SUBDIVISION REGULATIONS

FOR

THE CITY OF RUSSELL, KANSAS

PREPARED AT THE DIRECTION OF THE

RUSSELL CITY PLANNING COMMISSION

BY

EARLES & RIGGS

ENGINEERS · PLANNERS · ARCHITECTS

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SUBDIVISION REGULATIONS

RUSSELL, KANSAS

AN ORDINANCE REGULATING LAND DEVELOPMENT PRACTICES; DETERMINING PLATTING PROCEDURES AND PROCESSES; ESTABLISHING MINIMUM DESIGN STANDARDS FOR IMPROVEMENTS AND UTILITIES; PROVIDING FOR DEDICATION OF PUBLIC SPACES; ESTABLISHING PROCEDURES FOR INSTALLATION OF IMPROVEMENTS; ESTABLISHING LOT SPLIT PROCEDURES; PROVIDING FOR APPEALS, VARIANCES, AND AMENDMENTS; PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND REPEALING THE EXISTING SUBDIVISION REGULATIONS AND AMENDMENTS THERETO.

BE IT ORDAINED BY THE GOVERNING BODY THAT:

ARTICLE I

GENERAL PROVISIONS

SECTION 1. TITLE: These regulations shall be known and may be cited as the "Subdivision Regulations for Russell, Kansas," and shall hereinafter be referred to as "these regulations."

SECTION 2. PURPOSE AND INTENT: It is the purpose of these regulations to provide for proper and harmonious development practices toward the goal of fostering wise use and conservation of the land resources of the Russell Planning and Zoning jurisdiction. Within this purpose, these regulations are intended to:

1. To protect and provide for the public health, safety and general welfare of the City.

2. To preserve the natural beauty and topography of the municipality and to insure appropriate development with regard to these natural features.

3. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population.

4. To guide the future growth and development of the City in accordance with the comprehensive plan.

5. To establish reasonable standards of design and procedures for subdivision and re-subdivisions; to further the orderly layout and use of land to insure proper legal descriptions and proper monumenting of subdivided land.

6. To provide for the actual construction of physical improvements.

7. To provide equitable processing of all subdivisions and land development proposals by providing uniform procedures and standards.

SECTION 3. AUTHORITY: These regulations are adopted pursuant to powers and jurisdictions authorized by KSA 12-741 et seq. and other applicable laws, statutes, and regulations of the state and amendments thereto.

SECTION 4. JURISDICTION: These regulations shall apply to all land located within the zoning jurisdiction of the City of Russell, Kansas.

SECTION 5. APPLICABILITY: The regulations contained herein shall apply to the subdivision of a tract or parcel of land into two or more lots, tracts, or other divisions of land for the purpose of sale or building development, whether immediate or future, including the resubdivision or re-platting of land or lots.

SECTION 6. EXEMPTIONS: The following shall be exempt from the requirements of these regulations:

1. Any lot, parcel, or tract of land within the area of jurisdiction which was legally subdivided, re-subdivided, or re-platted prior to the adoption of these regulations.

2. Any lot, parcel, or tract of land which has been ordered by law to be partitioned.

3. Correction of a legal description in a prior conveyance.

4. Land which is to be used for cemetery purposes.

5. A division of land in accordance with the provisions of these regulations which creates no more than one additional lot or tract and which does not involve any new streets or easements of access; is not located in area subject to flooding; which meets the standards set by these regulations for the disposal of sewage and for water supply including lot size; and which conforms with any applicable zoning regulations, provided that the resulting tracts shall not again be divided without re-platting.

6. A transaction between owners of adjoining land involving only a change in the boundary between the land owned by such persons and which does not create an additional lot or which does not result in the creation of a substandard lot by either owner according to any applicable zoning regulations or sanitary code.

7. The resubdivision of land used for industrial purposes.

8. A division or land for agricultural purposes into parcels or tracts of not less than five acres, which will not involve any new streets or easements of access and will not affect major streets.

9. Land used for a public purpose including the dedication of a parcel of land for a public use or instruments relating to the vacation of land for a public use.

10. Land used for street or railroad right-of-way, a drainage easement or other public utilities subject to local, state or federal regulations, where no new street or easement of access is involved.

SECTION 7. RESTRICTIVE COVENANTS: The City of Russell, Kansas, shall have the right to confer with the subdivider regarding the type and character of development that will be permitted in the subdivision and may require certain minimum regulations be incorporated in the subdivision and/or deed restrictions. Such regulations shall protect the character and value of the development within the subdivisions and the value of surrounding property.

SECTION 8. INTERPRETATION:

1. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

2. These regulations are not intended to interfere with, abrogate, or annul any other resolution, regulation, statute, or other provision of law. Where any provision herein imposes restrictions, different from those imposed by any other provision of these regulations or any other resolution, regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

3. These regulations are not intended to abrogate any easement, covenant, or other private agreement, provided; however, that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement, the requirements of these regulations shall govern.

4. A subdivision of land which was not lawfully existing at the time of the adoption of these regulations shall not become or be made lawful solely by reason of the adoption of these regulations.

SECTION 9. RULES OF CONSTRUCTION:

1. Unless the context clearly indicates to the contrary:

   a. The word "shall" is always mandatory and the word "may" is always permissive.

   b. The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."

   c. The word "building" includes "structure," and a building or a structure includes any part thereof.

   d. The singular number includes the plural and the plural the singular.

   e. The present tense includes the past and future tenses and the future the present.

SECTION 10. NOTICE TO THE COUNTY:

1. Whenever amendments to the text of these regulations are proposed, written notice of such proposed action shall be given to the Board of County Commissioners at least twenty (20) days prior to the proposed action.

ARTICLE II

DEFINITIONS

SECTION 1. APPLICABILITY: For the purposes of these regulations, certain numbers, abbreviations, and words used herein shall be used, interpreted, and defined as set forth in this Article. Any word or phrase which is defined in this Article, or elsewhere in these regulations, shall have the meaning as so defined whenever the word or phrase is used, unless such definition is expressly limited in its meaning or scope.

SECTION 2. DEFINITIONS: The following words and phrases, when used in these regulations, shall have the meanings respectively ascribed to them:

1. *Administrator.* A person designated by the Governing Body as the administrator of these regulations.

2. *Agriculture.* The use of a tract of land under one ownership for growing crops, pasturage, horticulture, nurseries, truck farms, dairying, or the raising of poultry or cattle and other livestock, including commercial feed lots and the structures necessary for carrying out farming operations and the dwelling(s) of those owning and/or operating the premises such as a member of the family thereof or persons employed thereon and their families. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use.

3. *Alley.* A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

4. *Applicant.* The owner or duly designated representative of land proposed to be subdivided, or for which other action has been requested. Consent shall be required from the legal owner of the premises.

5. *Approved Public Sanitary Sewer System*: A sewage disposal plant, main sanitary sewer lines and other lines approved by the City of Russell, Kansas and by the Kansas State Department of Health.

6. *Approved Public Water System*: Water treatment plant and service lines approved by the City of Russell, Kansas and by the Kansas State Department of Health.

7. *Area.* The size of a piece of land, usually described in terms of square feet or acres.

8. *Arterial Street.* Any street serving major traffic movements which is designed primarily as a traffic carrier between cities or between various sections of a city or county, which forms part of a network of through streets, and which provides service and access to abutting properties only as a secondary function.

9. *Block.* A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroads, rights-of-way, shorelines, or boundary lines of the municipality.

10. *Bond.* A form of security, including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Governing Body.

11. *Building.* Any covered structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind and which is permanently affixed to the land.

12. *Building Setback Line.* A line on a lot indicating the limit beyond which buildings or structures may not be erected or altered and establishing the minimum open space to be provided. Such line may be more, but not less restrictive than applicable zoning or other regulations.

13. *City Engineer.* The person responsible to perform the duties of the City Engineer including any and all special engineers as appointed by the Governing Body.

14. *Collector Street.* Any street designed primarily to gather traffic from local or residential streets and carry it to the arterial system.

15. *Comprehensive Plan.* The adopted Comprehensive Development Plan for the City of Russell including modifications or refinements which may be made by amendments from time-to-time.

16 *County.* Russell County, Kansas.

17. *Cul-de-sac.* A street having only one outlet and being permanently terminated by a vehicle turnaround at the other end.

18. *Dead-end Street.* A street having only one outlet.

19. *Design.* The location of streets, alignment of streets, grades and widths of streets, alignment of easements, grades and widths of easements, alignment and rights-of-way for drainage and sanitary sewers, and the designation of minimum lot area, width and length.

