

## Article 3: Definitions

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### Sections:

- 3-1 Rules of Construction
- 3-2 Definitions

### SECTION 3-1 RULES OF CONSTRUCTION

#### 3-101.

- a. The language set forth in these regulations shall be interpreted in accordance with the following rules of construction:
  - 1. The singular number includes the plural and the plural the singular.
  - 2. The present tense includes the past and the future tenses and the future the present.
  - 3. The word “shall” is mandatory while the word “may” is permissive.
  - 4. The words “Building Official” means the officially appointed building official for the City of Arkansas City, Kansas.
  - 5. The words “Comprehensive Plan” mean the adopted Comprehensive Plan for the City of Arkansas City, Kansas.
  - 6. The words “subdivision jurisdiction” mean the area as described in Section 1-501 of these regulations.
- b. Any word or phrase which is defined in this Article or elsewhere in these regulations shall have the meaning as so defined whenever used in these regulations, unless such definition is expressly limited in its meaning or scope.
- c. Terms used in these regulations and not defined in this Article or elsewhere in these regulations but defined in the Arkansas City Zoning Regulations shall have the definition set forth in such zoning regulations for such terms.
- d. Words or terms not herein defined shall have their ordinary meaning in relation to the context as defined in a dictionary or by statute.

### SECTION 3-2 DEFINITIONS

**3-201.** The following definitions shall be used in the interpretation and construction of these regulations:

**Access.** The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

**Access Control.** The limitation of public access rights to and from properties abutting streets or highways. Access control is used on major streets and highways, when necessary, to preserve high-quality traffic service and to improve safety.

**Agriculture.** The use of a tract of land 20 contiguous acres or more in area under one ownership for growing crops, pasturage, horticulture, nurseries, truck farms, dairying or the raising of poultry or cattle and other livestock, except feedlots, and including the structures necessary for carrying out farming operations and the dwelling(s) of those owning and/or operating the premises. Riding academies, boarding stables, dog kennels, or commercial or hydroponic greenhouses shall not be deemed agricultural uses; however, forested and non-producing open space land are considered as agricultural.

**Alley.** A public thoroughfare which provides only a secondary means of access to abutting property, the right-of-way of which is not less than twenty feet (20') in width.

**Approved public sanitary sewer system.** A sewage disposal plant, main sanitary sewer lines and other lines approved by the City of Arkansas City, and by the Kansas Department of Health and Environment.

**Approved public water system.** The water treatment plant and service lines approved by the City of Arkansas City, and by the Kansas Department of Health and Environment.

**Benchmark.** Surveying mark made in some object which is permanently fixed in the ground showing the height of that point in relation to sea level. See *Monument*.

**Block.** A piece of or parcel of land entirely surrounded by public highway, streets, streams, railroad rights-of-way or parks, or a combination thereof.

**Bond.** See *Performance Bond or Guaranty*.

**City Governing Body.** The City Governing Body of the City of Arkansas City, Kansas. Also see *Governing Body*.

**Comprehensive Plan.** The adopted comprehensive plan for the City of Arkansas City.

**Cul-de-sac.** A vehicular turnaround which is located at the closed end of a dead end street or alley.

**Curb cut.** The opening along a curb line at which point vehicles may enter or leave a roadway.

**Dedication.** A gift or donation of property by the owner to the City. 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.

**Developer.** 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.

**Drainage.** The process and course by which surface water moves across the land surface or is conveyed through channels, waterways, pipes, culverts, ducts, or other means. See *Stormwater Management*.

**Easement.** An interest in land that is held by someone other than the owner that entitles the holder to a specific limited use or right.

**Engineer.** The City Engineer, or such licensed engineer designated by the City to provide engineering assistance in administering these and other regulations governing areas of normal responsibilities assigned to the City Engineer.

**Engineering design.** The location (horizontally and vertically) of streets, alignment of all streets, storm sewers and public utilities, existing or proposed, in public rights-of-way and easements. Minimum elements of design included shall be: alignment, grades and widths of streets; alignment, sizes, grades and depths of all underground storm drainage systems and utilities, including associated fixtures (valves, curb inlets, junction boxes, manholes, hydrants, etc.); alignment, grades and widths of all existing and proposed easements; and the minimum lot area, width and length.

