

# **SUBDIVISION REGULATIONS**

## **CITY OF RUSSELL, KANSAS**

**PREPARED AT THE DIRECTION OF THE  
RUSSELL CITY PLANNING COMMISSION**

**Official Copy as Incorporated by Ordinance No. 1902**

**Edition of 2017**

**Effective Date: November 24, 2017**

# TABLE OF CONTENTS

<b>Art. I.</b>	<b>In General</b>	<b>Page</b>
	Section 1 Title	1
	Section 2 Definitions	1-6
	Section 3 Authority	6-7
	Section 4 Policy and Purposes	7-8
	Section 5 Interpretation, Conflict	8
	Section 6 Saving Provision	8
	Section 7 Amendments	8
	Section 8 Conditions	8-9
	Section 9 Vacation of Plats	9
	Section 10 Variations, Exceptions and Appeals	9-10
	Section 11 Enforcement, Violations and Penalties	10
<b>Art. II.</b>	<b>Application Procedure and Approval Process</b>	
<b>Div. 1</b>	<b>Generally</b>	11
	Section 1 Compliance Required	11
	Section 2 Official Submission Dates	11
<b>Div. 2</b>	<b>Preliminary Plat</b>	11
	Section 1 Application Procedure and Requirements	11
	Section 2 Review by Appropriate Agencies	11
	Section 3 Planning Staff and Planning Commission Review	11
	Section 4 Notification Process	11
	Section 5 Preliminary Approval	12
	Section 6 Preliminary Disapproval	12
	Section 7 Effective Period of Preliminary Approval	12
	Section 8 Zoning Regulations	12
<b>Div. 3</b>	<b>Final Plat</b>	12
	Section 1 Application Procedure and Requirements	12-13
	Section 2 Planning Staff Review	13
	Section 3 Notification Process	13
	Section 4 Review by the Planning Commission	13
	Section 5 Review by the Governing Body	13
	Section 6 Submission and Review	13
	Section 7 Vested Rights	13
	Section 8 Recording of Plat	14
<b>Div. 4</b>	<b>Lot Split Regulations</b>	14
	Section 1 Purpose	14
	Section 2 Application Procedure and Requirements	14
	Section 3 Planning Staff Review	14
	Section 4 Approval Standards	15
	Section 5 Lot Split Approval	15
	Section 6 Building Permits	16
	Section 7 Exemptions for Industrial Plats	16
<b>Art. III.</b>	<b>Requirements for Improvements, Reservations and Design</b>	
	Section 1 General	17-18
	Section 2 Lots and Lot Improvements	18-19
	Section 3 Performance Bond	19
	Section 4 General Street Requirements	19-21
	Section 5 Street Design Standards	21-24
	Section 6 Street Dedications and Reservations	24
	Section 7 Drainage and Storm Sewers	25-26
	Section 8 Water and Sewer Facilities	26
	Section 9 Sidewalks	26
	Section 10 Utilities	26-27

	Section 11 Public Uses	27
	Section 12 Preservation of Natural Features and Amenities	27-28
	Section 13 Dedication of Public Park Land	28-29
<b>Art. IV.</b>	<b>Installation of Improvements</b>	
	Section 1 Plans and specifications required	30
	Section 2 Content of plans and specifications	30
	Section 3 Construction of improvements	30
<b>Art. V.</b>	<b>Specifications for Documents to be Submitted</b>	
	Section 1 Preliminary Plat	31-32
	Section 2 Final Plat	32-37
<b>Art. VI.</b>	<b>Required Improvements</b>	
	Section 1 Improvement Provisions	38
	Section 2 Existing Improvements	38
	Section 3 Financing of Required Improvements	38-39
<b>Art. VII.</b>	<b>Administration</b>	
	Section 1 Duties of the Zoning Administrator	40
	Section 2 Duties of the Planning Commission	40
	Section 3 Duties of the Governing Body	40
<b>Art. VIII.</b>	<b>Severability and Effective Date</b>	
	Section 1 Severability	41
	Section 2 Effective Date	41
	<b>Statutory Reference Table</b>	42

# ARTICLE I. IN GENERAL

## Section 1. Title.

These regulations shall hereafter be known, cited and referred to as the "Subdivision Regulations of the City of Russell, Kansas."

## Section 2. Definitions.

- (a) For the purposes of this article certain numbers, abbreviations and words used herein shall be used, interpreted and defined as set forth in this section. Any word or phrase which is defined in this section, or elsewhere in this article shall have the meaning as so defined whenever the word or phrase is used in this article, unless such definition is expressly limited in its meaning or scope.
- (b) Unless the context clearly indicates to the contrary:
- (1) The word "shall" is always mandatory and the word "may" is always permissive.
  - (2) 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".
  - (3) The word "building" includes "structure" and a building or a structure includes any part thereof.
- (c) Any term not defined in this article or section shall be as defined in the zoning regulations.
- (d) The following words and phrases, when used in this article, 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 conditional use permit, amendment, variance, zoning certificate or certificate of occupancy has been requested. Consent shall be required from the legal owner of the premises.
  5. **Area.** The size of a piece of land, usually described in terms of square feet or acres.
  6. **Arterial Street.** See street, arterial.
  7. **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 municipalities.
  8. **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 governing body. All bonds shall be approved by the governing body wherever a bond is required by this article.

9. **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.
10. **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.
11. **Collector Street.** See street, collector.
12. **Common open space.** A parcel of land or an area of water, or combination of both land and water, within a site designated as a planned development zoning district and designated and intended for the use and/or enjoyment of the residents of the planned development. Common open space does not include streets, alleys, parks, off-street parking or loading areas, public open space, or other facilities dedicated by the developer for public use.
13. **Comprehensive plan.** Official public document adopted by the local government as a policy guide to decisions about the physical development of the community. The plan encompasses all geographical parts of the community and all functional elements which bear on physical development.
14. **Cul-de-sac.** See street, cul-de-sac.
15. **Dead-end street.** A street having only one outlet.
16. **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 designation of minimum lot area, width and length.
17. **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 this article.
18. **Double frontage lot.** See lot, double frontage.
19. **Drainage easement.** See easement, drainage.
20. **Easement.** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property. The property owner retains ownership of the easement.
21. **Easement, drainage.** An easement to be utilized for improving the removal of runoff water from a subdivision or a group of subdivisions.
22. **Easement, pedestrian.** An easement for providing pedestrian access.
23. **Easement, temporary.** An easement utilized primarily for construction purposes or to give access for a limited period of time.
24. **Easement, utility.** An easement within which the common service delivery lines (electric, telephone, CATV, water, sanitary sewer, etc.), are located.
25. **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.

- 26. 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.
- 27. Final plat.** See plat, final.
- 28. Flood fringe.** That portion of the floodplain lying outside of the floodway, i.e., subject to being covered by floodwaters of the regulatory flood, but not required to carry and discharge the flood waters.
- 29. Floodplain.** A watercourse and land adjacent to a watercourse subject to inundation from a flood having a chance occurrence in any one (1) year of one (1) percent.
- 30. Floodway.** The channel of a stream or other watercourse and the land area adjacent to the stream channel that is required to carry and discharge the floodwaters of the regulatory flood (100-year flood) without undue restriction.
- 31. 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.
- 32. 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.
- 33. 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.
- 34. 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.
- 35. Land use plan.** A portion of the comprehensive plan indicating the general anticipated use of the land within the city's jurisdiction.
- 36. Local Street.** See street, local.
- 37. Lot.** A portion or basic parcel of a subdivision, the plat of which has been recorded in the office of the county register of deeds. The owner of any such lot or parcel shall be deemed to be an equitable owner.
- 38. Lot, corner.** A lot which adjoins the point of intersection or meeting of two (2) or more streets.
- 39. Lot, double frontage.** A lot, two (2) opposite lot lines of which abut public streets which are more or less parallel. Also known as double frontage or reverse frontage lots.
- 40. Lot depth.** The distance between the midpoint of the front lot line and the midpoint of the rear lot line.
- 41. Lot line.** The boundary line of a lot as recorded in the office of the county register of deeds.

