

CHAPTER I. GENERAL PROVISIONS

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1-101. TITLE AND SCOPE. These Regulations, entitled the “Subdivision Regulations of the City of McLouth, Kansas,” prescribe minimum design requirements and approval procedures for the development of new subdivisions and resubdivisions of land in the City of McLouth, Kansas.

1-102 PURPOSE. The division and improvement of land for urban and nonagricultural development has a significant and lasting impact upon the physical environment of the City of McLouth, Kansas, and it places increasing demands upon public facilities and services. The creation of new streets, lots and utility systems requires significant public and private capital investments. Failure to properly size and construct adequate sewers, streets and gas mains, ensure available water supplies, manage storm water runoff and erosion, and plan for extension of public streets and other public services results in physical and environmental problems which are difficult and costly to resolve.

In accordance with K.S.A. 12-741 et seq., and amendments thereto, it is the purpose of these Regulations to provide for the:

1. efficient and orderly location of streets;
2. reduction of vehicular congestion;
3. reservation or dedication of land for open spaces;
4. off-site and on-site public improvement;
5. recreational facilities which may include, but are not limited to, the dedication of land area for park purposes;
6. flood protection;
7. building lines;

8. compatibility of design; and,
9. any other services, facilities and improvements deemed necessary.

These Regulations sets forth uniform rules and procedures for the division and improvement of real property to assure that new subdivisions, and resubdivisions, are properly planned and integrated with existing streets, utilities and other public facilities systems; to prevent potential environmental hazards; to coordinate the use of private and public resources to achieve planned and orderly land development through proper location and design of streets, building lines, open spaces, and utilities; and to establish standards by which streets, utilities and other physical improvements shall be erected, constructed or installed.

1-103. JURISDICTION. These Regulations shall apply to all undeveloped land in the City of McLouth, Kansas, and all new lands attached to the corporate limits of the City of McLouth, Kansas through annexation.

1-104 APPLICABILITY. These Regulations shall apply to any person desiring to do any of the following:

1. Subdivide or further subdivide any lot, tract or parcel of land into two or more parts.
2. Re-subdivide any lot, tract or parcel of land that has previously been subdivided into two or more parts.
3. Establish any street, alley, sidewalk, park or other property intended for public use or for the use of prospective or existing owners of lots, tracts or parcels of land fronting on or adjacent to such property.

The owner(s) of any land located within the City of McLouth, Kansas, or who proposed to attach any land to the City of McLouth, Kansas through annexation in a manner previously cited, shall cause to be prepared a subdivision plat in accordance with the provisions of these Regulations. No zoning certificate shall hereafter be issued by the City of McLouth, Kansas, for construction on any land that has not been subdivided in compliance with these Regulations and all other applicable state laws and City of McLouth, Kansas regulations in effect at the time of the subdivision of the land.

1-105. EXEMPTIONS. These Regulations shall not apply in the following instances or transaction:

1. Any lot, tract or parcel of land located within the area governed by these Regulations that has been legally subdivided or platted prior to the effective date of these Regulations.

2. A transaction between owners of adjoining tracts of land or lots which involves only a change in the boundary between the land owned by such persons, provided no additional lots are created and such tracts of land or lots comply with the design requirements for lots in Section 4-104 of these Regulations and applicable provisions of the Zoning Regulations of the City of McLouth, Kansas.

3. The use of land for right-of-way by railroads or public utilities subject to local, state or federal regulations, provided no new street is created or involved.

4. The division of a lot which creates no more than one additional lot, subject to the provisions for lot splits described in Chapter 3 of these Regulations. The creation of any new streets or easements shall comply with the design requirements for lots in Section 4-104 of these Regulations and applicable provisions of the Zoning Regulations of the City of McLouth, Kansas. Any further division of either of the lots shall be platted in compliance with the requirements of these Regulations.

5. The division of platted lots used for industrial purposes only in accordance with state statutes, provided, the creation of any streets or easements shall comply with the design requirements in Section 4-104 of these Regulations and applicable provisions of the Zoning Regulations of the City of McLouth, Kansas.