20. *Developer.* The legal or beneficial owner of all of the land proposed to be included in a subdivision or planned development or duly authorized agent thereof, the holder of an option or contract to purchase, a lessee having a remaining term of not less than forty (40) years, or other person having an enforceable proprietary interest in such land, shall be deemed to be a developer for the purpose of these regulations.

21. *Easement.* A grant by a property owner of the specific use of a strip of land by others.

22. *Engineer.* When used in the sense as designing or surveying the plat or subdivision, he shall be a professional engineer or a surveyor licensed by the State of Kansas or licensed to practice in the State of Kansas. When used in connection with designing or engineering any improvements either on-site or off-site, he shall be a professional engineer licensed by the State of Kansas or licensed to practice in the State of Kansas.

23. *Fence.* A freestanding structure of metal, masonry composition, or wood or any combination thereof resting on or partially buried in the ground and rising above ground level, used for confinement screening or partition purposes.

24. *Final Plat.* A subdivision as it is represented as a formal document by drawing and writing which is prepared in accordance with these regulations to be placed on record with the County of Register of Deeds.

25. *Floodplain.* A watercourse and land adjacent to a watercourse subject to inundation from a flood having a chance occurrence in any one year of one percent.

26. *Frontage.* The property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street; or with a dead-end street, all property abutting one side of such street measured from the nearest intersecting street and the end of the dead-end street.

27. *Governing Body.* The City Council of the City of Russell, unless otherwise identified as another city, township or county governing body cooperating in the installation of improvements.

28. *Half-Street.* A street bordering one or more property lines of a subdivision tract to which the subdivider has allocated only a portion of the ultimate and intended street width.

29. *Improvements.* All facilities constructed or erected by a subdivider or the general public within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, commercial, or industrial use.

30. *Landscaping.* The improvement of a lot, parcel, or tract of land with grass, shrubs, and/or trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

31. *Land Use Plan.* A portion of the comprehensive plan indicating the general anticipated use of the land within the city planning jurisdiction.

32. *Local Street.* Any street designed primarily to provide access to abutting property and of limited continuity within a neighborhood.

33. *Lot.* A portion of land in a subdivision, or other parcel of land, intended to be the unit by which such land would be individually transferred and/or developed, whether immediate or future.

34. *Lot Depth.* The distance between the midpoint of the front lot line and the midpoint of the rear lot line.

35. *Lot, Double Frontage.* A lot, two opposite lot lines of which abut upon streets which are more or less parallel.

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

37. *Lot Split.* The dividing or re-dividing of a lot or lots in a recorded plat of a subdivision into not more than two tracts which meet the criteria established within these regulations.

38. *Lot Width.* The distance on a horizontal plane between the side lot lines of a lot, measured at right angles to the line establishing the lot depth at the established building setback line.

39. *Major.* A street, highway or roadway designated as such on the official major street plan of the Comprehensive Plan.

40. *Marginal Access Streets.* A local street which is parallel with and adjacent to a limited access highway or arterial street, and which provides access to abutting properties and protection from fast through traffic on the limited access highway or arterial street.

41. *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.

42. *Owner.* Any person or persons, firm or firms, corporation or corporations, or any other legal entity having legal title to land sought to be subdivided under these regulations.

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

44. *Planning Commission.* The City Planning Commission of Russell, Kansas.

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

46. *Protective Covenants.* Restrictions governing the use of land within a given subdivision placed on the land by the owner at the time of platting.

47. *Resubdivision.* The subdivision of a tract of land which has previously been lawfully subdivided and a plat of such prior subdivision duly recorded. (Sometimes also referred to as a "replat.")

48. *Right-of-way.* The area between boundary lines of a street or other easement.

49. *Road or Roadway.* The paved or improved area existing on the street right-of-way which is used for vehicular traffic, exclusive of sidewalks, driveways, or related uses.

50. *Secretary.* Secretary of the Planning Commission.

51. *Screening.* Decorative fencing, evergreen vegetation, earthen mounds, or a combination of these maintained for the purpose of concealing from view the area behind such structures or evergreen vegetation.

52. *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.

53. *Sidewalk.* A pedestrian walkway with a concrete surface constructed to city minimum standards.

54. *Sketch Plan.* A map or plan of a proposed subdivision preparatory to the preparation of the preliminary plan to enable the subdivider to save time and expense in reaching tentative general agreements by a discussion of the form and objectives of these regulations.

55. *Street.* A right-of-way, other than an alley, dedicated to public use, which provides principal vehicular and pedestrian access to adjacent properties.

56. *Street, Cul-de-sac.* A street having only one outlet and being permanently terminated by a vehicle turn-around at the other end.

57. *Street, Frontage.* A public or private marginal access street generally paralleling and contiguous to any arterial or a collector street and designed to promote safety by eliminating unlimited ingress and egress to such arterial or collector street by providing points of access at predetermined and more or less evenly spaced intervals.

58. *Street, Private.* Any street designed for vehicular traffic not dedicated as a public thoroughfare. The City has no maintenance responsibilities for a private street.

59. *Street Width.* The shortest distance between the property lines abutting both sides of a street right-of-way.

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

61. *Subdivide Land.* To partition a parcel of land into two or more parcels, tracts, lots, or sites for the purpose of transfer of ownership or development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership.

62. *Subdivider.* 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.

63. *Subdivision.* The division of a tract of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land The term "subdivision" includes "resubdivision", and the term "resubdivision", as used herein shall include any further subdivision of a lot or parcel of land previously subdivided, for sale, use, or other purposes, which varies from the latest, approved plat of the same..

64. *Turnaround.* An area at the closed end of a dead-end street or cul-de-sac within which vehicles may reverse their direction without any backing up.

65. *Vision Triangle.* A triangular area at the intersection of streets maintained in such a manner as to provide a safe and open line of vision for drivers of vehicles and pedestrians approaching the intersection. Within the vision triangle, no one shall install, construct, plant, park, or maintain any sign, fence, hedge, shrubbery, tree, natural growth, or other obstruction which would materially impede vision between the heights of thirty (30) inches and eight(8) feet above the street level. Such restrictions shall not apply to official traffic signs and signals and utility poles.

66. *Watercourse.* A body of water flowing in an identifiable channel or course, natural, or man-made, and which is not dry more than six (6) months a year.

ARTICLE III

PLAT APPROVALS, VACATION PROCEDURE, VESTING OF DEVELOPMENT RIGHTS

SECTION 1. PLAT APPROVAL REQUIRED: All plans, plats, or re-plats of land laid out in building lots, and the streets, alleys, or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, shall be submitted to the Russell City Planning Commission for their consideration. The Planning Commission shall submit its recommendation with the final plat to the Governing Body for their official consideration and final action.

SECTION 2. APPROVALS REQUIRED FOR PLAT RECORDING: The Register of Deeds shall not record any plat until such plat is approved by the Planning Commission and Governing Body and is signed by the Chairman and Secretary of the Planning Commission and the Governing Body of the City of Russell.

SECTION 3. VACATION OF PLATS: Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated. Such an instrument shall be approved by the Planning Commission in like manner as plats of subdivision. The Governing Body, however, may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys, Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the street, alleys, and public grounds, and all dedications laid out or described in such plat. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such written instrument.

SECTION 4. VESTING OF DEVELOPMENT RIGHTS:

1. For the purpose of single-family residential development, development rights in such land use shall vest upon recording of a plat of such land. If construction is not commenced on such land within five years of recording a plat, the development rights in such shall expire.

2. For all purposes other than single-family developments, the right to use land for a particular purpose shall vest upon the issuance of all permits required for such use by the County provided construction has begun and substantial amounts of work have been completed under a valid permit.

ARTICLE IV

APPLICATION PROCEDURE AND APPROVAL PROCESS

SECTION 1. PRE-APPLICATION REQUIREMENTS: Prior to the filing of a sketch plan or preliminary plat, the subdivider shall contact the City to determine:

1. Subdivision requirements.

2. Procedure for filing his plat.

3. Availability of an approved public sewer system and public water system.

4. Comprehensive plan requirements for major streets, land use, parks, easements, schools, and public open spaces.

5. Zoning requirements for the property being subdivided and adjacent properties.

6. Special setback requirements for arterial, collector and local streets.

SECTION 2. SKETCH PLAN: The subdivider is encouraged to submit a sketch plan in order to receive the pre-plat comments of the Planning Commission. Such number of copies of the plan, as may be determined necessary by the Zoning Administrator, shall be submitted to the Administrator at least ten (10) days prior to the next regular meeting of the Commission. The sketch plan may be in a simple format sufficient in content to show the general location of the subdivision; the existing and proposed location of streets, lots, utilities, public service areas, such as parks and schools; and any significant physical features; and to note any particular site design problems. A narrative description of existing conditions and development proposals may supplement the plan. Following Planning Commission review, the Administrator shall, within fifteen (15) days, advise the subdivider of the results of the review.