- 42. 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.
- 43. Lot width.** The distance between the side lot lines of a lot, measured along the established building setback line.
- 44. Lot, zoning.** A parcel of land that is designated by its owner or developer, at the time of applying for a zoning certificate as a tract, all of which is to be used, developed or built upon as a unit under single ownership. As long as it satisfies the above requirements such lot may consist of:
- a. A single lot of record;
  - b. A portion of a lot of record;
  - c. A combination of complete lots of record, complete lots and portions of lots of record or portions of lots of record.
- 45. 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.
- 46. Occupancy permit.** See permit, occupancy.
- 47. Official street classification plan.** A municipally adopted document denoting the status of a given section of public right-of-way (arterial, collector, residential, etc.). See also street.
- 48. 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.
- 49. Parks.** See public open space.
- 50. Pedestrian.** Any means of locomotion which is not motor driven (i.e., walking, bicycling, etc.).
- 51. Pedestrian way.** A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
- 52. Permit, building.** A certificate issued by the code official or his designee to allow construction of a specific type of structure.
- 53. Permit, occupancy.** A permit issued by the code official after certification that such land use, structure or building is fit for human occupancy and complies with all the provisions of the zoning regulations and other applicable city codes, ordinances, rules and regulations.
- 54. Plat, final.** The map or plan of record of a subdivision, and any accompanying material as described in this article. The date of submittal of the final plat commences the sixty (60) day statutory review period as provided in K.S.A. 12-752.
- 55. Plat, preliminary.** The preliminary drawings and information as described in this article and as defined in the zoning regulations and any other applicable city codes, ordinances, rules and regulations.
- 56. Principal use.** The main use of land as distinguished from a subordinate or accessory use.
- 57. Private Street.** See street, private.
- 58. Protective covenants.** Restrictions governing the use of land within a given subdivision placed on the land by the owner at the time of platting.

- 59. Public open space (park).** A parcel of land or an area of water, or a combination of land and water dedicated to the public and available for the use and enjoyment of the general public. Public open space does not include streets, alleys or off-street parking or loading areas.
- 60. Public sewer and water system.** Any system, other than an individual septic tank or tile field or an individual well, operated by a municipality or other governmental agency or public utility for the treatment of wastes and the furnishing of water.
- 61. Restrictive covenants.** See protective covenants.
- 62. Right-of-way.** A tract of land, generally a strip, occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special purpose. A right-of-way is generally owned by or dedicated to the public or a public utility.
- 63. 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.
- 64. 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. When fencing is used for screening, it shall not be less than six (6) or more than eight (8) feet in height.
- 65. Setback.** The distance between the front lot line and the principal building on the lot.
- 66. Sidewalk.** A pedestrian walkway with a concrete surface constructed to city minimum standards.
- 67. Sketch plan.** A map or plan of a proposed subdivision preparatory to the preparation of the preliminary plan to enable the sub divider to save time and expense in reaching tentative general agreements by a discussion of the form and objectives of these regulations.
- 68. Street.** A right-of-way, other than an alley, dedicated to public use, which provides principal vehicular and pedestrian access to adjacent properties.
- 69. Street, arterial.** A street of considerable continuity which is primarily a traffic artery for intercommunication between large areas and which only rarely provides access to abutting properties.
- 70. Street, collector.** A street supplementary to arterial streets and a means of intercommunication between this system and smaller areas; used to some extent for through traffic and to some extent for access to abutting properties.
- 71. Street, cul-de-sac.** A street having only one outlet and being permanently terminated by a vehicle turn-around at the other end.
- 72. 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.
- 73. Street, half.** A street in which only a portion of the right-of-way is dedicated at the time of platting on the assumption that the remainder of the right-of-way will be dedicated when the adjoining property is developed.
- 74. Street, private.** Any street designed for vehicular traffic not dedicated as a public thoroughfare. The city has no maintenance responsibilities for a private street.



- 75. Street, residential.** Any street designed primarily to provide access to abutting property.
- 76. 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.
- 77. 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.
- 78. Sub divider.** 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.
- 79. 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.
- 80. Subdivision regulations.** The official subdivision regulations of the city, together with all amendments thereto, adopted pursuant to K.S.A 12-749.
- 81. Tree.** A large woody perennial plant with one or more main trunks and many branches. A tree with any trunk which has a diameter of six (6) or more inches when measured at a height of three (3) feet above the average grade level shall be protected by this article.
- 82. 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.
- 83. Utility easement.** See easement, utility.
- 84. 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 three (3) feet and ten (10) feet above the street level. Such restrictions shall not apply to official traffic signs and signals and utility poles.
- 85. Walkway easement.** See easement, pedestrian.
- 86. Water body.** Any area covered by water at least six (6) months per year and which the deepest portion has a minimum depth of three (3) feet.
- 87. 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.
- 88. Zoning lot.** See lot, zoning.
- 89. Zoning ordinance.** The official zoning regulations of the city together with any and all amendments adopted pursuant to K.S.A. 12-753 et seq.

### **Section 3. Authority.**

- (a) By authority of resolution by the governing body, adopted pursuant to the powers and jurisdiction vested through K.S.A. 12-752 and other applicable laws, statutes, ordinances and

regulations of the state and amendments thereto, the city does hereby exercise the power and authority to review, approve and disapprove plats for subdivision of land within the corporate limits of the municipality.

- (b) No land governed by this article shall be subdivided until the subdivider or his agent shall submit and obtain approval of the preliminary and final plats by the planning commission and until the approved plat is filed with the county register of deeds. No building permit or certificate of occupancy shall be issued for any parcel or plat of land within the city which was created by subdivision regulations and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations.

#### **Section 4. Policy and purposes.**

It is hereby declared to be the policy of the city to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the city pursuant to the comprehensive plan for the orderly, planned, efficient and harmonious physical and economic development of the community. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace, and land shall not be developed until available public facilities and improvements exist and proper provisions have been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities and transportation facilities and improvements. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the comprehensive plan, official street classification plan and/or major street plan, and the capital improvements program of the city. This article shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning regulations, the comprehensive plan, official street classification plan and/or major street plan and capital improvement program of the city. This article is adopted for the following purposes:

- (1) To protect and provide for the public health, safety and general welfare of the municipality;
- (2) To guide the future growth and development of the municipality in accordance with the comprehensive plan that represents the most beneficial use of private and public areas of the municipality, considering the suitability of such areas and having regard for the use of land and building development;
- (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 protect the character and the social and economic stability of all parts of the municipality and to encourage the orderly and beneficial development of all parts of the municipality;
- (5) To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
- (6) To provide a guide to public policy and action in facilitating adequate provision for transportation, water, sewerage, schools, parks, playgrounds, recreation and other public requirements and in the efficient provision of public facilities and services and for private enterprise in building development, investment and other economic activity relating to uses of land and buildings throughout the municipality;
- (7) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic

movements appropriate to the various uses of land and buildings through the municipality, and to provide for the proper location and width of streets and building lines;

- (8) To establish reasonable standards of design and procedures for subdivision and resubdivisions; to further the orderly layout and use of land to insure proper legal descriptions and proper monumenting of subdivided land;
- (9) To promote the expansion of the community in accordance with the availability and capacity of existing and projected public facilities and services;
- (10) To prevent the pollution of air, streams and ponds; to assure adequate drainage; to safeguard ground water resources; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability and beauty of the community and the value of the land;
- (11) To preserve the natural beauty and topography of the municipality and to insure appropriate development with regard to these natural features;
- (12) To provide for open spaces through the most efficient design and layout of the land in providing for minimum width and area of lots while preserving the density of land as established in the zoning regulations.

**Section 5. Interpretation, conflict.**

- (a) In their interpretation and application, the provisions of this article shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.
- (b) This article is not intended to interfere with, abrogate or annul any other ordinance, regulations, statute or other provision of law. Where any provision of this article imposes restrictions, different from those imposed by any other provision of this article or any other ordinance, regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
- (c) This article is not intended to abrogate any easement, covenant or other private agreement or restriction, provided that where the provisions of this article are more restrictive or impose higher standards or regulations than such easement, covenant or private agreement or restriction, the requirements of this article shall govern. Where such private agreement imposes more restrictive, or higher standards, and the planning commission determines that they are not inconsistent with this article, then such private provisions shall be operative and supplemental to this article.