**Exactions.** Requirement of development to dedicate or pay for all or a portion of land for, or costs of, public facilities as a condition of development approval.

**Final plat.** A formal document by drawing and writing representing a subdivision which is prepared in accordance with these regulations to be placed on record with the Cowley County Register of Deeds.

**Floodplain.** Land which is subject to inundation of water as a result of what is commonly known as the 100-year flood, or land that has at least a one percent (1%) chance of flooding in any given year. Floodplain boundaries in the incorporated area of the City are shown on the Federal Insurance Administration's "Flood Hazard Boundary Maps" as adopted by the City.

**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.

**Governing Body.** The City Commission of the City of Arkansas City.

**Health Department.** The City-Cowley County Health Department.

**Impact fee.** A fee imposed by the City on new development pursuant to these regulations in order to mitigate the impacts on community facilities created by the demand for capital improvements by the new development. Impact fees do not include the dedication of rights-of-way or easements for such facilities, or the construction of such improvements.

**Improvements.** Streets, utilities and other facilities that are to be installed, or agreed to be installed, to current City specifications, by the subdivider on the land to be used for public or private use of the lot owners in the subdivision and local neighborhood traffic and drainage needs, as a condition precedent to the approval and acceptance of a final plat, lot-split or PUD.

**Improvement district.** An area deemed by the Governing Body to be benefitted by a public improvement and subject to a special assessment for all or a portion of the cost of the improvement.

**Land surveyor or registered land surveyor.** A licensed land surveyor registered in the State of Kansas or licensed to practice in the State of Kansas who is responsible for the survey and preparation of the final plat.

**Local street or minor street.** A street intended primarily for access to abutting properties and of limited continuity within a neighborhood.

**Lot.** A parcel or tract of land (legally described or platted) which is on record in the office of the Cowley County Register of Deeds.

**Lot, corner.** A lot abutting on two (2) or more streets at their intersection.

**Lot coverage.** That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, including projecting roof eaves.

**Lot depth.** The mean horizontal distance between the front and rear lot lines.

**Lot, double frontage.** A lot having a frontage on two (2) non-intersecting streets.

**Lot, interior.** A lot other than a corner lot which has frontage on one street only.

**Lot line.** The boundary line of a lot.

**Lot of record.** A lot which is part of a recorded subdivision or a parcel of land which has been recorded in the office of the Cowley County Register of Deeds.

**Lot split.** The dividing of a lot in a recorded plat or replat of a subdivision into not more than two parcels which creates an additional lot and meets the criteria established within these regulations.

**Lot width.** Generally the distance between the side lot lines at right angles at the building setback line. For lots that are not rectangular in shape, lot width is determined by measuring the distance across the width of the lot at the following points, with those measurements averaged together: (1) distance of lot width at front of lot at location where the building setback line intersects lot lines on both sides of the lot; and (2) distance of lot width at the back of lot at location where side lot lines intersect the innermost easement or right-of-way line.

**Major thoroughfare.** A street, highway or roadway designated as a major thoroughfare by the City.

**Marginal access streets or frontage roads.** A minor street which is parallel and adjacent to a major street, highway, or railroad right-of-way and provides access to abutting properties.

**Monument.** A device used to mark and identify the corners in the boundaries of subdivisions, blocks and lots and the points of curves in the street rights-of-way, and bearing the identification cap of the surveyor. These regulations create three categories of monuments, as follows, with each monument conforming to the standards for placement of boundary surveys as established by the Kansas Board of Technical Professions and further meeting the following requirements applicable to the category of monument:

*Monument.* A 24' long, 1/2" diameter solid bar to identify the corner boundaries of subdivision blocks. Monument locations shall be marked by a steel fence post. Exterior monuments shall be encased in concrete using a 12' long, 4" diameter section of PVC pipe.

*Lot Pin.* A solid bar to mark the corners, points of curvature and points of tangent of lots.

