

CHAPTER II. PROCEDURE FOR APPROVAL OF SUBDIVISION

Article 1. General Provisions

Article 1. GENERAL PROVISIONS

2-101. GENERAL PROVISIONS. This Article establishes uniform procedures and platting requirements for subdivisions subject to these Regulations. No final plat shall be filed or recorded with the Register of Deeds of Jefferson County, Kansas as required by law, unless and until it has been acted upon by the Planning Commission and approved by the Governing Body as required herein.

2-102. PRE-PLATTING CONFERENCE. Any person desiring to subdivide land which is subject to these Regulations shall be required to attend a pre-platting conference with the Zoning Administrator as a first step to filing an application for a preliminary plat. Arrangements for this conference shall be made by contacting the Zoning Administrator.

The purpose of the pre-platting conference is to inform the City staff of possible future subdivisions so that the staff may determine and inform the applicant of the effect, feasibility, and compatibility of the proposal in relation to the City's utility and street system, and any City development policies and plans. The conference enables the staff to inform owners and their agents of the general conformance or nonconformance of the subdivision proposal with these Regulations, identify additional requirements for further processing of the proposal, and to advise them of applicable zoning provisions or conflicts, and special design consideration presented by particular environmental features on or affecting the site including, but not limited to: flood plains, excessive slope areas, soil problems, and high water tables.

The landowner or his representative may, if he deems it desirable, prepare a schematic drawing of the proposed subdivision in order to receive any pre-plat comments of the staff which may prove helpful in designing the preliminary plat. The sketch plan should convey the location of the proposed subdivision including the location and size of streets and the orientation, number and dimensions of the lots, plans for water supply and sanitary sewage disposal, and any particular design problems posed by the existing natural or man-made conditions and characteristics of the site which could benefit from an early discussion.

In addition to the Zoning Administrator and representatives of the owner(s) intending to subdivide the land, principal participants involved in the pre-platting conference may include the City Utilities Superintendent and other persons and agencies as applicable. No verbal, written or schematically illustrated statements made during the course of the conference shall be held as legally binding or construed in any way as granting or assuring approval of the proposed subdivision. The Governing Body has final authority on all subdivision plats, upon action from the Planning Commission.

2-103. PRELIMINARY PLAT.

1. APPLICATION. A subdivision application form shall be filed with the Zoning Administrator and shall be accompanied by 10 copies of the preliminary plat. The appropriate fee shall be paid upon filing the application.

2. PRELIMINARY PLAT CONTENTS. The following information shall be shown on the preliminary plat or attached thereto:

a. ITEMS PERTAINING TO THE TITLE.

(1) The name of the proposed subdivision.

(2) Location of the subdivision by reference to a section corner.

(3) The name and address of the owner/developer and the licensed land surveyor who prepared the plat.

(4) North arrow.

(5) Date prepared and scale of the drawing. The preliminary plat shall be drawn to a scale of not less than 1" = 100'; however, with special conditions and prior approval of the Zoning Administrator, this scale may be exceeded.

(6) The general description of the property.

b. ITEMS PERTAINING TO THE SUBJECT PROPERTY (EXISTING).

(1) All of the land to be platted, as well as all platted or unplatted adjacent properties within 1,000 feet shall be shown. The boundary of the platted area shall be accurately indicated by a heavy solid line.

(2) Existing contours with the contour intervals not more than two (2) feet; provided, contour intervals may be modified or replaced with spot elevation following site inspection by the Zoning Administrator and the City Engineer for Short Form plats and plats proposing few lots, but only where conditions warrant. All elevations and contours shall be referenced to USGS datum.

(3) The location, width and names of all existing platted or private ways within or adjacent to the tract, together with easements, railroad and utility right-of-way, parks and other significant features such as city limit lines and survey monuments.

(4) Environmental features including the location and direction of drainage channels and areas subject to flooding by the Intermediate Regional Flood (100-year flood).

(5) All airports, sanitary landfills, feedlots, or other similar uses located within two (2) miles of the proposed plat shall be shown on a vicinity map.

c. ITEMS PERTAINING TO THE PLAT (PROPOSED).