**Section 6. Saving provision.**

This article shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person or as waiving any right of the city under any section or provision existing at the time of adoption of this article, or as vacating or annulling any rights obtained by any person, by lawful action of the city except as shall be expressly provided for in this article.

**Section 7. Amendments.**

For the purpose of providing for the public health, safety and general welfare, the planning commission may from time to time amend the provisions imposed by this article in accordance with K.S.A. 12-749.

**Section 8. Conditions.**

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to the city as provided in K.S.A. 12-749. The developer has the duty of compliance with reasonable conditions laid down by the planning commission for design, dedication, improvement and restrictive use of the land so as to conform to the physical and

economic development of the city and to the safety and general welfare of the future plot owners in the subdivision and of the community at large.

**Section 9. 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 10. Variations, exceptions and appeals.**

- (a) *General.* Where the planning commission finds that particular hardships or practical difficulties may result from strict compliance with this article, it may approve variations or exceptions to this article so that substantial justice may be done and the public interest secured. Economic loss or hardship is not sufficient grounds for the granting of a variance or exception. Such variation or exception shall not have the effect of nullifying the intent and purpose of this article; and further provided, the planning commission shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:
- (1) The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
  - (2) The conditions upon which the request for a variation are based are unique to the property for which the variation is sought, and is not applicable generally to other property;
  - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, an extraordinary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this article is carried out;
  - (4) The variation will not in any manner vary the provisions of the zoning regulations, ordinance, comprehensive plan or official map of the city.
- (b) *Conditions.* In approving variances and exceptions, the planning commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements of this article.
- (c) *Procedures.* An application for any such variance shall be submitted in writing by the sub divider at the time when the preliminary plat is filed for the consideration of the planning commission. The applicant shall state fully the grounds for the variance and all of the facts relied upon by the petitioner.
- (d) *Appeals.* The sub divider of a proposed subdivision may appeal to the governing body decisions made in the enforcement or interpretation of these regulations by the code official or planning commission. 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 11. Enforcement, violations and penalties.**

(a) *General:*

- (1) It shall be the duty of the code official to enforce this article, and to bring to the attention of the city attorney or his designated assistant, any violations or lack of compliance herewith.
- (2) No owner or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the planning commission, in accordance with the provisions of this article, and filed with the county register of deeds.
- (3) The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer or lease with the intent of evading this article, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in this article.
- (4) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of this article.

(b) *Violations and penalties.* Any person who fails to comply with, or violates any of the provisions of this article shall be subject to a penalty as provided in Article XII, Division 1, Section 1 of the Zoning Regulations.

(c) *Civil enforcement.* Appropriate actions and proceedings may be taken by law or in equity to prevent any violations of this article, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation to prevent illegal occupancy of a building structure or premises, and these remedies shall be in addition to the penalties described above.

## **ARTICLE II. APPLICATION PROCEDURE AND APPROVAL PROCESS**

### **DIVISION 1. GENERALLY**

#### **Section 1. Compliance required.**

Whenever any subdivision of land is proposed, before any contract is made for the sale of lots and before any permit for the erection of a structure in the proposed subdivision shall be granted, the owner or his authorized agent, shall apply for and secure the approval of the proposed subdivision in accordance with the procedures outlined in this article.

#### **Section 2. Official submission dates.**

For the purpose of this article the date of the regular meeting of the planning commission (including any adjourned date thereof) at which the public hearing on the final plat is closed, shall constitute the official submittal date of the plat. At that time the statutory period required for formal approval or disapproval of the plat shall commence.

### **DIVISION 2. PRELIMINARY PLAT**

#### **Section 1. Application procedure and requirements.**

The applicant shall file an application for approval of a preliminary plat. The application shall:

- (1) Be made on forms available in the code officials office together with a fifty (\$50) fee plus five (\$5) per lot pursuant to the city fee schedule, which may be changed from time to time;
- (2) Include all land which the applicant proposes to subdivide and all land adjacent to or opposite the street frontage from applicant's land;
- (3) Be accompanied by a minimum of five (5) blue line or, blackline copies of the preliminary plat as described in this article;
- (4) Be presented to the code official in accordance with the current schedule of subdivision processing, available from the secretary;
- (5) Include a list of names and mailing addresses of all property owners of record within 200 feet of the proposed subdivision and 1,000 feet if adjacent to the City limits boundary. This list shall be obtained from the county GIS office or from a licensed and bonded abstract company.

#### **Section 2. Review by appropriate agencies.**

The code official shall refer the proposed preliminary plat to the appropriate agencies for their review and recommendations.

#### **Section 3. Planning staff and planning commission review.**

The planning staff shall review the proposed plat in accordance with the schedule of subdivision processing currently in effect. The applicant shall be notified of deficiencies within twenty-eight (28) days of the appropriate filing deadline. The preliminary plat shall be scheduled for planning commission hearing within forty-five (45) days of the appropriate filing deadline.

#### **Section 4. Notification process.**

Twenty (20) days prior to the scheduled meeting at which the proposed preliminary plat is to be considered the code official shall notify all owners of adjacent properties, platted or unplatted, in writing of the proceedings in effect. For notification purposes only all public lands, public or private easements and rights-of-way adjacent to the project shall be considered as part of the proposed project provided such lands do not exceed three hundred (300) feet in width. See Div. 2, Section 1(5) and Article V, Section 1(4) a.

**Section 5. Preliminary approval.**

After the planning commission has reviewed the preliminary plat and other testimony and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. The planning commission shall approve, conditionally approve, or disapprove the preliminary plat within sixty (60) days after the date of the regular meeting of the planning commission at which the public hearing for preliminary approval including adjournment date thereof is closed. A determination on the application for preliminary plat approval shall be made within ninety (90) days of the appropriate filing deadline.

**Section 6. Preliminary disapproval.**

If the planning commission determines that the preliminary plat does not satisfy the applicable requirements, it may:

- (1) Allow the sub divider to amend the preliminary plat so as to incorporate such modification and resubmit the preliminary plat to the planning commission. After re-submission the planning commission shall grant its approval provided that all modifications are made under the original agreement.
- (2) The sub divider 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 sub divider with a written statement setting forth the reasons for disapproval.

The sub divider may appeal the disapproval of the preliminary plat to the governing body. Such appeal shall be made in writing and filed with the code official within sixty (60) days after the date the planning commission issues its disapproval of the preliminary plat.

**Section 7. Effective period of preliminary approval.**

The approval of a preliminary plat shall be effective for a period of one (1) year. At the end of that time, final approval of the subdivision must have been obtained from the planning commission, although the plat need not yet be signed and filed with the county register of deeds. The planning commission may, at their own discretion, grant one (1) six (6) month extension to this time period upon written request. Any plat not receiving final plat approval within the period of time set forth herein shall be required to be reprocessed as a preliminary plat in accordance with this article and be approved prior to submission of a final plat. Any plat required to be reprocessed under this section shall be subject to another filing fee and to all zoning restrictions and subdivision regulations in effect at the time of refiling.

**Section 8. Zoning regulations.**

Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of proposed final plat approval, except that any plat which has received preliminary plat approval shall be exempt from any subsequent amendments to the zoning ordinance rendering the plat nonconforming as to bulk or use, provided that final plat approval is obtained within the one-year period.

**DIVISION 3. FINAL PLAT**

**Section 1. Application procedure and requirements.**

Following the approval of the preliminary plat, the applicant, if he wishes to proceed with the subdivision, shall file with the planning commission an application for final approval of a subdivision plat. The application shall:

- (1) Be made on forms available in the code officials office together with a fifty (\$50) fee pursuant to the city fee schedule, which may be changed from time to time;
- (2) Include the entire subdivision, or section thereof, which derives access from an

- existing state, county or local government highway or street;
- (3) Be accompanied by a minimum of five (5) blackline copies of the subdivision plat, as described in this article;
  - (4) Comply in all respects with the preliminary plat, as approved;
  - (5) Be presented to the code official in accordance with the subdivision processing schedule currently in effect;
  - (6) Include a list of names and mailing addresses of all property owners of record within 200 feet of the proposed subdivision and 1,000 feet if adjacent to the City limits boundary. This list shall be obtained from the county GIS office or a licensed and bonded abstractor's office.