SECTION 3. PRELIMINARY PLAT:

1. After reaching the preliminary conclusions regarding requirements of the proposed subdivision, the subdivider shall submit a preliminary plat together with required supplementary information to the Zoning Administrator. The plat and accompanying documentation shall be filed with the Administrator at least twenty (20) days prior to the next regular meeting of the Planning Agency. The subdivider shall submit such number of copies of the preliminary plat as may be determined necessary by the Zoning Administrator for proper review by affected and interested governmental and public and private organizations.

2. A filing fee of $50.00 plus $2.00 for each lot shall accompany the filing of each preliminary plat, but the maximum filing fee shall not exceed $200.00. The preliminary plat shall not be accepted for filing until the filing fee, therefore, has been paid by the subdivider.

3. The subdivider shall submit, with the preliminary plat, a complete list of the names and mailing addresses of all owners of record of all unplatted land within 200 feet of property being proposed for subdividing or re-subdividing, if the subject property is entirely surrounded by land inside the City boundary, and within 1,000 feet of the property where the lot or tract will border on lands outside the City boundary. The 1,000 foot requirement shall only apply in the unincorporated portion of the adjacent area.

4. After the filing of the preliminary plat, the Administrator shall distribute copies to affected and interested governmental and public and private organizations as appropriate. Organizations receiving copies shall have fifteen (15) days to review the preliminary plat and to make their report and recommendations to the Planning Agency. A lack of response if fifteen (15) days shall, at the discretion of the Planning Agency, signify approval.

5. The Planning Commission shall review the preliminary plan and submitted recommendation to determine compliance with these regulations, zoning resolutions, and the general plan for the County. If all considerations are satisfied, the Planning Commission shall approve, by signature, the preliminary plan.

6. If the Planning Commission determines that the preliminary plat does not satisfy the applicable requirements, it may:

   a. Allow the subdivider to amend the preliminary plan so as to incorporate such modification and resubmit the preliminary plan to the Planning Commission. After re-submission the Planning Commission shall grant its approval provided that all modifications are made under the original agreement.

   b. The subdivider may reject the suggested modifications, or within the allowed time limits, may refrain from taking action. In either case, the effect shall be disapproval and the Planning Commission shall furnish the subdivider with a written statement setting forth the reasons for disapproval.

7. In any event, the Planning Agency shall approve or disapprove the preliminary plat within sixty (60) days from the date of filing of such plat or from the date the subdivider has submitted the last item of required information, whichever date is later unless such time is extended by mutual consent.

8. The subdivider may appeal the disapproval of his preliminary plat to the Governing Body. Such appeal shall be made in writing and filed with the Administrator within sixty (60) days after the date the Planning Agency issues its disapproval of the preliminary plat.

9. Approval of the preliminary plan shall have the following effects:

   a. Such approval shall be considered permission to submit the final plan or plat.

   b. Approval for submission shall be effective for no more than one (1) year from the date approval was granted but an extension of time may be granted for good cause for a maximum period of six (6) months.

SECTION 4. FINAL PLAT:

1. A final plat, together with a sufficient number of copies as determined by the Planning Commission, shall be filed within twelve (12) months of the date of approval of the preliminary plat. The application for approval shall be filed with the administrator at least twenty (20) days prior to the next regular meeting of the Planning Commission.

2. With approval of the Planning Commission, the final plat may be for the entire area of the preliminary plat, or may be developed and submitted as separate units, provided at least one (1) such unit shall be filed within twelve (12) months, and all of the tract shall be final platted within five (5) years, unless an extension of time has been granted by the Planning Commission. Any such extension shall be for no more than one (1) year.

3. The Planning Commission shall, within sixty (60) days after the final plat has been filed, review and approve the final plat if:

   a. It is substantially the same as the approved preliminary plat; or

   b. There has been compliance with all conditions which may have been attached to the approval of the preliminary plat; and

   c. It complies with all of the provisions contained in these regulations and of other applicable regulations or laws.

   d. The subdivision or resubdivision of the tract of lots does not place an existing permanent structure in violation of the requirements of the zoning regulations.

4. If the Planning Agency fails to act on the final plat within sixty (60) days after it has been submitted for approval, it shall be deemed to have been approved unless the subdivider shall have consented in writing to extend or waive such time limitation.

5. Before a final plat is recorded, it shall be submitted to the Governing Body for its approval and acceptance of dedications for streets and other public ways, service and utility easements, and any land dedicated for public use. If the Governing Body disapproves the final plat, they shall advise the subdivider in writing of the reasons for such disapproval.

6. The Governing Body shall either approve or disapprove the final plat within sixty (60) days after it has been submitted to them for final approval. If they fail to act on the final plat within sixty (60) days, it shall be deemed to have been approved unless the subdivider shall have consented to extend or waive such time limitation.

7. The final plat, with all required signatures and in the exact form as approved by the Governing Body, shall be recorded by the subdivider with the County Register of Deeds. The subdivider shall pay the recording fee. Approval of the final plat by the Planning Agency and the Governing Body shall be null and void if the plat is not acceptable for recording in the office of the Register of Deeds or is not recorded within sixty (60) days after final approval by the Governing Body. The Register of Deeds shall reproduce copies of the recorded plat for the record keeping purposes of County and other governmental agencies.

SECTION 5. SMALL TRACT PLATTING PROCEDURE:

1. For certain small tracts, the Planning Commission may approve an abbreviated platting process not requiring submittal of either a sketch plan or a preliminary plat. To qualify for the abbreviated procedure, the proposed subdivision shall comply with the following requirements:

   a. The subdivision shall not include more than ten (10) acres for a residential development, or more than five (5) acres for any other type of development.

   b. The proposed subdivision shall not create more than five lots, tracts, or parcels of land.

   c. The plat shall not create new streets or access easements or other improvements requiring dedication of public spaces.

   d. The plat shall be prepared in the manner required for final plats by these regulations, including all information, documentation, and certifications.

e. The plat shall be filed for processing and approval in the same manner as required for preliminary and final plats by these Regulations.

2. In order to facilitate processing and review of plats qualifying for the abbreviated process, the Zoning Administrator may require the subdivider to submit supplemental information with the plat, particularly where there are special site conditions such as watercourses or other unique features. Sufficient copies of the plat and supplemental information shall be submitted, as determined by the Zoning Administrator, to allow review by affected and interested governmental units and the general public.

3. The approval process for plats filed under the abbreviated procedure shall be the same as that specified by these Regulations for a final plat, except for the requirement of an approved preliminary plat.

ARTICLE V

DOCUMENTATION REQUIRED FOR PRELIMINARY AND FINAL PLATS

SECTION 1. PRELIMINARY PLAT:

1. *General Information.* The preliminary plat shall be prepared by a registered land surveyor, licensed engineer, or registered landscape architect drawn to a scale of not more than one hundred (100) feet to an inch on a sheet with dimensions of twenty-four (24) by thirty-six (36) inches. Sheets shall be numbered in sequence if more than one (1) sheet is used. The plat shall contain the following:

   a. Name:

      (1) Name of subdivision if property is within an existing subdivision.

      (2) Proposed name if property is not within a previously platted subdivision. This name shall not be so similar to any existing subdivision name as to cause confusion.

   b. Ownership:

      (1) Name, address, and telephone number of legal owner or agent of property and citation of last instrument conveying title to each parcel or property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.

      (2) Citation of any existing legal rights-of-way or easements affecting the property.

      (3) Existing covenants on the property, if any.

      (4) Name, address, and telephone number of the professional person responsible for surveys, subdivision design, and for the design of public improvements.

   c. Description: Location of property by government lot, section, township, range and county, north arrow, graphic scale, written scale, and date of preparation.

2. *Existing Conditions.*

a. Location of property lines and names of all adjoining property owners from the latest assessment rolls. The location of existing easements, burial grounds, railroad rights-of-way, watercourses, and wooded areas.

b. Location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract and the location and width of proposed streets.

c. Location and sizes of existing sewers, water mains, culverts, wells, septic tanks, and other underground structures within the tract and immediately adjacent thereto; existing permanent buildings and utility poles on or immediately adjacent to the site and utility rights-of-way.

d. If other than public systems are proposed, preliminary proposals for alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.

e. A vicinity map showing streets and other general development of the surrounding area.

f. The location of pertinent features such as swamps, parks, bridges, and towers.

g. Whenever the plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at a scale of not more than two hundred (200) feet to the inch, a sketch of the proposed subdivision area, together with its proposed street system and an indication of the probable future street and drainage system of the remaining portion of the tract.

h. The location, bearings, and dimensions of all boundary lines of the property to be expressed to the nearest foot; this boundary survey shall be prepared by a registered land surveyor.

i. Contour lines or spot elevations based on Mean Sea Level (MSL) or other datum approved by the Planning Commission having the following minimum intervals:

(1) Two (2) foot contour intervals for ground slopes less than ten (10) percent.