*Control Marker.* A pipe to mark the points of curvature, tangent and intersection of the centerline of street right-of-way. Control markers for point of intersection shall be 24' long 1/2" diameter pipe.

**Open space.** An area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas, or required front, rear or side yards.

**Pedestrian way.** A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

**Performance bond or guaranty.** Any form of guaranty acceptable by the Governing Body, most frequently a surety bond, cash deposit or letter of credit, made out to the Governing Body in an amount equal to the full cost of the improvements which are required by these regulations, with that cost being estimated by the City Engineer, and the surety bond or cash deposit being legally sufficient to secure to the Governing Body that the required improvements will be constructed in accordance with these regulations.

**Planned Unit Development (PUD).** A plan for the development of larger tracts of land as a total design complex which may include residential, commercial or industrial uses or a combination thereof, in a manner which encourages: innovation in development; a greater variety in type, design, and layout of buildings; conservation of land through more efficient use of open space; and efficient use of public facilities and services.

**Planning area.** The City of Arkansas City, Kansas, and all land in Cowley County lying outside said City, but within the boundaries of the Growth Area established by the City's adopted Comprehensive Plan.

**Planning Commission.** The City of Arkansas City, Kansas Planning Commission.

**Preliminary plat.** A tentative map or plan of a proposed subdivision of land showing the character and general details of the proposed development.

**Replat.** A new plat or a revision to a subdivision or portion thereof for which a final plat has previously been recorded. The approval of a replat is processed in the same manner as a final plat.

**Right-of-way.** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for any other special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

**Roadway.** That portion of a street, alley or highway right-of-way which has been graded, surfaced or otherwise improved for use by vehicular traffic, exclusive of sidewalks, driveways and related uses.

**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 erected or altered, except as otherwise provided in these regulations.

**Stormwater management.** The management of drainage to ensure that water moves in a manner that protects people and property from damage or flooding. Stormwater management includes man-made and natural channels, drainage structures, storage areas, sedimentation control and erosion control. See *Drainage*.

**Street.** A right-of-way, other than an alley, dedicated to public use, or a private right-of-way serving more than one ownership, which provides principal vehicular and pedestrian access to adjacent properties.

**Structure.** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Structures do not include fences but do include, but are not limited to: buildings, walls, sheds and towers.

**Subdivider.** A person, firm, corporation, partnership, or association who causes land to be divided into a subdivision for himself/herself or for others.

**Subdivider's agreement.** A contractual agreement signed and notarized by the subdivider and the Governing Body which is conditioned upon acceptance of the final plat for the dedications thereon with primary concern for the design, installation, inspection and financing or guarantees for public improvements.

**Subdivision.** Any division, redivision, or delineation of land into two (2) or more lots, parcels, tracts, or sites any one of which when divided has an area of five (5) acres or less for the purpose of transfer of ownership or urban development; or any division of land involving the vacation or dedication of right-of-way or alignment of an existing or proposed street or highway or any public utility easement, or the resubdivision of land heretofore divided into lots, sites, or parcels. The term, when appropriate to the context, also shall relate to the process of subdividing or to the land or area subdivided.

1. "Major subdivision" means all subdivisions not classified as minor subdivisions including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities or the creation of any new public improvements.
2. "Minor subdivision" means a division of land into two (2) but not more than five (5) lots, which does not include any new streets, improvements, easements or rights-of-way; a division of land in which each parcel is five (5) acres or more in area and which does not include any new streets, improvements, easements, rights-of-way, or other provisions for public areas and facilities; the division of land held by a bona fide partnership in existence for two (2) or more years upon dissolution thereof; a division of land among the immediate members of a family for personal use which does not include any new streets, improvements, easements, or rights-of-way.

**Subdivision regulations.** The adopted City of Arkansas City Subdivision Regulations.

**Zero lot line.** A one or two family dwelling subdivision which allows one (1) exterior wall of a structure on or within one (1) foot of a side property line and the other side yard is double the normal side yard required by the zoning district regulations.

**Zoning Administrator.** The person authorized and empowered by the Governing Body to administer these regulations.

**Zoning regulations.** The adopted City of Arkansas City Zoning Regulations.