**Section 2. Planning staff review.**

The planning staff shall review the proposed final plat for conformance with the approved preliminary plat and the subdivision regulations in accordance with the schedule of final plat processing then in effect. The applicant shall be notified of any deficiencies within fourteen (14) days of the applicable filing deadline.

**Section 3. Notification process.**

Twenty (20) days prior to the scheduled meeting, at which the final plat is to be considered, the code official shall notify all owners of adjacent properties, platted or unplatted, in writing of the proceedings in effect. For notification purposes only, all public lands, public or private easements and rights-of-way adjacent to the tract shall be considered as part of the tract, provided such lands do not exceed three hundred (300) feet in width. See Div. 3, Section 1(6).

**Section 4. Review by the planning commission.**

The proposed final plat shall be reviewed by the planning commission for conformance with the approved preliminary plat and with all applicable codes and regulations of the city within sixty (60) days of the applicable filing deadline on the current schedule of subdivision processing. Upon approval the chairman of the planning commission (hereinafter referred to as chairman) and secretary shall endorse the proposed final plat.

**Section 5. Review by the governing body.**

The proposed final plat shall be reviewed by the governing body after the planning commission has endorsed the plat. Approval by the governing body shall take the form of a motion approving the plat and authorizing the mayor to sign the final plat. Governing body action shall be within sixty (60) days of the applicable filing deadline shown on the current schedule of subdivision processing unless the applicant requests a delay.

**Section 6. Submission and review.**

Subsequent to approval by the governing body, two (2) reproducibles of the original of the subdivision plat on polyester drafting film and four (4) copies of the subdivision plat on paper shall be submitted to the code official for final review. One (1) reproducible copy and all paper copies shall remain with the code official for city records. No final approval shall be endorsed on the plat until a review has indicated that all requirements of this article have been met.

**Section 7. Vested rights.**

No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the chairman; and all requirements, conditions or regulations adopted by the planning commission applicable to the subdivision or on all subdivisions generally shall be deemed a condition for any subdivision prior to the time of the signing of the final plat by the chairman and secretary. Where the planning commission has required conditions for approval prior to signing of the final plat, the planning commission shall not modify the conditions set forth in the final approval.



**Section 8. Recording of plat.**

- (a) The chairman and secretary, the mayor and the city clerk will sign the reproducible polyester drafting film original of the subdivision plat.
- (b) 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.

**DIVISION 4. LOT SPLIT REGULATIONS**

**Section 1. Purpose.**

The purpose of these regulations is to provide for the division of a lot within a subdivision into not more than two (2) lots or tracts without having to comply with the platting requirements described in these regulations. An existing platted lot may be divided or split into not more than two (2) parts which singularly or combined with an adjoining lot or part of a lot results in two (2) building lots which meet the minimum size and area requirements of the zoning district in which the lots are located. Any further division of the new lots shall require replatting in accordance with the requirements described in these regulations.

**Section 2. Application procedure and requirements.**

A written application for a split shall be made to the code official. Each application shall be submitted with three (3) copies of a plot plan, certified by a licensed land surveyor at a scale of one (1) inch equals thirty (30) feet or less and shall contain the following information:

- (1) Location of the existing lot within the subdivision as related to the nearest existing streets;
- (2) Location of existing easements and utilities;
- (3) Dimensions of the divided portions of the lot;
- (4) Location and width of driveways or access ways, existing and proposed;
- (5) Dimensions of all existing structures and their locations with respect to the existing lot lines;
- (6) Signature of the owner(s); and
- (7) Legal description(s) of the property(ies).
- (8) Include a list of names and mailing addresses of all property owners of record within 200 feet of the property proposed to be split and 1,000 feet if adjacent to the City limits boundary. This list shall be obtained from the county GIS office or a licensed and bonded abstractor's office.

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 code official of any protests they may have concerning the lot split. The ten (10) 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.

**Section 3. Planning staff review.**

Upon receipt of the application, the planning commission shall review it for compliance with the zoning and subdivision regulations. If the application and the plot plan comply with all applicable regulations, the lot split shall be approved by the planning commission and shall bear the signature of the chairman and secretary of the planning commission. The applicant shall file the approved lot split with the Russell County Register of Deeds. A copy of the filed request must be returned to the code official, who will make and distribute additional copies to the city clerk.

**Section 4. Approval standards.**

The division of lots pursuant to this article shall comply with the comprehensive plan, any major street and road plans, applicable zoning ordinance requirements, these regulations and all other applicable regulations. No lot split shall be approved if:

- (1) A new street or alley or other public improvement is needed or proposed;
- (2) A vacation of streets, alleys, setback lines, access control, or easements is required or proposed;
- (3) There is less street right-of-way than required by this article;
- (4) Any easement requirements have not been satisfied or existing easements would have to be modified to accommodate the proposed lot split;
- (5) The lot splits will result in a tract without frontage on a public street or approved private street;
- (6) A lot or parcel of substandard size will be created, except where a lot split will result in the substandard-sized portion being recombined with an adjoining standard-sized, platted lot and where this recombination is duly filed and recorded with the Russell County Register of Deeds; or
- (7) The lot split will result in a substantial increase in service requirements (e.g. utilities, drainage, traffic control, street improvements, etc.) and will constitute a significant deviation from the basis upon which approval of the original plat was granted.

**Section 5. Lot split approval.**

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, COUNTY OF RUSSELL, ss:

This lot split was approved by the Russell City Planning Commission on this day of \_\_\_\_\_, 20\_\_\_\_, and was found to comply with the Subdivision Regulations of the City of Russell, Kansas, and is, therefore, approved for recording.

Date Signed: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

A copy of the lot split approval shall be filed with the code official and two (2) copies shall be furnished to the applicant, one of which the applicant shall file with the County Register of Deeds.

**Section 6. Building permits.**

No building permit shall be issued for any site which contains a division of a platted lot of record, unless such division has been approved in the manner provided by this article.

**Section 7. Exemptions 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 4 is found to exist.

## **ARTICLE III. REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS AND DESIGN**

### **Section 1. General.**

- (a) *Conformance to applicable rules and regulations.* 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 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, and all boards, commissions, agencies and officials of the city; and all pertinent standards contained within the planning guides published by the applicable planning commission. Plat approval may be withheld if a subdivision is not in conformity with the above guidelines or the policy and purposes of this article established in Article I, Section 4.
- (b) *Protective covenants.* If the owner places restrictions on any of the land contained in the subdivision greater than those required by the zoning regulations or this article, such restrictions or reference thereto may be required to be indicated on the final subdivision plat, or the planning commission may require that protective covenants be recorded with the county register of deeds in form to be approved by the city attorney.
- (c) *Plats straddling municipal boundaries.* Whenever access to the subdivision is required across land in another local governmental jurisdiction, the planning commission may request assurance from the city attorney that access is legally established, from the code official that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road. Lot lines shall be laid out so as not to cross municipal boundary lines.
- (d) *Monuments.* The applicant shall place permanent reference monuments in the subdivision as required herein and as approved by a registered land surveyor. Monuments shall be located on street right-of-way lines, at street intersections, angle points of curve and block corners.
- (1) The external boundaries of a subdivision shall be monumented in the field by monuments of concrete not less than twenty-four (24) inches in depth, not less than four (4) inches square or five (5) inches in diameter and marked on top with a one half inch by twenty-four-inch iron rod securely imbedded. These monuments shall have affixed thereto a metal or plastic cap bearing the name and/or registration number of the responsible land surveyor legibly stamped or imprinted thereon. These monuments shall be placed at all corners, at each end of all curves, at all angle points in any line, and at all angle points along the meander line, such points to be not less than twenty (20) feet back from the bank of any river or stream, except that when such corners or points fall within a street, or proposed future street, the monuments shall be placed on the right-of-way line of the street. The location of these monuments shall also be marked on the ground by the use of wooden stakes.
- (2) All block corners, including the PC and PT of curved block lines, shall be marked with iron monuments no smaller than one-half inch in diameter and two (2) feet in length driven into the ground flush with the existing ground surface. The location of such monuments shall be shown on the final plat and marked on the ground by use of wooden stakes. 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.