(1) Layout and names of streets, with general dimensions and appropriate grades, and their relationship to adjoining or projected streets or roadways.

(2) Intended layout, numbers and dimensions of lots.

(3) Parcels of land intended to be dedicated or reserved for parks, schools, or other public use, or to be reserved for the use of property owners within the subdivision.

(4) Location and type of utilities to be installed, including the approximate location of extensions of any sanitary sewers, storm sewers, water mains, and gas mains.

(5) Utility and other easements indicating width and purpose.

(6) A statement or other indication of phasing of the development and an appropriate timetable if applicable.

(7) Vicinity sketch which indicates the relationship between the proposed subdivision and surrounding properties within 1,000 feet, showing streets and other features.

d. ITEMS TO ACCOMPANY THE PRELIMINARY PLAT.

(1) The names and addresses of all owners of property within 1,000 feet of the proposed platted area. The applicant may submit the same list of owners of property within 1,000 feet submitted for the zoning application provided the application for preliminary plat is made within six months of the application for such rezoning.

3. APPLICATION COMPLETE. Upon receipt of the preliminary plat and supporting data required in this Section, the Zoning Administrator shall certify the application as complete and affix the date of application acceptance on the plat or application form. He shall then place the preliminary plat on the agenda for consideration at the first available meeting of the Planning Commission.

4. GENERAL CITY STAFF AND UTILITY REVIEW. The Zoning Administrator shall distribute copies of the preliminary plat to the appropriate City of McLouth, Kansas departments and agencies, and the affected utility companies, for review and comment. All general staff and utility review comments shall be coordinated by the Zoning Administrator and shall be forwarded along with a report and recommendation to the Planning Commission.

5. PLANNING COMMISSION REVIEW AND ACTION. The Planning Commission shall conduct a public hearing on the preliminary plat of which notice shall be published once in the official City newspaper at least 20 days prior to the date of the hearing. In addition, notices of the public hearing on the proposed preliminary plat shall be mailed by certified mail, return receipt

requested, to all property owners within 1,000 feet of the proposed plat. The Planning Commission shall review the preliminary plat for compliance with the provisions of these Regulations. After reviewing the preliminary plat based on the objectives and requirements of these Regulations, comments from concerned citizens, and the report from the Zoning Administrator, the Planning Commission shall take action on the acceptance, modification, or rejection of the preliminary plat. Approval of the preliminary plat by the Planning Commission shall permit the applicant to proceed with the filing of a final plat as described in Section 2-104. The Zoning Administrator shall forward a statement of action taken by the Planning Commission to the Governing Body. The Governing Body, at its request, may require that it must approve the preliminary plat before the applicant can submit a final plat.

6. EFFECT OF APPROVED PRELIMINARY PLAT. Approval of the preliminary plat does not constitute final acceptance of the subdivision by the City of McLouth, Kansas. The preliminary plat establishes the overall layout and design of the proposed subdivision and authorizes the applicant to prepare a final plat. Any deviation of the final plat from the intent of the approved preliminary plat, as determined by the Planning Commission, shall be disallowed and shall cause the reinitiation of the preliminary platting process. The applicant shall file a final plat application along with the required documents described in Section 2-104 within one (1) year of the approval of the preliminary plat by the Planning Commission and/or Governing Body. Upon failure to do so within the time specified, approval of the preliminary plat is null and void, unless an extension of time, limited to six (6) months, is applied for by the owner/developer and granted by the Planning Commission. An extension shall be granted only once.

2-104. FINAL PLAT.

1. APPLICATION. The final platting process is intended to provide a complete surveyed drawing of the subdivision for the purpose of providing a legal record of lots, streets, areas for dedication, and easements for future reference and transactions. The final plat submitted may be for all of the property approved in the preliminary plat or may be for only a portion or “phase” thereof.

The applicant shall file 10 copies of the final plat with the Zoning Administrator, along with the additional information required herein. Said final plat shall be prepared by a registered land surveyor, and so sealed. In addition to the ten (10) ~~40~~ copies, one (1) original final plat shall be submitted at least ten (10) days prior to the Planning Commission meeting.

