial lots that meet the requirements of Article 6 of these regulations.

LOT WIDTH: The distance between the side lot lines of a lot, at the front yard building setback line.

MANUFACTURED HOME PARK: A parcel of land that has been planned and improved in some manner, and used or intended to be used by occupied manufactured homes not placed on permanent foundations. The term "manufactured home park" does not include sales lots where unoccupied manufactured homes, whether new or used, are parked for the purposes of storage, inspection or sale; nor does it include a tract of land where a manufactured home as a second dwelling unit has been permitted on a temporary basis as a conditional use in accordance with the Wichita-Sedgwick County Unified Zoning Code.

MANUFACTURED HOME SUBDIVISION: A subdivision that is platted for development as individual home sites for manufactured homes, modular homes, residential-design manufactured homes and site-built, single-family dwellings to be placed on permanent foundations.

METES AND BOUNDS: A method of describing the boundaries of land by directions and distances from a known point of reference.

OFF-SITE IMPROVEMENTS: Improvements located on property outside the perimeter of the subdivision that are determined by the Planning Commission to be necessary because of the proposed subdivision, e.g., construction of streets, signalization of intersections, drainage channels, extension of public utilities, etc.

ON-SITE: Located within the perimeter of the property that is subject to an application for subdivision approval.

OPEN SPACE, COMMON: Land within or related to a development, not individually owned or dedicated for use, that is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate. Common open space is platted as a Reserve and is owned and maintained by a Homeowners Association.

OWNER: The property owner of record.

PACKAGE PLANT: A prefabricated or prebuilt waste water treatment plant.

PARKING: That portion of street right-of-way that is unpaved and that is located between the back of a curb and the street right-of-way line or sidewalk, if such an improvement has been installed. The parking strip provides unobstructed right-of-way for the installation of public utilities (typically gas and water lines), sidewalks, street signs, street lights, street furniture, street trees, emergency call boxes and other ancillary uses. The parking strip should not be confused with parking lanes that are often provided for as part of street pavement.

PEAK HOUR TRAFFIC: The largest number of vehicles passing over a designated section of a street during the busiest one-hour period during a 24-hour period.

PERCOLATION: Downward flow or infiltration of water through the pores or spaces of rock or soil.

PERCOLATION TEST: A test designed to determine the ability of ground to absorb water and used in determining the suitability of a soil for drainage or for the use of a septic system.

PETITION, PUBLIC IMPROVEMENT: A legal instrument that serves as the basis for initiation of a public improvement project by the governing body. A petition is frequently used during the platting process to guarantee the construction of certain improvements that are required as conditions of plat approval, e.g., street paving, water and sewer lines, drainage, etc.

PLANNING DEPARTMENT: The Wichita-Sedgwick County Metropolitan Area Planning Department.

PLAT: A subdivision, as it is represented as a formal document by drawing and writing, that is presented to the Planning Commission for review and approval in accordance with these subdivision regulations and to the governing body for the acceptance of easements and dedications.

PLATTING BINDER: A report issued by a title insurance company setting forth the conditions to be met for certain property to be platted, e.g., easements filed for record, mortgages, fee title owners, etc.

POTABLE WATER: Water suitable for drinking or cooking purposes.

PRIVATE DRIVE: A use platted for a reserve in order to provide access to lots from either a public or private street system. For residential plats, not more than three lots shall be dependent upon any one private drive reserve for their access to a street system [See 7-208(G)]. A reserve for private drive purposes is the means to access lots within a comprehensive group development for townhouses or garden apartment units or for commercial complexes and office park developments [See 7-207].

PUBLIC UTILITY FACILITIES: Telephone, electric and cable television lines, poles, equipment and structures; water or gas pipes, mains, valves or structures; sewer pipes, valves or structures; pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or a public utility.

PUMPING STATION: A pumping facility that transports waste water between two gravity flow sewer lines. A pumping station is used when topographic conditions do not allow a continuous gravity flow system.

RAW SEWAGE: Untreated domestic or commercial waste water.

REGULATORY FLOODWAY: See FLOODWAY, REGULATORY; FLOODWAY.