- (3) All monuments shall be properly set in the ground and approved by a registered land surveyor.
- (e) *Character of the land.* 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, upon recommendation of the code official, to solve the problems created by the unsuitable land conditions.
- (f) *Subdivision name.* The proposed name of the subdivision shall not duplicate or closely approximate phonetically the name of any other subdivision in the area covered by this article. The planning commission shall have final authority to designate the name of the subdivision.

## **Section 2. Lots and lot improvements.**

- (a) *Lot splits.* No provision of this article shall be construed as to require a replat for the split of any lot into two (2) tracts if it is zoned residentially. Should a tract be zoned industrially it may be divided into any number of tracts without a replat.
- (b) *Lot arrangement.* The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with city codes and in providing legal access to lots from an approved public street.
- (c) *Lot dimensions.* Lot dimensions shall comply with the minimum standards of the zoning regulations. Where lots are more than double the minimum required for the zoning district, the planning commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the zoning regulations and this article. Side lot lines shall be at right angles to street lines or radial on curved streets unless a variation from this rule will give better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets. Depth and width of properties reserved or laid-out for business, commercial or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated as established in the zoning regulations.
- (d) *Double frontage lots and access to lots:*
  - (1) *Double frontage lots.* Double frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.
  - (2) *Access from arterials.* Lots shall not derive access exclusively from an arterial or collector street. When driveway access from an arterial or collector street may be necessary for several adjoining lots, the planning commission may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Driveways should be designed and arranged as to avoid requiring vehicles to back into traffic on arterials.
- (e) *Lot drainage.* Individual lot drainage shall be coordinated with the general storm drainage pattern for the area.

- (f) *Fencing.* Each subdivider and/or developer shall be required to furnish and install fence wherever the planning commission determines that a hazardous condition may exist. Such fences shall be constructed according to standards established by the city and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until the fence improvements have been duly installed or a performance bond sufficient to cover the cost of the fencing, as determined by the city, is filed with the city clerk.
- (g) *Water bodies and watercourses.* If a tract being subdivided contains a water body, or portion thereof, lot lines shall be drawn so as to distribute the entire ownership of the water body among the adjacent lots. The planning commission may approve an alternative plan whereby ownership of and responsibility for safe maintenance of the water body is so placed that it will not normally become a city responsibility. Not more than twenty-five (25) percent of the minimum area of a lot required under the zoning regulations may be satisfied by land which is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure, of a design approved by the city.

**Section 3. Performance bond.**

- (a) A performance bond, if required, shall include an amount to guarantee completion of all requirements contained in this article, including, but not limited to, lot drainage, fencing, sidewalk construction, and all other lot improvements required by the planning commission. Such performance bond shall be sufficient to cover the cost of the improvements as determined by the city, shall specify the time for completion, and be filed with the city clerk.
- (b) At the expiration of the performance bond, whether or not a certificate of occupancy has been issued, the city may enforce the provisions of the bond where the provisions of this section or any other applicable law, ordinance or regulation has not been complied with.

**Section 4. General street requirements.**

- (a) *Frontage on improved streets.* No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing state, county, or township highway; or a street shown upon a plat approved by the planning commission and recorded in the county register of deeds' office. The planning commission shall further require that the entire right-of-way required by this article be dedicated to the governing body as a condition of final plat approval.
- (b) *Topography and arrangement.*
  - (1) All streets shall be arranged so as to obtain as many building sites as possible at or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.
  - (2) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way.
  - (3) All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches and shopping centers; to population densities and to the pattern of existing and proposed land uses.
  - (4) Residential streets shall be laid out to conform as closely as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

- (5) The use of curvilinear streets, cul-de-sac or U-shaped streets shall be encouraged.
- (6) In business or industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities and the provision of alleys, truck loading and maneuvering areas, walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

(c) *Blocks.*

- (1) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to railroads, waterways, arterials or unplatted property.
- (2) The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed one thousand three hundred twenty (1,320) feet in length unless topographic conditions justify a variation. Blocks shall not be less than three hundred (300) feet unless necessary because of existing street patterns..
- (3) The planning commission may require the reservation of easements and/or rights-of way through blocks to accommodate utilities, drainage facilities or pedestrian traffic.

Pedestrian ways or crosswalks not less than ten (10) feet wide may be required by the planning commission through blocks more than eight hundred (800) feet long in order to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

Blocks designed for industrial use shall be of such length and width as may be determined suitable by the planning commission for prospective use.

(d) *Access to arterials.* Where a subdivision borders on or contains an existing or proposed arterial, the planning commission may require that access to such arterial streets be limited by one (1) of the following means:

- (1) The subdivision of land so that lots back onto the arterial and front onto a parallel local street; no access shall be provided by the developer in a strip of land along the rear property line of such lots.
- (2) A series of cul-de-sac's, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial. No access to the arterial shall be allowed.
- (3) A frontage street (separated from the arterial by a planting or grass strip and having access thereto at suitable points).

(e) *Street names.* Names shall be sufficiently different in sound and in spelling from other street names in the city, so as not to cause confusion. A street which is, or is planned as, a continuation of an existing street shall bear the same name.

(f) *Reserve strips.* Except as required in subsection (d), the creation of reserve strips adjacent to a proposed street in such a manner as to deny access from adjacent property to such street shall not be permitted.

(g) *Layout and dedication of streets and dead-end streets.*

- (1) *Dedication of streets.* The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of

utilities and where such continuation is in accordance with the city plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary cul-de-sac shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The planning commission may limit the length of temporary dead-end streets in accordance with the design standards of this article.

- (2) *Dead-end streets (permanent)*. A dead-end street shall be designed as a cul-de-sac street and shall consist of a fifty (50) foot right-of-way leading from a street terminated by a circular turnaround. The right-of-way of the turnaround shall not be less than one hundred (100) feet in diameter. The maximum length of a cul-de-sac street shall be six hundred (600) feet from the right-of-way line of the commencing street along the centerline right-of-way out of the cul-de-sac to the right-of-way line of the turnaround. See Section 9(a) (1).

### **Section 5 Street design standards.**

(a) *Public streets*. In order to provide for streets of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access to police, fire-fighting, snow removal, sanitation and road-maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards are set forth as required: See Table I. Street classification shall be determined by the planning commission. These standards may be modified on a showing that special conditions exist such as drainage and utility requirements, safe and efficient traffic movement, intersection design or emergency services access. Access control and acceleration and deceleration lanes may be required to properly handle traffic flow and to protect the carrying capacity of the street. Public streets shall be constructed in accordance with city design standards, specifications and materials.

- (1) Centerline grades should not be less than one (1) percent.
- (2) The maximum street grades for residential streets should be no greater than ten (10) percent.



Table I  
Public Street Design Standards

Street Classification	Min. R/W Width	Min. Pvmt. Width*	Min. Curve Radius	Min. Tangent Length Between Curves
Arterial				
5-Lane	100'	65'	500'	200'
4-Lane	80'	53'	500'	200'
Collector				
3-Lane	70'	41'	300'	150'
2-Lane	60'	33' (29') <sub>1</sub>	300'	150'
Local Street	60'	29' (33') <sub>2</sub>	150'	100'
Indust. & Commercial	80'			
Frontage Road	50'	25'	150'	100'
Cul-de-sac				
Approach	50' (60') <sub>3</sub>	29'	150'	100'
Turnaround	100'	90'***	----	----
Alleys	20'			
Pedestrian Ways	10'			

\*Back of curb to back of curb.

\*\*Allows for an optional island with a 15' radius in residential areas.

Footnotes to Table I

- 1 Code Official may approve a reduction in paving width on a two lane collector street from 33' B-B to 29' B-B when on street parking is prohibited.
- 2 Code Official may require a 33' pavement width on local streets that serve as through streets or major entry points into subdivisions.
- 3 60' right-of-way is required on dead end streets that exceed 600 ft. in length.

(b) *Private Streets.*

(1) Private streets may be approved when:

- a. The proposed private streets will have direct access onto a public street;
- b. The proposed private streets are not necessary to provide direct traffic access to public streets from properties located outside the development;
- c. The proposed private streets are so laid out or designed so as to discourage through traffic; and
- d. The proposed private streets will provide for adequate access, the safe movement of traffic, proper drainage and serve as an adequate alternative to a public street.