1-106. VESTING OF DEVELOPMENT RIGHTS. In conformance with the provisions of K.S.A. 12-764, and any subsequent amendments, the following shall apply:

1. The rights of landowners of properties platted or subdivided for residential development in conformance with these Regulations shall be protected for use of said land for the intended residential purpose for a

period of ten (10) years from the time in which such property was first platted or subdivided, provided:

a. Verifiable evidence is presented showing the date in which said plat or subdivision of land was first created. Acceptable evidence shall be: signed and sealed certificates or plats of survey from a Registered Land Surveyor showing the several lots proposed to be created, either dated or dated and recorded with the Register of Deeds; recorded Restrictive or Protective Covenants for the development; recorded deeds conveying land; or recorded Affidavits of Equitable Interest on contracts for deed for said tracts of land.

b. Within said ten (10) year period actual sales occur resulting in separate owners of the tracts of land.

c. The division of the land was legally done in conformance with the Subdivision Regulations and applicable provisions of the Zoning Regulations of the City of McLouth, Kansas then in effect.

2. Except for lots in a recorded plat, any remaining contiguous tracts of land within the area divided under this rule held in common ownership at the conclusion of said ten (10) year period shall be considered an unplatted lot, as defined by these Regulations, and subsequent divisions of said lot shall be in conformance with the Subdivision Regulations and applicable provisions of the Zoning Regulations of the City of McLouth, Kansas then in effect.

3. Properties divided or platted for any use other than residential purposes shall not be permitted to develop, or further develop, except in conformance with these Regulations and applicable provisions of the Zoning Regulations of the City of McLouth, Kansas. Persons who obtain a validly issued permit under the previous Zoning Regulations of the City of McLouth, Kansas shall be permitted to develop the property so long as the permit issued under the previous Zoning Regulations of the City of McLouth, Kansas does not expire. Failure to start construction under said permit before the expiration of the permit shall not protect the owner from the provisions of the Subdivision Regulations or the applicable provisions of the Zoning Regulations of the City of McLouth, Kansas then in effect.

1-107.

DEFINITIONS. For the purposes of these ~~regulations~~ Regulations, certain terms and words are hereby defined. Words used in the present tense shall include both the past and the future, and words used in the future tense shall include the present; words in the singular number shall include the plural and words in the plural number shall include the singular; the word “building” shall include the word “structure”; the word “dwelling” shall include the word “residence”; the word “lot” shall include the word “plot”; the word “person” shall include individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities; the word “shall” is mandatory and not directory while the word “may” is permissive; and the phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”, and words importing the masculine gender shall include the feminine. Words or terms not herein defined shall have their ordinary and customary meaning in relation to the context.

1. **ACCESS:** The right to cross between public and private property, allowing pedestrians and vehicles to enter and leave property.

2. **AGRICULTURAL PURPOSES, LAND USED FOR:** The use of a tract of land for the production of plants, animals or horticultural products, including but not limited to: Forages; grains and feed crops; dairy animals and dairy products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental or greenhouse products. Land use for agricultural purposes shall not include the following:

a. Lands which are used for recreational purposes; suburban residential acreages; rural residential home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of the plants or animals listed herein.

b. The operation or maintenance of greenhouses, nurseries or hydroponic farms operated at retail.

c. Wholesale or retail sales as an accessory use, unless the same are permitted by these Regulations.

d. The operation or maintenance of a commercial stockyard or feedlot.

- e. The operation of an auction sales yard.
- 3. ALLEY: Public right-of-way, which provides a secondary means of access to abutting property.
- 4. BLOCK: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroads, rights-of-way, shoreline or waterways, or boundary lines of the City.
- 5. BOND: Any form of security including cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the City of McLouth, Kansas. All bonds shall be approved by the Governing Body whenever a bond is required by these Regulations.
- 6. CITY: City shall mean the City of McLouth, Kansas.
- 7. CITY ATTORNEY: The City Attorney, or such licensed attorney designated by the City Attorney or Governing Body, to furnish legal assistance for the administration of these regulations and responsible for the prosecution of all violations of these Regulations in accordance with the provisions contained herein, and as established by law.
- 8. CITY ENGINEER: The City Engineer, or such licensed engineer designated by the City Engineer or Governing Body, to provide engineering assistance in administering these and other regulations governing areas of normal responsibilities assigned to the City Engineer.
- 9. CORNER LOT: A lot abutting upon two or more streets at their intersection.
- 10. 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.
- 11. DOUBLE FRONTAGE: A lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