Said original final plat shall be clearly and legibly drawn in waterproof black ink on Mylar. The page sizes shall be 22 inches by 36 inches. Larger or smaller sizes will not be accepted. The scale shall be not less than 1" = 100', except that a variation in scale may be allowed where the Zoning Administrator determines it is necessary for a proper exhibit of the subdivision. When more than one sheet is used for any plat, each such sheet shall be numbered consecutively and each such sheet shall contain a notation showing the whole number of sheets in the plat and its relation to other sheets (e.g. sheet 1 of 3 sheets).

2. FINAL PLAT CONTENTS. The following information shall be shown on the final plat or attached thereto:

a. ITEMS TO BE INCLUDED ON THE FINAL PLAT.

(1) The lines and names of all proposed streets or other ways or easements, and other open spaces intended to be dedicated for public use or granted for use of inhabitants of the subdivision.

(2) Lines and names of all adjoining streets within 200 feet.

(3) The length of all straight lines, deflection angles, and radii, arcs and central angles of all curves, along the center line and the property lines of each street. All dimensions along the lines of each lot with the true bearings and angles of intersection which they make with each other, and also any other data necessary for the location of any lot line in the field. If more convenient, calculated bearings may be used instead of angles.

(4) The location of all building setback lines.

(5) Suitable primary control points, approved by the City Engineer, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data given on the plat shall be referred. All dimensions shall be shown in feet and decimals of a foot.

(6) Location and elevation of a permanent bench mark.

(7) The location of all permanent monuments with the distance between them, and sufficient curve data plainly marked. These monuments shall be located at all block corners.

(8) Date of preparation, title, north point, and scale shall be included. The title shall include the name of the subdivision under which it is to be recorded. The north point may indicate either the magnetic or true north and shall be so designated on the plat.

(9) The boundary of the subdivided tract, with courses and distances marked thereon, which shall be determined by survey in the field; shall be balanced and closed; and shall be made by a qualified surveyor. The error of closure for a perimeter distance having a length of 10,000 feet or more shall not be more than one (1) in 20,000. For perimeter distances less than 10,000 feet in length, the error of closure shall not be more than one (1) in 10,000.

(10) An identification system for all lots and blocks, and the area in square feet on each lot.

(11) The certification of the land surveyor making the plat, his seal and signature.

(12) The acknowledgement of a notary.

(13) A certification of the Planning Commission showing its approval to the plat.

(14) The approval of the Governing Body.

(15) The certificate of the Register of Deeds.

(16) Title insurance certification, or a certificate of title, prepared by a competent attorney showing that the proposed subdivider owns all the property within the plat in fee, and that it is free from encumbrances and liens; but if encumbered, the mortgagee shall be required to consent to the plat.

(17) Statement by the owner dedicating streets, rights-of-way, and any sites for public use.

(18) Such other certificates, affidavits, endorsements, or dedications as may be required by the Planning Commission in the enforcement of these Regulations.

(19) Purpose for which sites, other than residential lots, are dedicated or reserved.

(20) Marginal lines encircling the sheet. All lettering, signatures and seals shall be within this margin.

(21) Legal description of the subdivision.

b. ITEMS PERTAINING TO THE FINAL PLAT.

(1) Two (2) copies of separate drawings, prepared by a professional engineer, showing a profile and cross section of all streets, alleys or public ways to be dedicated for public use, as well as any drainage or other improvements required by the Planning Commission, Governing Body, and/or City Engineer. The profiles and cross sections shall be drawn to specifications as on file and acceptable to the City Engineer's office.

(2) A certificate which states that the person or person(s) whose names are signed to this document and/or appear on the plat are the sole and lawful owners of the property, that the plat is made with their desires, and that they dedicate the areas shown on the plat or as set forth in the document to the perpetual use and ownership of the public for the specific purpose stated therein or thereon. Ownership shall be verified by the City Clerk.

(3) Certification by the County Clerk showing that all due or unpaid taxes have been paid in full.