(2) A notation shall be placed on all plats of any subdivision in which private streets are established stating that: "All maintenance of the right-of-way and street surface shall be the responsibility of the abutting property owner or owner's association. No private street may be dedicated to or accepted by the City of Russell for public street purposes until it is brought into conformance with the minimum standards for public streets of the city."

- (3) When private streets are proposed, the developer shall submit to the planning commission for approval a written and binding declaration, to be recorded with the final plat establishing an owner's association or similar legal entity which will have:
    - a. The legal authority to maintain and exercise control over the street; and
    - b. The power to compel contributions from owners within the development to cover their proportionate shares of the cost associated with maintenance of the street.
  - (4) Private streets shall be designed so as to provide a minimum of forty-five (45) feet of right-of-way and twenty-five (25) feet of paved driving surface. Private cul-de-sacs shall be designed to provide a minimum of twenty (20) feet of circular paved driving surface with the outer edge of the pavement having a minimum radius of thirty-five (35) feet within a right-of-way having a minimum radius of forty (40) feet. All private streets shall conform to the design standards established by the city which is herein adopted by reference as if set out at length in this section.
  - (5) Street names shall be assigned by the developer, subject to planning commission approval, by placing the name on the plat. Names shall be sufficiently different in sound and spelling so as not to cause conflict or confusion with existing public or private streets. The city shall install street name signs within the public right-of-way at the intersection of public streets and private streets. Street name signs shall be installed by the developer at all other intersections within the development prior to issuance of any building permits. The private street name signs shall be constructed, located and installed in accordance with design standards established by the city.
  - (6) All lots and tracts which have frontage on and take their primary access from a named private street shall have an address assigned off of that private street.
  - (7) For the purpose of this section, a "private street" shall mean any open way used for vehicular traffic, not dedicated to the public and not a shared driveway or part of a parking lot, designed and used to provide vehicular access to two (2) or more lots or tracts.
- (c) *Railroads and limited access highways.* Railroad rights-of-way and limited access highways where located as to affect the subdivision of adjoining lands shall be treated as follows:
- (1) In residential districts a buffer strip at least twenty-five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of habitable structures hereon is prohibited."
  - (2) Streets parallel to the railroad, when intersecting a street which crosses the railroad at grade, shall be a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.
- (d) *Intersections:*
- (1) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets shall have no angle less than seventy-five (75) degrees. An oblique street shall be curved approaching an intersection and be approximately at right angles for at least one hundred (100) feet from the intersection. Not more than two (2) streets shall intersect at any point unless specifically approved by the planning commission.

- (2) A proposed new intersection along one side of an existing arterial street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be permitted on any class street, except where the intersected street has separated dual drives without median breaks at either intersection. Intersections of streets along arterials shall be at least eight hundred (800) feet apart.

(e) *Alleys:*

- (1) 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.

- (2) Where alleys are not provided, permanent easements of not less than twenty (20) 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 ten (10) 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.

**Section 6. Street dedications and reservations.**

- (a) *New perimeter streets.* Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half streets except when necessary for street alignment. Where an existing half street is adjacent to new subdivision the other half of the street shall be dedicated by the subdivider. The planning commission may authorize a new perimeter street where the sub divider dedicates the entire required street right-of-way width within their own subdivision.
- (b) *Widening and realignment of existing streets.* Where a subdivision borders an existing narrow street or when the master plan, official map or zoning setback regulations indicate plans for realignment or widening of a street that would require use of some of the land in the subdivision, the applicant shall be required to dedicate such areas for widening or realignment of such street. Such frontage streets shall be dedicated by the applicant at his own expense to the full width as required by this article. Land reserved for any street purposes may not be counted in satisfying yard or area requirements of the zoning regulations whether the land is to be dedicated to the city in fee simple or an easement for roadway purposes is granted to the city.

**Section 7. Drainage and storm sewers.**

- (a) *General requirements.* The planning commission shall not approve any plat of a subdivision which does not make adequate provisions for storm water runoff control. This control may be accomplished through the use of temporary detention basins, open channels, and/or closed conduits. The applicant shall be required to submit a drainage report prepared by a licensed professional engineer which examines the effects of the proposed subdivision on all upstream and downstream drainage conditions. The drainage report shall assume the ultimate development of the entire drainage basin based upon the current land use plan and the current and proposed zoning of the land within the drainage basin. The code official shall inform the planning commission, in writing, of the effects of the proposed subdivision on the existing storm drainage system based upon the above submitted drainage report. The city may require the developer of the proposed subdivision to construct or cause to be constructed all necessary storm drainage systems, designed in accordance with the design criteria established by the city, prior to the issuance of any building permits.
- (b) *Location.* Drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.
- (c) *Floodplain areas.* The planning commission, when it deems necessary for the health, safety or welfare of the present and future population of the area and necessary for the conservation of water, drainage and facilities, may prohibit the subdivision of any portion of the property which lies within the floodplain of any stream or drainage course. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste materials or stumps, except at the direction of the planning commission.
- (d) *Dedication of drainage easements:*
- (1) *General requirements.* Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate for the purpose. The drainage shall be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow, unless some other design is approved by the code official and planning commission.
- (2) *Drainage easements:*
- a. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual unobstructed easements at least fifteen (15) feet in width, or more if determined necessary by the code official, shall be provided across property outside the street. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities.
- b. When a proposed drainage system will carry water across adjacent private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- c. The applicant shall dedicate, either in fee simple or by drainage or conservation easement, land on both sides of existing watercourses, to a distance to be determined by the planning commission.
- d. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Not more than twenty-five (25)

percent of such land or land subject to periodic flooding shall be computed for determining the number of lots to be utilized or for computing the area requirements of any lot.

### **Section 8. Water and sewer facilities.**

- (a) *Individual wells and central water systems.* If a public water system is not available, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Water samples shall be submitted to the health department for its approval. Individual wells and central water systems shall be approved by the appropriate health authorities. Certification of approval shall be submitted to the planning commission, prior to preliminary plat approval.
- (b) *Individual sewage systems.* If municipal sewage system is not available, an individual sewage treatment system may be used or a public sewage system provided in such a manner that said system shall be approved by the appropriate state and/or local health authorities.

### **Section 9. Sidewalks.**

#### **(a) Required improvements:**

- (1) Sidewalks shall be included within the dedicated nonpavement right-of-way on both sides of all streets except cul-de-sacs. No sidewalks shall be required on cul-de-sac provided the six hundred (600) foot maximum length requirement in Section 4(g) (2) has not been varied under the provisions of Article I, Section 11.
- (2) The developer will be required to construct the sidewalk prior to the issuance of an occupancy permit for any building or post a performance bond to insure construction.
- (3) Sidewalks shall be built in the public right-of-way adjacent to the existing curb or with the inside edge approximately one (1) foot outside the property line unless an exception is approved by the code official due to topography, the presence of trees or other obstructions or to match an existing curbside sidewalk. Sidewalks shall be not less than four (4) feet in width and be constructed in accordance with city design standards and specifications.

### **Section 10. Utilities.**

- (a) All new utility lines, including but not limited to natural gas, electrical power, telephone lines and cable TV cables shall be placed underground within designated easements in all residential subdivisions within the City of Russell that are approved after the effective date of this provision. The subdivider, developer or owner of the property being platted shall make the necessary arrangements with the utility provider for the installation of underground utilities. No building permit for a principal structure shall be issued in a subdivision where underground utilities are required until the utility companies involved have provided confirmation to the code official that the necessary utility lines for that property have been installed or that they have commenced installation of the utility lines.

The provisions of this section shall not apply to any of the following:

- (1) Poles used exclusively for street or area lighting or traffic control signals.
- (2) Radio, television, and wireless communication towers and antennas.
- (3) Existing poles, overhead wires, and associated overhead structures, when part of a continuous line, or services to individual properties from existing overhead lines that are within a subdivision previously approved in conformance with these regulations. Nothing in this section will prevent the replacement of existing poles, overhead wires, and associated overhead structures on lines when necessary for the purpose of maintaining the line or upgrading the capacity.
- (4) Subdivisions located within the urban service area but outside the city limits.