12. **EASEMENT:** A grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes. Also, a right acquired by prescription.
13. **FINAL PLAT:** The map, plan or record of a subdivision and any accompanying materials, as described in these Regulations.
14. **FLAG LOT:** A lot, tract or parcel of land that provides minimum frontage to a road or street by a narrow strip of land and whose main body of land lies to the rear of the property.
15. **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 coincidental.
16. **GOVERNING BODY:** The city council of the City of McLouth, Kansas.
17. **GRADE:** The slope of a road, street or other public way (rise/run) specified in percent (%).
18. **IMPROVEMENTS:** All facilities constructed or erected by the developer and/or public entity within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, commercial or industrial use.
19. **LOT:** A parcel of land occupied or intended for occupancy as permitted in these regulations, including one (1) main building or unit or group of buildings together with permitted accessory buildings and required yard areas and parking spaces, having its principal frontage upon a public street, metes and bounds described tracts, but must be under single ownership and, when comprised of more than one (1) parcel, must be contiguous, as required by these Regulations and/or the Zoning Regulations of the City of McLouth, Kansas. A lot may be more than one lot of record under single ownership or control, or may be a metes-and-bounds described tract under single ownership or control having its principal frontage upon a street.

20. **LOT SPLIT:** The dividing or re-dividing of a lot or lots into not more than two tracts or lots, subject to the requirements of Chapter 3 of these Regulations.
21. **MONUMENT:** The device, usually a metallic bar or tube, used to mark and identify the corners in the boundaries of subdivisions or lots.
22. **OWNER:** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in a tract of land.
23. **PRELIMINARY PLAT:** The preliminary drawing or drawings, described in these Regulations, indicating the proposed manner or layout of the subdivision.
24. **RESUBDIVISION:** A change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, any area reserved thereon for public use, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions. Tract or lot splitting may be allowed as specified within these Regulations.
25. **RIGHT-OF-WAY:** A strip of land dedicated or reserved for use as a public way, which normally includes streets, sidewalks, or other public utility or service areas.
26. **SETBACK:** The distance between a building and the lot line, or road right-of-way line, whichever provides the desired minimum distance.
27. **SHORT-FORM PLAT:** A map or drawing of a proposed subdivision containing four lots or less giving, in form suitable for filing in the office of the County Register of Deeds, necessary affidavits, dedications and acceptances, and containing a complete legal description (including referenced to field markers) sufficient to locate on the ground all streets, alleys, blocks, lots and other divisions of the subdivision.
28. **SIDEWALK:** A paved walkway located along the side of a street.
29. **STREET:** An easement or right-of-way, other than an alley, which provides principal access to adjacent properties.

a. Arterial Street: A street or thoroughfare which primarily serves as a transportation link for vehicular traffic and which prohibits direct access from residential lots. An arterial street may be classified as either a Major Arterial or a Minor Arterial, as defined in the Highway Functional Classification system of the U.S. Department of Transportation, Federal Highway Administration.

b. Collector Street: A street intended to move traffic from local streets to arterial streets. A collector street serves a neighborhood or large subdivisions and should be designed to discourage residential properties from facing onto it. A collector may be classified as either a Major Collector or Minor Collector, as defined in the Highway Functional Classification system of the U.S. Department of Transportation, Federal Highway Administration.

c. Local Street: A street intended to provide access to other streets from individual properties.

d. Cul-de-sac: A local street with only one outlet and having a circular turnaround for the safe and convenient reversal of traffic movement.

e. Dead End Street: A street having only one outlet.

f. Frontage Street: A public or private, marginal access roadway, generally paralleling and contiguous to a street or highway, providing access to abutting properties. A frontage road is designed to promote safety by eliminating unlimited ingress and egress to the principal street or highway by providing points of access at generally uniformly spaced intervals.

g. Major Street. For purposes of these Regulations, a Major Street shall consist of all arterial and collector streets.

h. Offset Street: A continuous street whose centerline is not tangent through an intersection.

30. SUBDIVISION: Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots or interests for the purpose of offering the same for sale, lease or development, either on the

installment plan or upon any and all other plans, terms and conditions, including resubdivision. A subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes-and-bounds description, map, plat or other recorded instrument.

31. **SUBDIVISION, NON-RESIDENTIAL:** A subdivision which is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these Regulations.

32. **WALKWAY:** Any pathway, surfaced or otherwise, intended for pedestrian use only.

33. **ZONING ADMINISTRATOR:** The person or persons authorized and empowered by the Governing Body to administer the requirements of these Regulations.