(2) Five (5) foot contour intervals for ground slopes exceeding ten (10) percent.

(3) Spot elevations where the ground is too flat for contours.

j. The date of the topographic survey(s) shall be shown including the location, elevation, and description of the bench mark controlling the vertical survey and the location of existing monuments and survey markers.

k. The locations and dimensions of all proposed or existing lots expressed to the nearest foot.

l. The locations and dimensions of all property proposed to be set aside for park and playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.

m. The date of the plat, approximate north point, graphic and written scale, and sufficient data acceptable to the city engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines on the ground; the location of all proposed monuments.

n. Names of all new streets.

o. Front yard setback lines for all lots and portions of lots as required by the zoning regulations.

p. Blocks shall be consecutively numbered. All lots in each block shall be consecutively numbered.

q. A statement of the use of all lots as proposed by the applicant.

r. Explanation of drainage easements, site easements, and reservations, if any.

s. A statement as to the general nature and type of improvements proposed for the subdivision, and in what manner the subdivider intends to finance and provide for their installation, e.g., petition, actual construction, monetary guarantee, etc.

t. The lack of information under any specified item herein, or improper information supplied by the applicant, shall be cause for disapproval of a preliminary plat.

SECTION 2. FINAL PLAT:

1. The final plat shall be submitted in the form of an original drawing in waterproof ink on mylar or other polyester drafting film drawn to a scale no smaller than one (1) inch to one hundred (100) feet on a twenty-four (24) by thirty-six (36) inch sheet. The final subdivision plat shall be prepared by a registered land surveyor. It is desirable that the drawing of the final plat appear on a single sheet. When this is impossible, a small scale key map shall appear on the first sheet showing the entire area platted and the sheet on which each platted area appears. All revision dates must be shown as well as the following:

a. Name of the subdivision.

b. Vicinity map showing the location of the subdivision relative to adjacent subdivisions, tracts, and other area development.

c. A legal description prepared by a registered land surveyor of the tract being subdivided.

d. The perimeter boundary lines of the subdivision showing all property corners, land lines, distances, bearings and angles, and other references used in the legal description of the tract. The boundary of the platted areas should be accurately indicated by a heavy solid line.

e. All lot lines, right-of-way lines, streets, and easements shall be shown with their dimensions to the nearest one hundredth (0.01) of a foot and in actual respective location.

f. All easements shall be denoted by fine dashed lines, clearly identified, and if already on record, the recorded reference of such easements. If an easement is not definitely located on record, a statement of such easement shall be included. The width of the easement with sufficient ties to locate it definitely with respect to the subdivision must be shown. If the easement is being dedicated through the plat map, it shall be properly referenced in the owner's certificate of dedication and identification.

g. Block numbers or letters continuing consecutively without omission or duplication throughout the subdivision. Such identification shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure.

h. Lot numbers beginning with the number one and numbered consecutively in each block.

i. Minimum front yard building setback lines as established by applicable zoning or other regulations or more restrictive setbacks if desired by the subdivider.

j. The width of the portion of the streets being dedicated and the width of any existing right-of-way.

k. The name of each street shown on the subdivision plat.

l. Land parcels to be dedicated for any purpose, public or private, to be distinguished from lots or tracts intended for sale.

m. Protective covenants, if any, shall be lettered on the final plat or submitted on a separate sheet with appropriate references made on the final plat and signed by the subdivider and/or owner.

n. Any restrictions in addition to the protective covenants shall be lettered on the plat.

o. The flood fringe and floodway, of any floodplain, shall be identified on the plat.

p. North point, graphic scale, written scale, and date of preparation.

q. Sufficient information shall be shown on the plat to allow an experienced surveyor to locate or relocate all points and lines shown on the plat, including all pertinent curve data. The error of closure of the boundaries of any enclosed area within the plat shall not exceed one (1) foot in three thousand (3,000) feet.

2. Prior to filing the final plat with the Register of Deeds, all boundary, block, and lot corners shall be marked by iron monuments no smaller than three-quarters (3/4) inch in diameter and two (2) feet in length, driven into the ground flush with the existing ground surface. Subdivision boundary corners shall be monumented with an iron bar no smaller than three-quarters (3/4) inch in diameter and thirty (30) inches in length, set rigidly in concrete.

3. The following certificates, duly signed as appropriate, shall appear on the final plat upon its submittal:

SURVEYOR'S CERTIFICATE

STATE OF KANSAS)
) ss
COUNTY OF RUSSELL)

I, the undersigned, do hereby certify that I am a registered land surveyor in the State of Kansas, with experience and proficiency in land surveying; that the heretofore described property was surveyed and subdivided by me, or under my supervision; that all Subdivision Regulations of the City of Russell, Kansas, have been complied with in the preparation of this plat; and that all of the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief.

Given under my hand and seal at _____, Kansas, this ____ day of _____, A.D. 19___.

_____

OWNER'S CERTIFICATION AND DEDICATION

STATE OF KANSAS)
) ss
COUNTY OF RUSSELL)

This is to certify that the undersigned owner(s) of the land described in the Survey Certificate; have caused the same to be surveyed and subdivided on the accompanying plat into lots, blocks, streets, and other public ways under the name of _____; that all highways, streets, alleys, easements and public grounds as denoted on the plat are hereby dedicated to and for the use of the public for the purpose of constructing, operating, maintaining, and repairing public improvements; and further that the land contained herein is held and shall be conveyed subject to any restrictions, reservations, and covenants on file or hereafter filed in the Office of the Register of Deeds of Russell County, Kansas.

Date Signed: _____ Date Signed: _____

_____ _____

_____, Owner _____, Owner

PROTECTIVE COVENANTS

Purchase and subsequent improvement of lots within the Subdivision shall be subject to the provisions of "Protective Covenants of the Subdivision" submitted separately herewith.

Date Signed: _____ Date Signed: _____

_____, Owner _____, Owner

STATE OF KANSAS)
) ss
COUNTY OF RUSSELL)

I, the undersigned, being a duly licensed and bonded abstractor or an authorized representative thereof, hereby certify that the above is the legal owner(s) of the property shown on this plat.

Dated this ____ day of _____, A.D. 19 ____.

- -

NOTARY CERTIFICATE

STATE OF KANSAS)
) ss
COUNTY OF RUSSELL)

The foregoing instrument was acknowledged before me this _____ day of _____, 19 ___, by _____.

_____, Notary Public

_____

(SEAL)
My appointment expires: _____

PLANNING COMMISSION CERTIFICATE

STATE OF KANSAS)
) ss
COUNTY OF RUSSELL)

This plat was approved by the Russell City Planning Commission on this _____ day of _____, 19 ___, and was recommended for approval by the City Council of Russell, Kansas.

Date Signed: _____

_____
Chairman

ATTEST:

_____
Secretary

CITY COUNCIL'S CERTIFICATE

STATE OF KANSAS)
) ss
COUNTY OF RUSSELL)

This plat approved and all dedications shown on this plat, if any, are hereby accepted by the City Council, City of Russell, Kansas, this _____ day of _____, 19___.

_____
Mayor

(SEAL)

ATTEST:

_____
City Clerk

COUNTY CLERK AND CITY CLERK CERTIFICATE

STATE OF KANSAS)
) ss
COUNTY OF RUSSELL)

I do hereby certify that there are no delinquent general taxes, no unpaid current general taxes, no unpaid forfeited taxes, and no redeemable tax sales against any of the land included in this plat.

I further certify that I have received all statutory fees in connection with the plat.

Given under my hand and seal at _____, Kansas, this ____ day of _____, A.D. 19___.

_____
County Clerk

_____
City Clerk

CERTIFICATE AS TO SPECIAL ASSESSMENTS

STATE OF KANSAS)
) ss
COUNTY OF RUSSELL)

I do hereby certify that there are no delinquent or unpaid current or forfeited special assessment or any deferred installments thereof that have not been apportioned against the tract of land included in this plat.

Given under my hand and seal this ____ day of _____, A.D. 19___.

_____
County Clerk

_____
City Clerk

CERTIFICATE OF THE CITY ATTORNEY

STATE OF KANSAS)
) ss
COUNTY OF RUSSELL)

Approved this _____ day of _____, a.d. 19____.