- (5) New subdivisions or replats of existing subdivisions that are less than ten (10) acres in size and are located in developed areas which presently have an overhead type of distribution system.
- (6) Electric distribution or transmission lines with capacities of three thousand (3,000) KVA or more.
- (7) Transformers, transformer pads, telephone service pedestals or other above-ground facilities normally used with and as a part of an underground distribution system.
- (8) Existing poles, overhead wires, and associated overhead structures, when part of a continuous line or services to individual properties from such existing overhead lines that serve properties adjacent to but not within areas being subdivided.
- (9) Existing overhead lines attached to the exterior surface of a building by means of a bracket or other fixture and extending from one (1) location on the building to another location on the same building, or to an adjacent building without crossing a property line.
- (10) Any communication line, which would otherwise be required by this section to be underground that uses an overhead pole or structure exempted by this section.
- (11) Underground installation of wiring or electrical power, telephone and cable television shall not be required in flood plain areas, drainage easements, major drainage ways or other areas where there is frequently standing water.

The subdivider may request a waiver from the requirements of Section 10(a) if physical conditions of the land or economic conditions associated with the nature of the subdivision in question makes underground installation infeasible. Such request shall be accompanied by a report from the responsible utility provider stating the per linear foot cost differential between the average cost of installation of underground utilities and the estimated cost for the subject subdivision. The planning commission shall review the request and make a recommendation to the governing body as to whether the request shall be approved or denied.

- (b) Easements centered on rear or side lot lines shall be provided where necessary for utilities (private and municipal), and such easements shall be at least twenty (20) feet wide. Coordination shall be required between the subdivider and the applicable utility companies for the establishment of necessary utility easements on adjoining properties outside the boundaries of the proposed subdivision.

### **Section 11. Public uses.**

The applicant at his discretion may choose to dedicate a portion of the plat to the city for use as a park, playground, school or any other public use. After proper determination of its necessity by the planning commission, and the appropriate city 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.

### **Section 12. Preservation of natural features and amenities.**

- (a) *General.* Existing features which would add value to residential development or to the city as a whole, such as trees, as herein defined, watercourses, historic spots and similar irreplaceable assets shall be preserved in the design of the subdivision.
- (b) *Protection from harmful influences:*
  - (1) Every effort shall be made to protect adjacent residential areas from potential nuisance of existing or proposed nonresidential subdivisions, including the provision of extra depth in parcels backing on existing or potential residential or nonresidential

development and provisions for a permanently landscaped buffer strip when deemed necessary by the planning commission.

- (2) Streets carrying nonresidential traffic, especially truck traffic, shall not be extended to the boundaries of adjacent existing or potential residential areas.

**Section 13. Dedication of public park land.**

(a) *General requirement.* In subdividing or resubdividing land zoned and intended for residential use, the developer shall dedicate or reserve land for public park purposes, or pay a fee in lieu of dedication, or select a combination of dedication and a fee. The method chosen to meet this requirement shall be determined by the developer with consideration given to the standards set out in these regulations. Provided however, the governing body shall not be obligated to accept a dedication or reservation of land even if the final plat approved by the planning commission includes a dedication or reservation.

(b) *Amount of dedication.* The number of acres of land required to be dedicated or reserved shall be determined from the following table, which is based on the density of development as permitted by the zoning of the property being subdivided. The area required to be dedicated or reserved shall be exclusive of all street rights-of-way and drainage detention pond easements.

	<i>Zoning of Area</i>	<i>Percent of Total Land Area Being Subdivided to be Dedicated or Reserved for Park Purposes</i>
R-1	Single-family residential	5
R-2	Two-family residential	6
R-3	Multi-family residential	10

(c) *Location and design standards.* Any land dedicated or reserved shall conform with the comprehensive plan of the city and be consistent with the plans and policies of the city. The location, size and configuration of the land to be dedicated or reserved shall be determined by the design of the streets, lots, and blocks of the subdivision with consideration given to the preservation of natural physical features.

All lands to be dedicated or reserved shall meet the following standards, unless a variation or exception is granted as provided in Article I, Section 11:

- (1) No dedications or reservations shall be accepted from subdivisions of tracts containing less than ten (10) acres.
  - (2) The dedicated tract shall contain not less than two (2) contiguous acres and be a minimum of two hundred (200) feet at the narrowest dimension.
  - (3) The dedicated tract shall have at least two hundred (200) feet of street frontage and be easily accessible to residents of adjacent subdivisions. Consideration shall be given to placing parks where they can be added to by future subdivisions.
  - (4) At least fifty (50) percent of the dedicated tract shall have a grade of less than four (4) percent. The balance may consist of steep slopes, streams, ditches, lakes or other natural features.
  - (5) Natural features such as wooded areas, streams, oxbows, and other natural assets shall be preserved whenever possible.
- (d) *Credit for private open space.* Private open space for park and recreational purposes within a proposed development may be credited for up to fifty (50) percent of the requirement for dedication of public park land or payment of a fee in lieu thereof provided that the following standards are met:

- (1) That yards, setbacks and other open areas required by zoning and building regulations shall not be included in computing the area set aside as private open space.
  - (2) That the private open space shall be reasonably useable for park and recreation purposes.
  - (3) That the private open space shall be perpetually restricted for park and recreation purposes by recorded plat or protective covenant.
  - (4) That the private open space shall be permanently owned and maintained by the owner of the development or by a legally established homeowners association.
- (e) *Indication on preliminary plat.* At the time of preliminary plat submittal, the developer shall indicate whether a dedication of land or a fee in lieu of dedication is being proposed. Any land proposed to be dedicated shall be shown on the preliminary plat.
- (f) *Prerequisite for final plat approval.* When land is being dedicated it shall be shown on the final plat and marked "Dedicated for Public Park Purposes." Such dedications shall not be effective until the dedication has been specifically accepted by the governing body.
- (g) *Reservation of park land.* In some cases, the governing body may determine that the reservation of park land for future dedication is more appropriate than immediate dedication of such land. In such cases, the land to be reserved shall be shown on the final plat and marked "Reserved for Public Park Purposes" and a covenant shall be written on the recorded plat indicating the latest date, time and manner in which dedication shall occur. Such future dedications shall be at no cost to the city except for the reimbursement of any costs paid by the owner for street, utility, drainage and other public improvements benefitting the reserved land.
- (h) *Effective area.* The requirements herein shall apply to all lands within the city limits or being annexed into the city limits concurrent with subdivision approval.



## **ARTICLE IV. 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 code official 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 sewage 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 V. SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

## Section 1. Preliminary plat.

The preliminary plat shall be prepared by a registered land surveyor, licensed engineer or registered 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:

(1) *Name:*

- a. Name of subdivision if property is within an existing subdivision;
- b. Proposed name if property is not within a previously platted subdivision. This name shall not be so similar to any existing subdivision name in or near the city as to cause confusion.

(2) *Ownership:*

- a. 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;
- b. Citation of any existing legal rights-of-way or easements affecting the property;
- c. Existing covenants on the property, if any;
- d. Name, address and telephone number of the professional person responsible for surveys, subdivision design, and for the design of public improvements.

(3) *Description.* Location of property by government lot, section, township, range and county, north arrow, graphic scale, written scale and date of preparation.

