

City of St George

2019

SUBDIVISION REGULATIONS

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ARTICLE 1

GENERAL REGULATIONS

Sections:

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SECTION 1-1 TITLE

1-101. These regulations shall hereinafter be known and may be cited as the Subdivision Regulations for the City of St. George, Kansas and shall hereinafter be referred to as "these regulations."

SECTION 1-2 PURPOSE

1-201.

- a.** Subdivision Regulations are the process through which raw land is converted into buildable lots for residential, commercial and industrial uses. The physical arrangement of these lots along with provisions for streets, alleys, utilities, schools, parks and other community facilities will in a large part determine the quality of life in the community and, therefore, is of public interest. These regulations establish standards that insure growth will reflect sound planning and will not be detrimental to the community.
- b.** These regulations are designed, intended and adopted for the following purposes:
 - 1.** changedthe City of St. George.

2. To implement the Comprehensive Plan for the City of St. George.
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.
4. To protect and conserve the value and desirability of land and neighborhoods throughout the community.
5. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sanitary sewer, schools, parks, playgrounds, recreation and other public requirements and facilities necessary to protect and promote public health, safety and general welfare.
6. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions.
7. To insure proper legal descriptions, documenting of land, and adequate and accurate platting and records of land subdivision.
8. To harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts.
9. To insure that public facilities are available and will have a sufficient capacity to serve the proposed development.
10. To provide for and secure to the proper governmental agencies the actual construction of all such necessary on-site and off-site public improvements including the reservation or dedication of land for park and recreational purposes.
11. To reserve or dedicate land for open space to preserve natural areas for watercourses, drainage ways, woodland, rugged topography, wildlife habitat, and for water quality and quantity, and to protect land from soil erosion.
12. To coordinate the subdividing of land with applicable zoning regulations, and other City regulations which affect the development of the land.

SECTION 1-3 AUTHORITY

1-301. These Regulations and minimum standards for land development are adopted by the Planning Commission and approved by the City Governing Body under powers

conferred by K.S.A. 12-749 and amendments there to, and Article 12, Section 5 of the Constitution of the State of Kansas.

SECTION 1-4 POLICY

1-401.

- a. 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 nor unnecessarily subjecting existing development to such danger or peril. It is further intended that land shall not be subdivided until proper provision has been made for drainage, water and sanitary sewer and other necessary infrastructure, as determined by the City. .
- b. The existing and proposed public improvements shall conform to and be properly related to the features of the adopted St. George Comprehensive Plan, and all other adopted plans for specific aspects of the City, and adopted capital programs and budgets.

SECTION 1-5 JURISDICTION

1-501. These regulations shall apply to all portions of the incorporated area of the City of St. George, Kansas.

SECTION 1-6 APPLICABILITY

1-601.

- a. The regulations contained herein shall apply to the subdivision of a tract or parcel of land into two or more lots, tracts or other divisions of land for the purpose of sale or of building development, whether immediate or future, including the resubdivision or replatting of land or lots. Division of land for agricultural purposes, or single-family residential purposes, in parcels or tracts of land of five (5) acres or more, and not involving right-of-way for streets or easements and not involving the construction of other than agriculture buildings, shall be exempt from the requirements of these regulations, provided, however that an appropriate setback and easements be provided to protect long-term development of roadways.
- b. The owner(s) of any land subject to these regulations subdividing that land shall prepare a subdivision plat in accordance with the provisions of these regulations. No building or zoning permit shall hereafter be issued for construction on any land that has not been subdivided in compliance with these regulations and all other applicable state laws and local laws in effect at the time of the subdivision of that land.

SECTION 1-7 EXEMPTIONS

1-701. The following transactions shall be exempt from these regulations.

- a. Boundary adjustments between one or more contiguous lots, tracts, or parcels of land, which will not create any additional lots, tracts or parcels, shall not be subject to the subdivision platting, or replatting requirements of these regulations.
- b. A conveyance of land, or interest therein, for use as right-of-way by railroad or other public utilities subject to state or federal regulations where no new street or easement of access is created.
- c. A conveyance made to correct a bearing or distance description in a previously recorded conveyance.
- d. Any transfer by operation of law.
- e. Any lot, parcel or tract of land located within the area governed by these Subdivision Regulations which has been legally subdivided, resubdivided, platted or replatted prior to the effective date of these regulations. For purposes of these regulations, "legally subdivided, resubdivided, platted or replatted" shall include any certificate of survey submitted and recorded, as provided by these requirements, prior to the effective date of these regulations.
- f. The division or further division of land into lots or tracts each of which contain five (5) acres or more for single-family residential or agricultural use and when such division does not involve or result in the creation of new streets, easements

of access, or other dedication.