City attorney for the city of Russell, Kansas

_____
CITY ATTORNEY

TRANSFER RECORD

Entered on transfer record this _____ day of _____, 19 ___.

_____

REGISTER OF DEEDS

REGISTER OF DEEDS CERTIFICATE

STATE OF KANSAS)
) ss
COUNTY OF RUSSELL)

This is to certify that this instrument was filed for record in the Register of Deeds Office, at _____ a.m./ p.m., on the _____ day of _____, 19 ___,

(SEAL)

_____
Register of Deeds

4. The final plat shall also contain all other certifications, approvals and acceptances which are now, or which may hereafter be, required by any statute or regulation. The form of these certifications may be modified as necessary by the City's legal counsel to meet statutory or other requirements.

5. The following additional information shall be submitted with the final plat:

   a. A copy of any restrictive covenants applicable to; the subdivision.
   b. A title report by an abstract or a title insurance company, or an attorney's opinion of title, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on the plat. The consent of all such persons shall be shown on the plat.

6. It shall be the responsibility of the subdivider to file the plat with the County Register of Deeds' office within sixty (60) days of the date of signature. If the plat is not recorded within sixty (60) days, the Planning Commission may rescind their approval of the plat.

ARTICLE VI
MINIMUM DESIGN STANDARDS

SECTION 1. GENERAL GUIDELINES:

1. In addition to the requirements established herein, all subdivision plats shall comply with all applicable ordinances of the City, and all City policy documents, including all streets, drainage systems and parks shown on the land use plan or other officially adopted plan; any rules of the local health department and/or the state department of health; the rules of the state department of transportation if the subdivision or any lot contained therein abuts a state highway or connecting street; the standards and regulations adopted by the City engineer, and all boards, commissions, agencies, and officials of the City and County.

2. Whenever County, State or other applicable regulations impose more restrictive standards and requirements than those outlined herein, such other regulations shall control.

3. Subdivision plats shall conform to the following general guidelines:

   a. All portions of a tract being subdivided, unless otherwise permitted, shall be designed as lots, streets, planned open spaces, or other uses to avoid creation of vacant landlocked spaces.

   b. Subdivisions and land developments shall be laid out so as to avoid the necessity for excessive cut and fill.

   c. Whenever possible, developers shall preserve trees, groves, waterways, scenic points, historic sites, and other local assets and landmarks.

   d. Land subject to flooding or other hazards to life, health, or property, and land deemed to be unsuitable from the standpoint of geology, soil conditions, or topography, shall not be platted for residential occupancy or other such purposes as may increase danger to health, life, or property, nor aggravate erosion or flood hazard, unless all such hazards are properly mitigated through the subdivision planning process, as hereinafter provided.

   e. All subdivisions shall have frontage on and direct access to a public right-of-way.

SECTION 2. PUBLIC FACILITY REQUIREMENTS:

1. In reviewing subdivision plans, the Planning Commission will consider the adequacy of existing or proposed facilities to serve the additional dwellings proposed by the subdivision.

2. Where deemed essential by the Planning Commission, upon consideration of the particular type of development proposed and especially in large scale residential developments, the Planning Commission may require the dedication or reservation of such areas or sites of an extent and location suitable to the needs created by the development.

3. Areas provided for or reserved for such community facilities shall be adequate to provide for building sites, landscaping, and off-street parking, as appropriate to the use proposed.

4. Areas set aside for recreational purposes, such as playgrounds in manufactured home parks, shall be of adequate size and configuration to accommodate the intended use. They should be so located as to serve all the residents, and in large developments, more than one such area may be required to serve the residents in close proximity to their dwellings.

SECTION 3. CHARACTER OF THE LAND:

1. Land which the Planning Commission finds to be unsuitable for subdivision or development, due to flooding, improper drainage, steep slopes, rock formation, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of inhabitants of the land and surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission to solve the problems created by the unsuitable land conditions.

2. No land subject to a flood having a chance occurrence in any one year of one percent, including, but not limited to, areas identified by the Federal Flood Insurance Administrator as having special flood hazards, shall be subdivided for residential use or any other use which would be incompatible with such flooding except as provided below:

   a. Land subject to periodic flooding, or which has inadequate drainage, may be subdivided <u>only</u> if improvements or structures are designed by an engineer so as to assure adequate flood proofing. Proposals for subdivision of land in such areas shall include engineering evidence that the proposed development will:

      (1) Not unduly restrict or block the conveyance of flood water.

      (2) Not result in an increase in height of the flood water of more than one (1) foot.

      (3) Require residential structures to have the lowest floor (including basement) to be at least one (1) foot above such flood level or non-residential structures to be elevated or flood-proofed to at least one (1) foot above such flood level.

      (4) Meet all zoning requirements for identified flood hazard areas.

   b. New or replacement water supply and/or sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. It is also required that on-site sewage disposal systems shall be located so as to avoid their impairment or contamination during flooding.

3. Proposals for development of land subject to excessive erosion by the forces of wind and/or water shall include necessary preventive measures as a part of the subdivision platting process. Conservation standards, endorsed by the County Conservation District, shall be incorporated as appropriate.

SECTION 4. STREETS, ALLEYS, AND PUBLIC WAYS:

1. The arrangement, character, extent, width, grade, and location of all streets shall conform to the intent of the Comprehensive Plan, and shall be considered in their relation to existing and planned streets; to reasonable circulation of traffic within the subdivision and adjoining lands; to topographical conditions; to the runoff of storm water; to public convenience and safety; and in their appropriate relations to the proposed uses of the land to be served by such streets.

2. Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage, and suitable building sites.

3. Dead end streets shall be prohibited, except as stubs, to permit future street extensions into adjoining tracts or when designed as cul-de-sacs with turnaround provisions.

4. Stub streets, greater in length than one lot depth, shall be provided with a temporary turnaround to the standards required for cul-de-sacs, or shall be paved to the full width of the right-of-way for the last fifty (50) feet of their length.

5. Streets that are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. Street names should not be similar to already platted street names.

6. Arterial streets through subdivisions shall conform to the major street plan of the Comprehensive Plan as adopted by the Planning Commission and the Governing Body.

7. Local streets should be designed so as to discourage through or non-local traffic. Local streets should not intersect arterial streets.

8. Cul-de-sacs shall meet the following minimum standards:

   a. The maximum length of a cul-de-sac street shall be five hundred (500) feet, but a length of one thousand (1,000) feet may be approved by the Planning Commission if conditions warrant.

   b. Cul-de-sacs shall have at the closed end a turnaround with a right-of-way having a minimum outside radius of not less than one hundred (100) feet and shall be surfaced to a radius of not less than fifty (50) feet.

   c. Drainage of a cul-de-sac shall preferably be toward the open end.

9. Where lots front or side, but do not back, on railroad rights-of-way, major streets, or highways, a marginal access street, or frontage road shall be provided, parallel and adjacent to the boundary of such right-of-way. The distance of the street from said right-of-way shall be determined with due consideration given to minimum distance required for approach connections to future grade separations or intersections. The right-of-way of such frontage road shall be sixty (60) feet, unless otherwise approved.

10. The Planning Commission may recommend to the City Council that the requirement for a frontage road be waived if:

    a. Existing physical conditions make it improbable that a frontage road would be constructed.

    b. A hardship is created and the full use of the property cannot be obtained for lots or tracts that existed prior to the effective date of this Resolution.

11. Dedication of half-streets will not be approved, except where it is essential to the reasonable development of the subdivision and is in conformity with the approved major street plan and other requirements of these regulations. In addition, satisfactory assurance that dedication of the remaining part of the street will occur in a reasonable length of time will be required.

12. All streets, alleys, and public ways included in any subdivision, hereafter dedicated and accepted, shall be not less than the minimum dimensions for each classification as follows:

	MINIMUM RIGHT-OF-WAY WIDTH	MAXIMUM GRADE
Major Streets:		
Arterials	100 feet	6%
Collectors 80 feet	8%	
Local Streets,:		
Residential60 feet	10%	
Industrial & Commercial	80 feet	6%
Cul-de-sacs	60 foot radius on turn-around	
Marginal Access Streets or Frontage Roads:		
Two-Way	50 feet	10%
One-Way 50 feet	10%	
Alleys	20 feet	10%
Pedestrian Ways 10 feet		

13. These minimum dimensions may be modified by the City, as necessary, to allow for special conditions such as parallel drainage and roadway systems, utility requirements, provision for pedestrian movement, grade problems, intersection design, and similar considerations in the process of establishing a safe and efficient street system.