RESERVE: An area of property within a subdivision that is platted for specific uses, e.g., open space, landscaping, entry monuments, recreational facilities, utilities and drainage, floodway, private street, etc. Typically, future ownership and maintenance responsibilities for a reserve is set forth by a restrictive covenant that provides that a homeowners or lot owners association will hold title to the reserve and therefore be responsible for the reserve's maintenance. The restrictive covenant may provide for ownership and maintenance to be tied to the ownership of an adjacent lot. Ownership and maintenance is not assigned to an individual, partnership or corporation except in the case of a reserve platted for possible future sales to a public body for a public facility [See Section 7-105(B)].

RESIDENTIAL CLUSTER: An area to be developed as a single entity according to a plan and containing residential housing units that have common or public open space area as an appurtenance.

RESTRICTIVE COVENANT: A restriction on the use of land traditionally set forth in a deed. Restrictions are also placed of record by separate instruments including homeowner association agreements. The restrictive covenant usually runs with the land.

RESUBDIVISION: The subdivision of land that has previously been lawfully subdivided.

ROAD or ROADWAY: The paved or improved area existing on the within street right-of-way, exclusive of sidewalks, driveways, or related uses.

SANITARY SEWERS: Pipes that carry only domestic, industrial or commercial sewage and into which storm, surface and ground waters are not intentionally admitted.

SCREENING: Decorative fencing, walls, vegetation or landscaped earth berms maintained for the purpose of concealing from view the area behind such fence, wall, vegetation or berms.

SEPTIC TANK: An individual sewage disposal system involving a water tight receptacle that receives the discharge of sewage from a building and is designed and constructed to permit settling of solids from this liquid, digestion of the organic matter (sludge), and discharge of the liquid portion into an underground lateral disposal area. The sludge is pumped out of the tanks, usually by commercial firms, at regular intervals. Septic tanks are used for domestic wastes when a sanitary sewer line is not available to carry the wastes to a waste water treatment plant. Approval of a site for use of a septic tank system involves establishing a minimum lot area to provide for the system's operation, determining that the soil has an acceptable percolation rate and ensuring separation of the system from groundwater.

SETBACK LINE: The line that is the distance that is required by the Wichita-Sedgwick County Unified Zoning Code between a principal structure or accessory structure and the property line of the lot on which the structure is located. Also known as building setback line or yard line.

SEWAGE: The total of organic waste and waste water generated by residential, industrial and commercial establishments.

SEWAGE LAGOON: A shallow, artificial pond where sunlight, bacterial action and oxygen interact to restore waste water to a reasonable state of purity.

SEWERAGE: (1) All effluent carried by sewers whether it is sanitary sewage, industrial waste or storm water runoff; (2) The entire system of sewage collection, treatment and disposal.

SIGHT DISTANCE: Sight distance is the length of roadway ahead visible to the driver. Two types of sight distance criteria are primary design controls for urban streets and highways:

- 1) **Stopping Sight Distance** - The minimum sight distance available on a roadway must be sufficiently long to enable a vehicle traveling at the design speed to stop before reaching a stationary object in its path. The stopping sight distance is the sum of two distances:
 - 1) The distance a vehicle travels after the driver sights an object and before braking; and,
 - 2) The distance it travels after braking.

- 2) **Intersection Sight Distance** - This is the unobstructed sight distance along both approaches of both roads at an intersection and across their included corners. The minimum distance must be sufficient to allow the operators of vehicles approaching simultaneously to see each other in time to prevent collisions at the intersection.

STAFF: The technical and professional staff of the Metropolitan Area Planning Department.

STORMWATER: All runoff, including but not limited to runoff from storms, snow melt, and drainage.

STORMWATER DETENTION: Any storm drainage technique that retards or detains runoff, such as a detention or retention basin.

STREET: A public thoroughfare of such width to conform to these Regulations.

STREET, ARTERIAL: Any street serving major traffic movements that is designed primarily as a traffic carrier between cities or between various sections of the city. The arterial street forms part of a network of through streets, and provides service and access to abutting properties only as a secondary function and is designated on the 2030 Transportation Plan.

STREET, COLLECTOR: Any street designed primarily to gather traffic from local or residential streets and carry it to the arterial system.