- g. The division of a lot, tract or parcel of land that existed prior to the effective date of these regulations and was not previously exempted under any previous subdivision regulations, where no more than one (1) additional lot, tract or parcel is created, provided, however, that the creation of that additional lot, tract or parcel shall comply with the provisions for lot splits set forth in Article 11 of these regulations. Any further division of the lot, tract or parcel, including any remainder parcel or tract, shall be platted in conformance with the requirements of these regulations.
- h. The division of a platted lot zoned and used for industrial purposes only, as required by state law, provided each resulting lot has frontage on a public street.

SECTION 1-8 INTERPRETATIONS-CONFLICT

1-801.

- a. Where a requirement of these regulations imposes restrictions that differ from those requirements imposed by any other provision of these regulations or any other statute, regulation, or other provision of law; the provision which imposes the higher or more restrictive standard shall apply.
- b. The provisions of these regulations are not intended to abrogate any easement, covenant, or other private agreement.
- c. A subdivision of land which was not lawfully existing at the time of the adoption of these regulations shall not become or be made lawful solely by reason of the adoption of these regulations.
- d. The provision of these regulations are additional limitations upon all other laws heretofore passed or which may be passed hereafter governing any subject matter set forth in the provisions of these regulations.

SECTION 1-9 VESTING OF DEVELOPMENT RIGHTS

1-901. In conformance with the provisions of K.S.A. 12-764, and any subsequent amendments thereto, the following rules regarding the vesting of development rights shall apply:

- a. The rights of landowners of properties platted or subdivided for single-family residential development shall be protected for use of said land for the intended residential purposes for a period of five (5) years from the date upon which the plat for such property was first recorded with the Pottawatomie County Register of Deeds. Provided, the division of land was legally done in conformance with the St. George Subdivision Regulations in effect at the time of such recording.

- b. Properties divided or platted for any use shall not be permitted to develop or further develop except in conformance with these regulations and the St. George Zoning Regulations. Persons who obtain a validly issued permit under the previous St. George Zoning Regulations shall be permitted to develop the property so long as the permit issued under the previous St. George Zoning Regulations does not expire. Failure to begin substantial construction under said permit before the expiration of the permit shall not protect the owner from the provisions of these regulations or the St. George Zoning Regulations then in effect.

SECTION 1-10 APPROVALS NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS

1-1001. All subdivision plats or re-plats of land laid out in building lots, and the streets, alleys or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of lots fronting thereon, shall be submitted to the St. George Planning Commission for its consideration and approval. The approved plat shall be submitted to the Governing Body of the City of St. George for final plat approval and acceptance of dedications of streets, alleys, easements, and other public ways or sites.

SECTION 1-11 ACCRUED RIGHTS AND LIABILITIES SAVED

1-1101. These regulations 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, firm, corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the City except as shall be expressly provided for in these regulations.

SECTION 1-12 SEVERABILITY

1-1201. If any section, subsection or provision of these regulations shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of these regulations as a whole or any part or provision thereof, other than the part so declared to be invalid or unconstitutional. All regulations or parts of regulations in conflict herewith are hereby repealed.

SECTION 1-13 EFFECTIVE DATE

1-1301. These regulations shall be in force and effect from and after passage and publication in accordance with State law.

ARTICLE 2

ADMINISTRATION

Sections:

- 2-1 Appeals**
- 2-2 Penalties for Violations**
- 2-3 Building Permits**
- 2-4 Duties of the Zoning Administrator**
- 2-5 Duties of the Secretary of the Planning Commission**
- 2-6 Duties of the Planning Commission**
- 2-6 Adoption, Amendment of Subdivision Regulations 2-7 Fees.**

SECTION 2-1 APPEALS

2-101. Any decision of the Zoning Administrator or City Engineer on matters contained herein may be appealed to the Planning Commission. Any decision of the Planning Commission on matters contained herein may be appealed to the City Governing Body which may reverse or affirm such decision.