14. To insure proper street layout and function, street alignment shall conform to the following:

    a. Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves.

    b. Residential streets should approach major streets at an angle of not less than eighty (80) degrees or more than one hundred (100) degrees.

    c. Wherever possible, there shall be an inside tangent at least one hundred (100) feet in length between reverse curves on arterial and collector streets.

    d. Streets shall be laid out so as to provide for horizontal sight distances on all curves depending upon design speed. These distances shall be:

    Horizontal
    Arterial Streets: 500 feet
    Collector Streets: 300 feet
    Local Streets: 200 feet
    Vertical
    Arterial Streets: 350 feet
    Collector Streets: 300 feet
    Local Streets: 200 feet

    The sight distance shall be measured within street rights-of-way from a height of four-and one-half (4-1/2) feet above the proposed pavement surface in the right-hand lane of the roadway.

    e. Street jogs should be avoided on arterial and collector streets. On local streets, centerline offsets of less than 150 feet should be avoided.

f. Multiple street intersection involving junction of more than two (2) streets shall be avoided. Where this proves impossible, such intersection shall be designed with extreme care for both pedestrian and vehicular safety.

15. Street and roadway grades should not exceed the following recommended standards:

    a. Centerline grades should not be less than one (1) percent.

    b. The maximum street grades for residential streets should be no greater than ten (10) percent.

16. No street names shall be used which will duplicate or be confused with the names of existing streets. Existing street names shall be used where they are or would be logical extensions of existing streets even though separated by undeveloped land.

17. Clear sight triangles of ninety (90) feet measured along the street centerlines from their points of junction shall be provided at all intersections, and no obstruction shall be higher than two (2) feet above the centerlines within the sight triangle.

18. Alleys shall conform with the following standards:

    a. Alleys shall be provided in commercial and industrial areas, except that the Planning Commission may recommend waiving this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking spaces consistent and adequate for the uses proposed. Alleys in residential districts are optional, unless recommended by the Planning Commission.

    b. When provided, the minimum width of an alley shall be twenty (20) feet.

    c. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, a turning radius shall be provided to permit safe vehicular movement.

    d. Dead end alleys shall be avoided where possible, but if unavoidable, such alleys shall be provided with adequate turnaround facilities at the dead end.

19. Where alleys are not provided, permanent easements of not less than ten (10) feet in width shall be provided on all rear lot lines, and on side lot lines where necessary, for utility poles, wires, and conduits; sanitary sewers; gas, water, and heat mains; and other public utilities and drainage requirements.

    a. A twelve (12) foot temporary construction easement shall be provided on each side of the permanent easement required above for initial construction of water, sewer, and other utility lines.

    b. Where a lot or group of lots side or back on an existing high pressure oil line or existing high pressure gas line, a seventy-five (75) foot easement shall be provided on each side of said oil line or gas line. The seventy-five (75) foot easement shall be provided on that part of the lot which abuts the oil line or gas line and no building or structure shall be located or constructed within said seventy-five (75) foot easement.

20. If a subdivision is traversed by a watercourse, drainageway, or channel, a storm water easement or drainage right-of-way shall be provided. Such easement or right-of-way shall conform substantially to the lines of such watercourse and shall be of such width or construction, or both, as may be necessary to provide adequate storm water drainage and for access for maintenance purposes.

SECTION 5. BLOCKS:

1. The length, width, and shape of blocks shall be determined with due regard to the following:

   a. Provision of adequate sites for type of buildings proposed.

   b. Zoning requirements as to lot size, dimension, and minimum lot area per dwelling unit.

   c. The limitations and opportunities of the topography.

   d. Requirements for safe and convenient vehicular and pedestrian circulation and access.

   e. The limitations and characteristics of the soil and slope relative to the requirements for the installation of utilities, including any unusual requirements for septic lateral fields, package processing plants, or sewerage holding lagoons.

2. Blocks should not exceed one thousand three hundred twenty (1,320) feet in length unless topographic conditions justify a variation. In general, blocks shall not be less than three hundred (300) feet unless necessary because of existing street patterns.

3. All blocks shall be so designed so as to provide two tiers of lots, unless a different arrangement is required in order to comply with or be permitted by other sections of these regulations.

4. Blocks may be irregular in shape, provided they are harmonious with the overall pattern of blocks in the proposed subdivision.

5. In extra long blocks, a public pedestrian way may be required to provide access to public or private facilities such as schools or parks.

SECTION 6. LOTS:

1. Lot size, width, depth, shape and orientation, and minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

2. Lot dimensions shall conform to the minimum standards of any applicable zoning regulations or sanitary code based on availability of a public water supply and/or a public sewer system, unless higher standards are required in accordance with these regulations.

3. Minimum lot width shall be measured at the building setback line; however, in no case shall the lot width be less than fifty (50) feet at the front property line. In addition, corner lots should have a width fifteen (15) feet greater than the minimum width.

4. Minimum lot depth shall be 100 feet. (Said measurement shall be made through the center of the lot and shall be perpendicular to the property line or radial to the property line on curved streets).

5. As a general guideline, the maximum depth of lots shall not exceed two-and one-half (2-1/2) times the width thereof.

6. There shall be no double frontage lots except where the lots abut upon a limited access highway or arterial street or where the topography of the land prevents reasonable subdivision otherwise.

7. Corner lots shall have extra width where necessary to permit appropriate building setback from and orientation to both streets.

8. Side lines of lots shall be at right angles or radial to the street line, or substantially so.

9. Residential lots shall front on a residential street, existing or proposed, and this requirement shall not be satisfied by providing an access easement to the street.

SECTION 7. SUBDIVISION DESIGN

1. In the interest of public safety and for the preservation of the traffic-carrying capacity of the street system, the Planning Commission and Governing Body shall have the right to restrict and regulate points of access to all property from the public street system.

2. The design of the subdivision shall provide for efficient traffic flow, proper mixing of land uses, and a logical link between surrounding, existing development, and the proposed layout. The Comprehensive Plan should be used as a guide in determining if the design of the proposed subdivision is proper. The Planning Commission shall have the authority to deny a plat or request redesign, if, in its opinion, the layout is not suitable for the site, or if the development of the subdivision would be premature.

3. The subdivider may be required to have an engineer's study prepared to determine the amount of increased storm water runoff that will be created by the proposed development and a plan of how this runoff will be accommodated. The City may require design modification of the proposed storm water system to reduce increased runoff.

4. Where appropriate, conservation of energy through the use of both passive and active solar systems is encouraged. To accommodate solar design, streets in residential subdivisions should, where possible, have an east-west alignment. Lots intended for detached dwellings should be of sufficient width to allow the structure to be built with its longest axis running east-west.

5. Any subdivider may grant or establish a solar skyspace easement to protect solar energy systems from being shaded. The easements shall be created in writing and shall be recorded separately or be written on the face of the plat. Any such easements shall be written to run with the land.

ARTICLE VII

DEDICATION OR RESERVATION OF PUBLIC SITES AND OPEN SPACES

SECTION 1. DETERMINATION OF NEED: In subdividing land, due consideration shall be given by the subdivider to the dedication or reservation of sites for schools, parks, playgrounds, and other public areas or open spaces. Any areas so dedicated or reserved shall conform with the recommendation of the Comprehensive Plan and to the recommendations of the Planning Commission. All areas to be reserved for, or dedicated to, public use shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency.

SECTION 2. DEDICATION OF SITES: After proper determination of its necessity by the Planning Commission, and the appropriate County official or public agency involved in the acquisition and use of each such site and a determination has been made to acquire the site by the public agency, the site may be dedicated by the applicant to the City or other appropriate agency on the final plat.

ARTICLE VIII

REQUIRED IMPROVEMENTS

SECTION 1. IMPROVEMENT PROVISIONS: As a condition to the approval of the final plat, the subdivider shall agree to install, or provide for the installation of, the following necessary facilities and improvements:

1. All roadways, alleys, curbs, gutters, and street drainage facilities in the subdivision in accordance with standard specifications provided by the City. All paved streets shall be constructed of concrete, asphalt, or asphaltic concrete. Unpaved rural type roadways may be constructed with gravel or sanded surface. If other than gravel or sanded surface materials are used, urban construction standards shall govern. Streets may require cooperative agreements for maintenance.

2. Sidewalks, when required, shall be constructed in accordance with specifications provided by the City under the following conditions:

    a. Sidewalks shall be installed on both sides of all arterial and collector streets, and sidewalks shall be required on both sides of the streets in commercial districts. All sidewalks shall be not less than four (4) feet in width of portland cement concrete and shall comply with the specifications of the Governing Body. Sidewalks shall be located in the platted street right-of-way, adjacent to property line where possible. Walks shall also be installed in any pedestrian easements as may be required by the Planning Commission.