(4) *Features:*

- a. Location of property lines and names of all adjoining property owners from the latest assessment rolls as stated in Article II, Div. 2, Section 1(5). The location of existing easements, burial grounds, railroad rights-of-way, watercourses, wooded areas and individual trees as defined in this article;
- 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. Whenever the plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at a scale of no 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;
- g. 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;
  - h. The location of pertinent features such as swamps, parks, bridges, railroads, as determined by the planning commission; ground elevation at vertical intervals not exceeding five (5) feet in areas of fifteen (15) percent grade or more and two (2) feet in all other areas of lesser grade;
  - i. The locations and dimensions of all proposed or existing lots expressed to the nearest foot;
  - j. 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;
  - k. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor, engineer or architect;
  - l. The date of the plat, approximate north point, graphic and written scale and sufficient data acceptable to the code official 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;
  - m. Names of all new streets;
  - n. Front yard setback lines for all lots and portions of lots as required by the zoning regulations;
  - o. Blocks shall be consecutively numbered. All lots in each block shall be consecutively numbered;
  - p. A statement of the use of any lot as proposed by the applicant;
  - q. Explanation of drainage easements, site easements and reservations, if any;
  - r. The area of the plat and closure calculations of the exterior boundary including the latitude and departure of each course shall be submitted. The area of the subdivision shall be computed by the double meridian distance (D.M.D.) method. The error of closure of the perimeter survey shall not exceed one (1) foot for each five thousand (5,000) feet of perimeter;
  - s. 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.**

(a) *General.* 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 appears 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:

- (1) Name of the subdivision;
- (2) Location map showing the location of the subdivision relative to adjacent

subdivisions, tracts and the city limits;

- (3) A legal description prepared by a registered land surveyor of the tract being subdivided;
- (4) 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;
- (5) 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;
- (6) Prior to the submittal of the final plat, all block corners, including the PC and PT of curved block lines, shall be marked by iron monuments no smaller than one-half inch in diameter and two (2) feet in length, driven into the ground flush with the existing ground surface. The location of such monuments shall be shown on the final plat and marked on the ground by use of wooden stakes. 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;
- (7) Prior to the submittal of the final plat, all corners in the boundary of the subdivision shall be monumented with an iron bar no smaller than one-half inch in diameter and two (2) feet in length, set rigidly in concrete (K.S.A. 58-2001);
- (8) Where any section or quarter-section corner is involved, in the control establishing the location of a subdivision boundary, said point shall be clearly monumented and referenced before it is used in the subdivision control;
- (9) All areas, except street rights-of-way and utility easements, to be dedicated to the public or reserved for public use or for the exclusive use of the property owners within the subdivision, shall be clearly outlined and a legal description of the same shall appear on the final plat with the intended use clearly noted thereon;
- (10) North point, graphic scale, written scale and date of preparation;
- (11) Protective covenants 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;
- (12) Lots and blocks shall be numbered in an orderly manner conforming with established numbering procedures previously used in the city and approved by the code official;
- (13) Minimum front yard building setback lines as established by applicable zoning or other regulations or more restrictive setbacks if desired by the sub divider;
- (14) The width of the portion of the streets being dedicated and the width of any existing right-of-way;
- (15) The name of each street shown on the subdivision plat;
- (16) Any restrictions in addition to the protective covenants shall be lettered on the plat;
- (17) All easement lines shall be shown and properly labeled and dimensioned;
- (18) All plats located in a flood hazard area shall conform to Ordinance 1709 and

shall be so noted on the plat. Suggested wording is as follows:  
"This plat shall conform to the provisions of Ordinance 1709 of the City of  
Russell dealing with flood hazard areas."

(19) The flood fringe and floodway, if known, shall be identified on the plat.

(b) *Certificates*. The following certificates, duly signed as appropriate, shall appear on the final plat upon its submittal:

**SURVEYOR'S CERTIFICATE:**

STATE OF KANSAS, COUNTY OF RUSSELL, ss:

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.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_.

**REVIEW SURVEYOR'S CERTIFICATE:**

STATE OF KANSAS, COUNTY OF RUSSELL, ss:

I hereby certify that the review of this plat was found to be in compliance with the requirements of K.S.A. 58-2005.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_.

**OWNER'S CERTIFICATION AND DEDICATION:**

STATE OF KANSAS, COUNTY OF RUSSELL, ss:

This is to certify that the undersigned owner(s) of the land described in the Legal Description; 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 Subdivision; 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: \_\_\_\_\_

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Agent

PROTECTIVE COVENANTS:

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

Date Signed: \_\_\_\_\_

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Agent

ABTRACTOR'S CERTIFICATE:

STATE OF KANSAS, COUNTY OF RUSSELL, ss:

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 record of the property shown on this plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_\_.

\_\_\_\_\_  
Abstractor or authorized representative

PLANNING COMMISSION CERTIFICATE:

STATE OF KANSAS, COUNTY OF RUSSELL, ss:

This plat was approved by the Russell City Planning Commission on this day of \_\_\_\_\_, 20\_\_\_\_, and was recommended for approval by the City Council of Russell, Kansas.

Date Signed: \_\_\_\_\_

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Secretary

CITY COUNCIL'S CERTIFICATE:

STATE OF KANSAS, COUNTY OF RUSSELL ss:

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 \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

COUNTY CLERK AND CITY CLERK CERTIFICATE:

STATE OF KANSAS, COUNTY OF RUSSELL ss:

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 conjunction with this plat.

Given under my hand and seal at Russell, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_\_.

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
City Clerk

CERTIFICATE AS TO SPECIAL ASSESSMENTS:

STATE OF KANSAS, COUNTY OF RUSSELL ss:

I do hereby certify that there are no delinquent or unpaid current or forfeited special assessments 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 at Russell, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_\_.

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
City Clerk

CERTIFICATE OF THE CITY ATTORNEY:  
STATE OF KANSAS, COUNTY OF RUSSELL ss:

Approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_\_.

City attorney for the City of Russell, Kansas

\_\_\_\_\_  
City Attorney

TRANSFER RECORD:

Entered on transfer this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Register of Deeds

REGISTER OF DEEDS CERTIFICATE:  
STATE OF KANSAS, COUNTY OF RUSSELL ss:

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 \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Register of Deeds

NOTARY CERTIFICATE:  
STATE OF KANSAS, COUNTY OF RUSSELL ss:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by

\_\_\_\_\_  
\_\_\_\_\_, Notary Public

My appointment expires: \_\_\_\_\_



## **ARTICLE VI. REQUIRED IMPROVEMENTS**

### **Section 1. Improvement Provisions**

As a condition to the approval of the final plat, the sub divider shall agree to install, or provide for the installation of the following necessary facilities and improvements:

- (a) 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.

### **Section 2. Existing Improvements**

- (a) 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 code official, 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.
- (b) 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 widening merges 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 are 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 3. Financing of Required Improvements**

- (a) 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.
- (b) 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.
- (c) 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.

- (d) 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:
  - 1. The petitions, to be secured from the governing body, must be valid petitions as may be provided for under Kansas law.
  - 2. The petitions must be approved by the governing body, concurrent with the approval and acceptance of the final plat.
  - 3. 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 done by the subdivider.
  - 4. 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.
- (e) The sub divider 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.
- (f) 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.
- (g) No occupancy shall be allowed until all improvements have been installed.

## **ARTICLE VII. ADMINISTRATION**

### **Section 1. Duties of the Zoning Administrator**

- (a) Maintain permanent and current records with respect to these regulations including amendments thereto. Keep minutes and agendas of all meetings and hearings.
- (b) Accept applications, filing fees, and preliminary and final plats.
- (c) Transmit preliminary and final plats to the planning commission.
- (d) Transmit planning commission recommendations regarding acceptance of dedications or easements to the governing body for action.
- (e) 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**

- (a) Review and approve, approve conditionally, or disapprove preliminary plats.
- (b) 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.
- (c) 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**

- (a) Consider planning commission recommendations on final plats and accept or reject dedications of easements and rights-of-way.
- (b) Approve engineering drawings of proposed improvements prior to construction.
- (c) Accept or reject financial guarantees from sub dividers in lieu of immediate completion or installation of improvements required by the regulations.
- (d) Take other actions as required from time to time including the consideration of amendments to these regulations.

## ARTICLE VIII. SEVERABILITY AND EFFECTIVE DATE

### Section 1. Severability

If any provisions of these regulations are held to be unconstitutional or otherwise invalid by a 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.

### 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 of the ordinance once in the official city newspaper.

Approved by the Russell, Kansas Planning Commission this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Eric Cline, Chairman

ATTEST:

\_\_\_\_\_  
Tyler Saryerwinnie, Secretary

Approved by the City Council of Russell, Kansas this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Raymond C. Mader, Mayor

ATTEST:

\_\_\_\_\_  
Katrina Woelk, City Clerk

## **STATUTORY REFERENCE TABLE (SUBDIVISION REGULATIONS)**

This table shows the location within these regulations, either in the text or notes following the text, of references to the state law or related matters.

<b>K.S.A.</b>	<b>Section this Code</b>
12-749	Art. I, Sec. 2(d)(80) Art. I, Sec. 7 & 8
12-752	Art. I, Sec. 2(d)(54) Art. I, Sec. 3(a)
12-753	Art. I, Sec. 2(d)(89)
58-2005	Art. V, Sec. 2(b)