SECTION 2-2 PENALTIES FOR VIOLATIONS, ACTIONS FOR ENFORCEMENT

2-201. The owners or agent of a building or premises in or upon which a violation of any provision of these regulations has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist; or the agent, architect, building contractor, or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which violation has been committed or shall exist, shall be guilty of a municipal violation and upon conviction shall be punished by fine not to exceed five hundred dollars (\$500.00) and/or imprisonment for not more than six (6) months for each offense. Each and every day that such violation continues shall constitute a separate offense.

2-202. The City Council or any person, the value or use of whose property is or may be affected by a violation, shall have the authority to maintain suits or actions in any court of competent jurisdiction to enforce these Subdivision Regulations, and to abate nuisances maintained in violation thereof.

SECTION 2-3 BUILDING PERMITS

2-301. No building permit shall be issued by the City for construction on any land subject to these regulations until:

- a. An endorsed copy of the subdivision plat has been recorded in the office of the Register of Deeds of Pottawatomie County;
- b. A recorded plat of the subdivision or an approved lot split, if applicable, is available for the Zoning Administrator's examination;
- c. Required public improvements have been installed or guaranteed in accordance with the provisions of these regulations; and,
- d. There has been compliance with all of the provisions of these regulations, the conditions of plat approval, and all other applicable state and local laws in effect at the time of the subdivision of said land.

2-302. Lot Splits: No building permit shall be issued for any site which contains a division of a platted lot or an unplatted lot of record, unless such division has been approved in the manner provided by Article 11 (Lot Splits) of these Subdivision Regulations.

2-303. Structures Per Lot: Unless otherwise allowed by the Zoning Regulations for the City of St. George, no more than one building permit shall be issued for a principal structure on each unplatted lot of record, each platted lot created as part of a subdivision, or each lot or tract created by a lot split.

2-304. Administration: Upon receipt of the building permit application and determination that the application is complete, the Zoning Administrator shall affix the date of acceptance on the application. The Zoning Administrator shall authorize the issuance of the building permit within 30 calendar days following examination of the recorded plat. If disapproved, the applicant shall have the right to appeal to the City Governing Body within 30 calendar days.

SECTION 2-4 DUTIES OF THE ZONING ADMINISTRATOR

2-401.

- a. The Zoning Administrator is the person authorized and empowered by the Governing Body to administer these regulations.
- b. Authorizes the issuance of Building Permits
- c. Approves or Disapproves Lot Splits and Boundary Line Adjustments in accordance with these regulations.

- d. Acts as the main point of contact of the City for developments.
 - 1. Receives applications and information from Developer
 - 2. Schedules and Coordinates the Pre-Application Conference
 - 3. Distributes plans and documentation to the City Engineer and City Staff
 - 4. Schedules Public Hearings before the Planning Commission.
- e. Provide adequate information and assistance in the preliminary conference, if one is held, as needed by the developer to prepare a proper preliminary plat and final plat.
- f. Receive and file, on behalf of the Planning Commission, all applications for preliminary plats and final plats together with other necessary information.
- g. Review all lot splits, preliminary plats, final plats and other supporting data for compliance with these regulations. After determining that all required information is complete as submitted, distribute copies of the plats to other appropriate governmental departments, public utilities, and other agencies for their review, comment and recommendations.
- h. Review final plats for compliance with these regulations of the approved preliminary plat and final plat.
- i. Make such other determinations and decisions as may be required by these regulations, by the Planning Commission, or by the City Governing Body.

SECTION 2-5 DUTIES OF THE SECRETARY OF THE PLANNING COMMISSION

2-501.

- a. Maintain permanent and current records with respect to these regulations including amendments thereto.
- b. Publish notice of the time, date and subject of public hearings.
- c. Forward preliminary and final plats to the Planning Commission with staff recommendations.
- d. Signs documents created by the Planning Commission.

SECTION 2- 6 DUTIES OF THE PLANNING COMMISSION

2-601.