3. The subdivider shall be responsible to provide for and pay the full cost for the proper installation of all utilities, including: sanitary sewers and connection to approved treatment facilities, water supply, natural gas, electricity and telephone service. Such utilities shall be installed according to the specifications of the controlling utility company or public agency.

4. All telephone and cable television lines, electrical services and distribution lines shall be placed underground, except that this provision shall not include meters, electric and telephone service pedestals, transformers, three-phase feeder lines, sub-transmission and transmission lines (34.5kv and above), electrical substations and such other facilities as the utility may deem necessary to install utilizing "overhead" type construction.

5. All gas meters must be located within three (3) feet of the building foundation if located within front yards in all subdivisions. All of the above will apply to any final plat which is approved by the Planning Commission after the passage of these regulations.

6. Fire Hydrants, in accordance with the standards of the applicable water supplier, but not less than the minimum standards of the National Board of Fire Underwriters, shall be provided wherever there shall be constructed a water supply system capable of sustaining fire hydrant service.

7. A storm drainage system shall be provided, separate, and independent of the sanitary sewer system, meeting all of the standard specifications provided by the City. Such storm drainage shall be connected to any existing storm drainage system, where available, or if such connection is not available, other adequate means for the discharge shall be provided into the nearest major water channel.

8. Street signs of such location, type, and size as shall be approved by the Governing Body, giving due regard to the prevailing type, size, and pattern of location utilized in the area.

9. Underground wiring for electric power, street lights, and telephone service is encouraged, but not required.

10. Street trees may be planted by the subdivider on all streets in the subdivision. Such trees may be planted on both sides but not less than five (5) feet from the back of curb lines.

11. All lot and block corners, angle points, points of curve in streets, and at intermediate points, as required, shall be set prior to the final acceptance of the plat by the City. Said stakes shall be 3/4-inch iron bars, three (3) feet long, and shall be set one foot below grade.

12. A minimum of 2 benchmarks (monuments) shall be placed in each subdivision, located and installed as required by the Engineer. In subdivisions larger than 40 acres, 1 benchmark shall be installed for each additional 20-acre area. The monument shall be a 3-inch brass cap set permanently in concrete, 10 inches in diameter by 24 inches deep approved the Engineer. The elevation of the monuments shall be identified on each.

13. The City shall install street lights.

14. Where landscaping of public areas is to be provided or the screening of private areas is required, a planting plan shall be submitted and the landscaping installed in accordance with the plan.

SECTION 2. RELOCATION OF EXISTING FACILITIES: Whenever existing sanitary or storm water sewers, water lines, drainage channels, culverts, underground or overhead electric and communication lines, gas lines, pipe lines, or transmission lines are required to be relocated due to the subdivision or construction of improvements required as a condition of approval of the subdivision, and in the event such was not known at the time of subdivision approval for any reason, provision for such relocation shall be the sole responsibility of the subdivider.

SECTION 3. EROSION CONTROL: Where required, applicable measures will be taken during construction to minimize soil erosion and sedimentation by wind or water. Conservation standards shall be observed as recommended by the County Conservation District.

SECTION 4. EXISTING IMPROVEMENTS:

1. Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements as previously set out, and where such improvements meet the requirements of these regulations and are in good condition as determined by the Governing Body based upon its consideration of the opinion of the City Engineer, no further provision need be made by the subdivider to duplicate such improvements. However, where such existing improvements do not meet said requirements, the subdivider shall provide for the repair, correction, or replacement of such improvements so that all final improvements will then meet the requirements of these regulations.

2. Where the proposed subdivision is a resubdivision or concerns an area presently abutting or continuing any existing public street of less than the minimum required right-of-way width or roadway width, land shall be dedicated so as to provide a minimum street right-of-way width established by these regulations and/or by the policy of the Governing Body, and the subdivider of such proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by these regulations and the Governing Body. The Governing Body shall determine what adjustment to make where the aforesaid widenings merge with existing streets which are of smaller width at the boundary of such proposed subdivision. The Governing Body may reduce the minimum roadway system if the extension of such roadway is already improved at each end of the roadway in the subdivision and the roadway in the subdivision to be reduced is two (2) blocks or less in length. Lanes to be painted on such widened streets designating driving and parking areas may also be required by the Governing Body.

SECTION 5. FINANCING OF REQUIRED IMPROVEMENTS:

1. When the construction or installation of street improvements, central sanitary sewer system, storm sewer system, or other drainage improvements are required to serve the proposed development within a subdivision, a prerequisite for approval of the Final Plat shall be the submission of a plan specifically setting forth the extent, time schedule, and method of financing such construction or installation as proposed by the owner or developer. The plan shall show the quantity, quality, and geometric details of the proposed construction or installation, which shall meet or exceed the standards set forth in the Subdivision Regulations and the City Building Codes.

2. Upon final approval of plans and specifications for required improvements, the subdivider shall enter into an agreement with the Governing Body under which the subdivider agrees to install such required improvements. Such agreement shall be conditioned upon the approval of the final plat by the Governing Body.

3. Simultaneously with execution of the agreement, unless otherwise approved, the subdivider shall furnish a corporate completion bond by a firm authorized to do business in Kansas with good and sufficient sureties thereon, or a cashier's check, escrow account, or irrevocable letter of credit in favor of the Governing Body, in the amount of the estimated cost as approved by the official responsible for setting and enforcing the applicable design and construction standards of the installation of the required improvements. Such financial guarantee shall be conditioned upon the approval of the final plat and further conditioned upon the actual completion and satisfactory installation of such required improvements within two (2) years from the date that the final plat is approved by the Governing Body.

4. As an alternative method of providing for financing of improvements, petitions to the Governing Body may be submitted as a means of guaranteeing to such Governing Body the authority to install improvements at such time as they deem appropriate. Petitions may be submitted only when the following conditions exist:

   a. The petitions, to be secured from the Governing Body, must be valid petitions as may be provided for under Kansas law.

   b. The petitions must be approved by the Governing Body, concurrent with the approval and acceptance of the final plat.

   c. The initiating resolution for such improvements must be adopted by the Governing Body concurrently with the petition approval or as soon thereafter as may be provided by law. The cost of the publication of said resolution shall be born by the subdivider.

d. The initiating resolution must be recorded with the County Register of Deeds after it has been adopted by the Governing Body showing that the land described in the resolution will be liable in the future for special assessments for the improvements authorized.

5. The subdivider shall, prior to the approval of the final plat, submit a letter from the utility(ies) involved stating that satisfactory arrangements have been made by the subdivider guaranteeing the installation of their respective services.

6. Unless the required improvements have been installed or guaranteed by a bond or special assessment petition for a lot or tract, no building permits shall be issued for that lot or tract.

7. No occupancy shall be allowed until all improvements have been installed.

ARTICLE IX

INSTALLATION OF IMPROVEMENTS

SECTION 1. PLANS AND SPECIFICATIONS REQUIRED: Where installation of improvements by the petition method has not been authorized, the subdivider shall be responsible for submission of engineering drawings and specifications meeting the requirements of these regulations, and subject to approval by the Governing Body. Such plans and specifications shall be prepared by a licensed engineer and shall be submitted in duplicate to the Zoning Administrator at least fifteen (15) days prior to the date of anticipated final plat approval. Failure to do so shall be considered consent for extension of any time limitation for plat approval by the Governing Body.

SECTION 2. CONTENT OF PLANS AND SPECIFICATIONS:

1. Construction documents for installation of improvements shall contain all information necessary for installation of improvements in accordance with applicable standards and guidelines. In general, these documents shall contain plans, profiles, details, specifications, and cost estimates, as appropriate, for the following:

   a. Roadways, alleys, and sidewalks.

   b. Storm drainage improvements.

   c. Water supply and distribution systems.

   d. Sanitary sewerage systems.

   e. Any additional utilities not the responsibility of the service company.

2. Engineering plans, profiles, details, and specifications shall be prepared at such scale and in such format as may be approved by the Governing Body.

3. The engineer, official, or agency responsible for determining specifications and standards shall review all engineering drawings in order to determine whether such drawings are consistent with the approved preliminary plat and comply with established design standards. The reviewing official shall forward to the Planning Commission the results of the review process.

4. The Planning Commission and Governing Body shall not approve a final plat until the engineering documents have been approved, or petitions, if authorized, have been properly filed.

SECTION 3. CONSTRUCTION OF IMPROVEMENTS:

1. All improvements installed shall be subject to inspection and approval by the engineer or official designated by the Governing Body. The subdivider shall provide at least forty-eight (48) hours notice prior to any inspection work.

