

ORDINANCE NO. 2640

AN ORDINANCE AMENDING THE SUBDIVISION REGULATIONS OF THE CITY OF DERBY, KANSAS AS FIRST ADOPTED BY ORDINANCE NO. 905 AND SUBSEQUENTLY AMENDED, MOST RECENTLY INCORPORATED BY REFERENCE VIA ORDINANCE NO. 2500 AS MOST RECENTLY AMENDED BY ORDINANCE NO. 2594.

WHEREAS, the City of Derby, Kansas (hereinafter "City") is granted authority by the statutes of the State of Kansas in K.S.A. 12-749 to amend existing subdivision regulations; and

WHEREAS, the Planning Commission on November 20, 2025, initiated an amendment of the existing subdivision regulations after the annual review of the Vision Derby 2040 Comprehensive Plan determined that amendments to the subdivision regulations are warranted; and

WHEREAS, the Planning Commission gave proper notice in the official City newspaper on March 25, 2026, and held a public hearing on April 16, 2026, at which time an opportunity was granted to interested parties to be heard; and

WHEREAS, at the conclusion of the public hearing the Planning Commission voted to recommend approval of amendments to the subdivision regulations and transmitted the same to Governing Body along with an accurate written summary of the proceedings of the public hearing; and

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

Section 1. The Subdivision Regulations of the City of Derby, Kansas (hereinafter "Regulations") are hereby amended as set out herein.

- 1. Article 603.C.1. of the Regulations is hereby amended to read as follows:
 - 1. Utility easements shall be provided where necessary and centered on rear or side lot lines and shall be at least 20 feet wide along rear lot lines and 10 feet wide along side lot lines; except that easements for street lighting, telephone or cable television purposes shall not in any event be required to exceed 10 feet. Side lot easements, when needed for other than street lighting purposes, may exceed 10 feet. When required by private utility companies, an easement not exceeding 10 feet wide shall be provided along front lot lines. Utility and drainage easements may be combined; however, no blanket easements for utilities shall be permitted.
- 2. Article 603.C.3. of the Regulations is hereby amended to read as follows:
 - 3. Pedestrian and Access Ways. Pedestrian and access ways shall be provided to establish a convenient and direct route to other existing or planned pedestrian ways, including hike and bike paths; to public features such as schools and parks; to connect open space areas such as Reserves in adjacent developments; for pedestrian access to and from commercial developments; between adjacent cul-de-sacs; at the end of a cul-de-sac that would allow access to a public sidewalk or other public facility; and other such situations as the Planning Commission determines would encourage pedestrian and bicycle friendly access. Pedestrian and access ways shall be provided to such destinations when the direct access distance can be reduced by 50 percent or 400 feet, whichever is less, unless a modification is permitted at the discretion of the Planning Commission under Section 11-1103.

Pedestrian and access ways shall be paved to a width equal to the maximum width of the pedestrian and access ways to which in connects and shall be located in a Reserve of at least twice the width of the pedestrian and access way, unless a modification is permitted at the discretion of the Planning Commission under Section 11-1103.
- 3. Article 902.A.5. of the Regulations is hereby amended to read as follows:
 - 5. Such split will result in a building site without direct access to an opened street, unless an access easement approved by the City Engineer or County Engineer is established prior to or concurrently with the lot split;

Section 2. All original provisions of the Regulations shall remain in full force and effect except as specifically amended herein.

Section 3. Any proceedings initiated prior to the effective date of the amended Regulations may proceed under the provisions of the Regulations in effect at the time the proceeding was initiated.

Section 4. The Regulations shall take effect and be in force and effect after adoption and publication of this Ordinance once in the City's official newspaper.

ADOPTED BY THE CITY COUNCIL this 27th day of May, 2026, and **SIGNED** by the Mayor.

/s/Mark A. Staats
Mayor

Seal:

Attest:

/s/Lynn Ciarleglio
City Clerk

Approved as to form:

/s/Jacqueline R. Butler
City Attorney