(4) A copy of any restrictive covenants applicable to the subdivision, if any; provided, the developer or subsequent homeowners association shall be responsible for the enforcement of any and all restrictive covenants filed for any subdivision, and no provisions of said restrictive covenants shall supersede any

restrictions or regulations established by these or any other local, state, or federal rules, regulations, or laws.

(5) Three (3) copies of a properly executed written agreement by the developer to undertake and complete, to the satisfaction of the City, all public improvements required as a condition for approval of the plat. The agreement shall also set out the time limit for the completion of the specified work, the amount of bond or other acceptable surety to be posted as security for satisfactory completion of the work, and the right of the City, in the event the required work is not completed in a proper or timely manner, to perform or complete the work and recover the actual costs thereof from the developer or the developer's sureties. The developer's agreement for public improvements will set out the public improvements required and also set out or incorporate by appropriate reference, the plans and specifications for said improvements. The developer's agreement and bond for required public improvements shall be reviewed and approved as to the form and content by the City Engineer or City Utilities Superintendent and the City Attorney. The Governing Body may defer the submission of the written agreement until after the final plat has been approved.

3. APPLICATION COMPLETE. Upon receipt of the final plat, engineering drawings, and certification documents required in this Section, the Zoning Administrator shall certify the final plat application as complete. He shall then place the final plat on the agenda for consideration at the next regular meeting of the Planning Commission which is held no less than 10 days after said application ~~or~~ and no more than 45 days thereafter.

4. GENERAL CITY STAFF AND UTILITY REVIEW. The Zoning Administrator shall transmit copies of the final plat, along with the other documents submitted, to the appropriate City of McLouth, Kansas departments and agencies, and utility companies as the Zoning Administrator deems necessary for review and to assure compliance with the approved preliminary plat. The Zoning Administrator shall serve as final plat coordinator. All general staff and utility review comments shall be coordinated by the Zoning Administrator and shall be forwarded along with a report and recommendation to the Planning Commission

5. **PLANNING COMMISSION REVIEW AND ACTION.** The Planning Commission shall review the final plat for compliance with the approved preliminary plat and for completion of all final plat requirements. After consideration, the Planning Commission shall either recommend the Governing Body approve or deny the final plat, or table for additional information. The Zoning Administrator shall forward a statement of action taken by the Planning Commission together with the minutes and the original and eight (8) copies of the final plat to the Governing Body.

6. **GOVERNING BODY REVIEW AND ACTION.** Upon recommendation from the Planning Commission, the Governing Body shall take action to approve or disapprove the final plat, including the acceptance of street and other public way dedications, service and utility easements, and land dedicated for other public use.

7. **RECORDING OF FINAL PLAT.** The final plat shall be recorded and filed with the Register of Deeds of Jefferson County, Kansas, after approval of the final plat by the Governing Body as required by State law.

2-105. **SHORT-FORM PLAT.**

1. **APPLICATION.** A short-form plat procedure is included within these Regulations for the purpose and intent of providing a means of approving a subdivision of land that contains four lots or less and, in all other respects, meets the requirements of these Regulations. As such, a short-form plat shall serve as the final plat of the subdivision.

The submission and approval of a preliminary plat is not required as a prerequisite for a short-form plat approval; provided, that the public hearing requirements outlined herein for preliminary plats shall be applicable and all short-form plats shall be subject to a public hearing.

If the proposed subdivision qualifies for a short-form plat, the applicant shall file ten (10) copies of the plat with the Zoning Administrator along with the information required herein.

2. **SHORT-FORM PLAT CONTENTS.** A short-form plat must be drawn with waterproof black ink on Mylar and must be drawn to a scale of not less than 1" = 100'. In addition, contour information must be provided on a separate drawing to the same requirements as specified in Section 2-103(2)(b)(2)

herein. Except for the above requirements, a short-form plat must meet all of the requirements necessary for the approval of a final plat as stated herein, including but not limited to all bonding requirements.

3. SHORT-FORM PLAT REVIEW AND ACTION. The review and approval procedures for a short-form plat are the same as specified herein for a final plat, except that a public hearing shall be held in compliance with the requirements and procedures outlined herein for a preliminary plat.