2. After the final inspection is made and before acceptance of the improvement by the Governing Body, the subdivider shall file a statement certifying that all obligations incurred in the engineering and construction of the improvement involved have been properly paid and settled.

3. Upon proof of compliance with the requirements of these regulations and all other standards and guidelines, the Governing Body shall, by resolution, accept the improvements. Upon approval and acceptance, the improvements, where applicable, shall become the property of the appropriate Governing Body or utility company.

ARTICLE X

LOT SPLIT PROCEDURE

SECTION 1. AUTHORITY FOR APPROVAL: The intent of this Article is to provide for the issuance of building permits on lots divided into not more than two tracts without having to replat said lot, provided that the resulting lots shall not again be divided without re-platting. The Planning Commission may approve or disapprove lot splits in accordance with the following regulations.

SECTION 2. APPLICATION:

1. Applications for lot split approval shall be made by the owner of the land to the Zoning Administrator. Four (4) copies of a scale drawing of the lots involved if there are no structures thereon, or, if structures are located on any part of the lot being split, four (4) copies of a survey of the lot(s) and the location of the structures thereon together with the precise nature, location and dimensions of the proposed lot split shall accompany the application. The application shall be accompanied by a list of the names and addresses of all persons who own property within 200 feet of the property proposed to be split if such property is within the city boundary. For properties adjoining or outside the city boundary, names and addresses shall be provided for all owners within 1,000 feet in the unincorporated area. Written notices shall be given by the applicant to all such owners. Such owners shall have ten (10) days from the date of notification to notify the Zoning Administrator of any protests they may have concerning the lot split. The ten-day waiting period may be waived upon submission in writing of statements from those to be notified that they have no objection to the proposed lot split.

2. No lot split shall be approved if:

   a. A new street or alley or other public improvement is needed or proposed.

   b. A vacation of streets, alleys, setback lines, access control, or easements is required or proposed.

   c. Such action will result in significant increases in service requirements (e.g., utilities, schools, traffic control, streets, etc.); or will interfere with maintaining existing service levels (e.g., additional curb cuts, re-paving, etc.).

d. There is less street right-of-way than required by these Regulations or the Comprehensive Plan.

e. All easement requirements have not been satisfied.

f. Such split will result in a tract without direct access to a street (i.e., property must abut a street and meet minimum lot width requirements).

g. A substandard-sized lot or parcel will be created.

h. The lot has been previously split in accordance with these regulations.

SECTION 3. LOT SPLIT APPROVAL:

1. The Planning Commission shall, within thirty (30) days of an application, in writing, approve, disapprove, or continue for cause those applications which in the opinion of the Planning Commission do not meet the requirements of these regulations.

   When the lot split application has been approved, and after all conditions have been met, the Chairman and Secretary of the Planning Commission shall sign the following certificate of approval, as required, for the lot split drawing or survey:

   CERTIFICATE OF LOT SPLIT APPROVAL

   STATE OF KANSAS)
) ss
   COUNTY OF RUSSELL)

   I hereby certify that this lot split has been examined and found to comply with the Subdivision Regulations of the City of Russell, Kansas, and is, therefore, approved for recording.

   Date Signed: _____

   _____
   Planning Commission Chairman

   _____
   Planning Commission Secretary

2. A copy of the lot split approval shall be filed by the Administrator with the applicable official designated to issue building and/or zoning permits and two (2) copies shall be furnished to the applicant, one of which the applicant shall file with the County Register of Deeds.

SECTION 4. EXEMPTION FOR INDUSTRIAL PLATS: A lot which is zoned for industrial purposes and for which a plat has been officially recorded may be further divided into two or more tracts without further re-platting or splitting such a lot; provided, that none of the conditions under SECTION 2 (2) is found to exist.

ARTICLE XI

APPEALS AND VARIANCES

SECTION 1. APPEALS: The subdivider of a proposed subdivision may appeal to the Governing Body decisions made in the enforcement or interpretation of these regulations by the Zoning Administrator, Planning Commission, or the City Engineer. In the event the Governing Body sustains such decisions, the prior enforcement or interpretation shall be final, except as otherwise provided by law. If the Governing Body overrules the decision, the Governing Body shall state its decisions and the reasons therefore in writing and submit the decision and plat to the Planning Commission, seeking concurrence. In case of nonconcurrence, the decision of the Governing Body shall be final.

SECTION 2. VARIANCES: Whenever the Planning Commission shall recommend that full conformance to the provisions of these regulations is impractical or impossible due to the size, shape, topographic location or condition, or such usage of land included in a subdivision plat being presented for approval, the Governing Body may authorize variances of these regulations. In authorizing such variances or exceptions, the Governing Body shall find all of the following:

1. That strict application of these regulations will create an undue hardship upon the subdivider.

2. That the proposed variance is in harmony with the intended purpose of these regulations.

3. That the proposed variance will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

SECTION 3. WAIVERS: Any waiver of the required improvements shall be made by the Governing Body only on a showing that such improvements are technically not feasible. Provided, however, that any request for a waiver shall first be submitted to and a recommendation made by the Planning Commission.

ARTICLE XII

AMENDMENTS AND REVIEW

SECTION 1. AMENDMENT PROCEDURE: These regulations may be amended at any time after the Planning Agency shall have held a public hearing on the proposed amendment. A notice of such public hearing shall be published at least once in the official City newspaper. Such notice shall be published at least twenty (20) days prior to the hearing. Such notice shall fix the time and place for such hearing and shall describe such proposal in general terms. Notice shall also be provided to the County at least twenty (20) days prior to the hearing on the proposed amendments. At or after such public hearing is held, the Planning Commission may recommend approval of such amendments, but such amendments shall not become effective until approved by the Governing Body by a resolution and published once in the official City newspaper.

SECTION 2. ANNUAL REVIEW: In order to maintain these regulations, the Planning Commission shall annually hold a public review to consider amendments, if any, to these regulations. Notification of such a public review may be distributed to governmental agencies and interested parties. During the intervening period between reviews, the Administrator shall maintain a list of possible amendments which may be periodically brought to the attention of the Planning Commission.

ARTICLE XIII

ADMINISTRATION

SECTION 1. DUTIES OF THE ZONING ADMINISTRATOR:

1. Maintain permanent and current records with respect to these regulations including amendments thereto. Keep minutes and agendas of all meeting and hearings.

2. Accept applications, filing fees, and preliminary and final plats.

3. Transmit preliminary and final plats to the Planning Commission.

4. Transmit Planning Commission recommendations regarding acceptance of dedications or easements to the Governing Body for its action.

5. Transmit final plats to the City Clerk to file with the County Register of Deeds on behalf of the City.

SECTION 2. DUTIES OF THE PLANNING COMMISSION:

1. Review and approve, approve conditionally, or disapprove preliminary plats.

2. Review and recommend approval, conditional approval, or disapproval of final plats and transmit the same together with recommendations for acceptance of dedications of easements and rights-of-way to the Governing Body for their review.

3. Make other determinations and decisions as may from time to time be required by these regulations and by the applicable sections of the Kansas Statutes Annotated.

SECTION 3. DUTIES OF THE GOVERNING BODY:

1. Consider Planning Commission recommendations on final plats and accept or reject dedications of easements and rights-of-way.

2. Approve engineering drawings of proposed improvements prior to construction.

3. Accept or reject financial guarantees from subdividers in lieu of immediate completion or installation of improvements required by the regulations.

4. Take other actions as required from time to time including the consideration of amendments to these regulations.

ARTICLE XIV

SEVERABILITY AND EFFECTIVE DATE

SECTION 1. SEVERABILITY: If any provisions of these regulations are held to be unconstitutional or otherwise invalid by an court of competent jurisdiction, then such provisions shall be considered separately and apart from the remaining provisions of these regulations, said provisions to be completely severable from the remaining provisions of these regulations, and the remaining provisions of these regulations shall remain in full force and effect.

remaining provisions of these regulations, and the remaining provisions of these regulations shall remain in full force and effect.

SECTION 2. EFFECTIVE DATE: These regulations shall take effect and be in force from and after their recommendation by the Planning Commission, approval by the Governing Body by ordinance, and publication once in the official area newspaper.

APPROVED by the Russell, Kansas Planning Commission this 16 day of March, 1994.

Martin Myers, Chairman

ATTEST:

Steve Bealby, Secretary

APPROVED by the City Council of Russell, Kansas, this 19 day of April, 1994.

Neal Farmer, Mayor

(Seal)

ATTEST:

Karen Gates, City Clerk