STREET, CUL-DE-SAC: A street having only one outlet and being permanently terminated by a vehicle turnaround at the other end.

STREET, DEAD-END: A street having only one outlet and does not benefit from a turnaround at its end.

STREET, EXPRESSWAY: Any divided street or highway with no access from abutting property and has either separated or at-grade access from other public streets and highways.

STREET, FREEWAY: Any divided street or highway with complete access control and grade separated interchanges with all other public streets and highways.

STREET, LOCAL: Any street designed primarily to provide access to abutting property.

STREET, PRIVATE: A street not offered for dedication to the public. A private street is platted as a reserve with the stated purpose of a private street. It is constructed to the same standards as a public street, but is maintained privately.

STREET, STUB: A short section of street right-of-way platted to provide future access to an adjacent unplatted tract of property.

STREET WIDTH: The amount of street right-of-way abutting a lot's property lines.

SUBDIVIDER: The owner, or any other person, firm or corporation, authorized by the owner, undertaking proceedings under the provisions of these regulations for the purpose of subdividing land.

SUBDIVISION: Any establishment, division, or redivision of a lot, tract or parcel of land into one or more lots or other divisions of land for the purpose of sale, development or long-term lease. A long-term lease is a lease that has a remaining term of at least 50 years, including all extensions that may be exercised by the lessee without the necessity of the consent of the lessor.

SUBURBAN SUBDIVISION: All residential subdivisions located within the unincorporated area of Sedgwick County that propose a density of one, or less than one, dwelling unit per 25,000 square foot lot.

SURVEYOR: A land surveyor registered with the State of Kansas.

SWALE: A depression in the ground that channels runoff.

TERRACING: An erosion control method that uses small hills and contours on the land surface to control flooding and runoff.

TOPOGRAPHY: The configuration of a surface area showing North American Vertical Datum of 1988 (NAVD 88).

TURNAROUND: An area at the closed end of a street with a single common ingress and egress where vehicles may reverse their direction.

URBAN GROWTH AREA: The geographical area of cities' existing and planned municipal public facilities and services as defined in the most recently adopted version of the Wichita-Sedgwick County Comprehensive Development Plan. (For use in the Urban Growth Area, the terms "city" or "cities" shall mean those municipalities to which the Urban Growth Area pertains.)

URBAN SUBDIVISION: All subdivisions located within an incorporated city and those residential subdivisions located within the unincorporated area of Sedgwick County that propose a density of more than one dwelling unit per 25,000 square foot lot. Also, all subdivisions located within the unincorporated area of the County that are zoned for office, commercial or industrial purposes.

VISION TRIANGLE: A horizontal triangular area at the intersection of streets maintained to provide an open line of vision for persons approaching the intersection. Within the vision triangle, no one shall install, set out or maintain any sign, fence, hedge, shrubbery, natural growth or other obstruction to view. This restriction shall not apply to: 1) public utility poles; 2) hedges trimmed to a height of less than thirty-three (33) inches above gutter grade on urban roadways, or above the midpoint of the adjacent travel lane for rural roadways; 3) trees, the limbs that are at all times kept trimmed of limbs and sucker growth on the trunk to a heights of at least eight feet above the ground level of the limbs that overhang the public street and are at all times kept trimmed of sucker growth to a height of at least thirteen feet six inches above the street level; or 4) any plant species trimmed so as to leave at all times a clear and unobstructed cross view; 5) ornamental fences not exceeding four feet in height, provided the ratio of the solid portion of the fence to the open shall not exceed one to four; 6) official warning signs or signals; 7) locations where the contour of the ground is such that there can be no cross visibility at the intersection; 8) signs mounted ten feet or more above the ground whose supports do not constitute an obstruction.

WATER TABLE: The upper surface of groundwater, or that level below where the soil is seasonally saturated with water. See GROUNDWATER.

WATERWAY: Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or flood water.

ZERO LOT LINE: The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

ZONING ORDINANCE: The official Zoning Ordinance of the City of Wichita together with any and all amendments.

ZONING RESOLUTION: The official Zoning Resolution for Sedgwick County together with any and all amendments.