

Ordinance Summary published in the Legal Record on _____ and the full text of the Ordinance made available at www.desotoks.us for a minimum of 1 week from the date of publication

Ordinance No. 2442 Summary

On April 5, 2018, the City of De Soto, Kansas, adopted Ordinance No. 2442, amending the City Subdivision Regulations to require that new subdivision approvals provide for High Speed Data Service for each buildable parcel within the subdivision (specifically Subsection 6.02 of Article 6 of the Subdivision Regulations). A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 32905 West 84th Street, De Soto, Kansas or at www.desotoks.us. This summary is certified by Patrick G. Reavey, De Soto City Attorney pursuant to K.S.A. 12-3001, et seq.

ORDINANCE NO. 2442

AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO REVISE SECTION 6.02 OF ARTICLE 6 OF THE DE SOTO SUBDIVISION REGULATIONS (INCORPORATED AS APPENDIX D TO THE DE SOTO CITY CODE VIA SECTION 16-301 OF ARTICLE 3 OF CHAPTER XVI) TO REQUIRE THAT NEW SUBDIVISIONS PROVIDE HIGH SPEED DATA SERVICE AS ONE OF THE "ADEQUATE PUBLIC FACILITIES" REQUIRED FOR APPROVAL

WHEREAS, the City Planning Commission has recommended that the Governing Body amend the City's Subdivision Regulations to specifically include High Speed Data Service as one of the Adequate Public Facilities to be provided for as part of the approval of a new subdivision; and

WHEREAS, all newspaper notifications were performed and a public hearing was properly held before the City Planning Commission as to the requested text amendment; and

WHEREAS, after review of the proposed text amendment, the Planning Commission recommended that said amendment be made part of the Zoning Regulations.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DE SOTO, KANSAS:

Section 1. That Section 6.02 of Article 6 of the City's Subdivision Regulations (incorporated as Appendix D to the De Soto City Code via Section 16-301 of Article 3 of Chapter XVI) is hereby amended to read as set forth below:

Section 6.02 Adequate Public Facilities.

A. General. In order to ensure: that property is developed only with appropriate urban services and in accordance with the service plans set out in the Comprehensive Plan; that subdivision of land is not scattered or premature involving danger or injury to the public health, safety, welfare or prosperity by reason of lack of adequate water supply, wastewater disposal, stormwater disposal, roads, right-of-way, or

other public services; or that would necessitate an excessive expenditure of public funds for the supply of such services (such as undue maintenance costs for inadequate roads or storm water drainage), 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 applicant shall, at the request of the Planning Commission, submit sufficient information and data on the proposed subdivision to demonstrate the expected impact on and use of public facilities by possible uses of said subdivision.

B. Standards.

1. Water Supply. There will be an adequate public water supply available for the proposed occupancy. An adequate public water supply shall include potable water for consumption and other inside and outside uses and adequate water pressure for fire flow to meet established standards for fire protection
2. Sanitary Sewer. There will be adequate connections to public wastewater disposal systems with adequate capacity to handle the type and volume of flow from the proposed occupancy with evidence that the existing system has capacity availability to accept the additional flows proposed. Limited, residential development may be served by a septic system subject to compliance with the regulations specified herein.
3. Storm Sewer. The proposed storm sewer system, both on-site and off-site, will be adequate to carry projected peak flows in a design storm without causing damage to downstream public or private property. The subdivider shall install culverts, storm sewers, rip-rap slopes, stabilized ditches, storm water detention facilities and other improvements necessary to adequately handle storm water. All improvements shall comply with the minimum standards of these regulations.
4. Stormwater Management. Drainage improvements shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent increases in downstream flooding. The City Engineer and Planning Commission may require the use of control methods such as retention or detention, and/ or the construction of offsite drainage improvements to mitigate the impacts of the proposed developments.
5. Roads. Proposed roads shall provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation; shall be properly related to the comprehensive plan; and shall be appropriate for the particular traffic characteristics of each proposed development.
6. Rights-of-Way. Right-of-way shall be provided as shown in the Comprehensive Plan and as required by these regulations.
7. High Speed Data Service. The development shall include provisions for a wired/terrestrial data infrastructure network capable of providing broadband internet services to each parcel within the subdivision.
8. Other Public Services. Other public services such as schools, police and fire protection, and emergency services, affected by the proposed development will be substantially adequate to serve the development at existing levels of service.

Section 2. City Staff is authorized to revise other portions of the City Code or Subdivision Regulations to be consistent with the above text amendments.

Section 3. This ordinance shall take effect and be enforced from and after its publication once in the official city newspaper.

PASSED by a 2/3 majority of the Governing Body of the City of De Soto, Kansas on the 5th day of April, 2018 by the Governing Body.

(Seal)

Rick Walker, Mayor

ATTEST:

Lana R. McPherson, MMC, City Clerk

APPROVED AS TO FORM:

Patrick G. Reavey, City Attorney