- a. Hold public hearings, review and decide on all preliminary and final plats as presented to it in accordance with the provisions in these regulations.
- b. Transmit all final plats to the City Governing Body for its approval of the plat, and acceptance of dedications of streets, alleys and other public ways and sites.
- c. Make such decisions and actions as shall be necessary to insure the integrity of and adherence to these regulations.
- d. Compile a list with the reason(s) for disapproval of any plat reviewed by it and provide the developer with such list.
- e. Hold public hearings, review and decide on any proposed amendments to these regulations.
- f. Make other determinations and decisions as may be required of the Planning Commission from time to time by these regulations, the City zoning regulations, City ordinances and by applicable state law.
- g. Review and prepare recommendations concerning proposed annexations, vacations and dedications.

SECTION 2-7 AMENDMENT OF SUBDIVISION REGULATIONS

2-701. Consideration of Subdivision Regulations Amendments. Before adopting or amending any subdivision regulations, the Planning Commission shall call and hold a hearing on such regulations or amendments. Notice of such hearing shall be published at least once in the official newspaper. Notice shall be published at least twenty (20) days prior to the hearing. Notice shall fix the time and place for the hearing and shall describe such proposal in general terms. The hearing may be adjourned from time to time and at the conclusion of the same, the Planning Commission shall prepare its recommendations and by an affirmative vote of a majority of the entire membership of the Planning Commission, adopt the same in the form of proposed subdivision regulations and shall submit the same, together with the written summary of the hearing, to the Governing Body.

2-702. Action by the City Governing Body. The Governing Body may either: (1) approve such recommendations by ordinance; (2) override the Planning Commission's recommendation by a 2/3 majority vote; or (3) return the Planning Commission's recommendations, specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Planning Commission's recommendations, the Planning Commission, after considering the same, may resubmit its original recommendations giving the reasons therefore, or submit new and amended recommendations. Upon the receipt of such recommendations, the Governing Body, by a simple majority thereof, may adopt or may revise or amend and adopt such

recommendations by the respective ordinance, or take no further action. If the Planning Commission fails to deliver its recommendations to the Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendations and proceed accordingly. The proposed subdivision regulations and any amendments thereto shall become effective upon publication of the adopting ordinance in the official city newspaper as required by law.

SECTION 2-8. FEES.

2-801. Fees established by Resolution. The Governing Body shall establish appropriate fees by resolution, for such actions requiring a fee pursuant to these regulations, and may amend such fees whenever it deems necessary.

Article 3

DEFINITIONS

Sections:

- 3-1 Rules of Construction
- 3-2 Definitions

SECTION 3-1 RULES OF CONSTRUCTION

3-101.

- a. The language set forth in these regulations shall be interpreted in accordance with the following rules of construction:
 - 1. The singular number includes the plural and the plural the singular.
 - 2. The present tense includes the past and the future tenses and the future the present.
 - 3. The word "shall" is mandatory while the word "may" is permissive.
 - 4. The words "Building Official" means the officially appointed building official for the City of St. George, Kansas.
 - 5. The words "Comprehensive Plan" mean the adopted Comprehensive Plan for the City of St. George, Kansas.
 - 6. The words "subdivision jurisdiction" mean the area as described in Section 1-501 of these regulations.
- b. Any word or phrase which is defined in this Article or elsewhere in these regulations shall have the meaning as so defined whenever used in these regulations, unless such definition is expressly limited in its meaning or scope.
- c. Terms used in these regulations and not defined in this Article or elsewhere in these regulations but defined in the St. George Zoning Regulations shall have the definition set forth in such zoning regulations for such terms.
- d. Words or terms not herein defined shall have their ordinary meaning in relation to the context as defined in a dictionary or by statute.

SECTION 3-2 DEFINITIONS

3-201. The following definitions shall be used in the interpretation and construction of these regulations:

Access. The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

Access Control. The limitation of public access rights to and from properties abutting streets or highways. Access control is used on major streets and highways, when necessary, to preserve high-quality traffic service and to improve safety.

Agriculture. The use of a tract of land 5 contiguous acres or more in area under one ownership for growing crops, pasturage, horticulture, nurseries, truck farms, dairying or the raising of poultry or cattle and other livestock, except feedlots, and including the structures necessary for carrying out farming operations and the dwelling(s) of those owning and/or operating the premises. Riding academies, boarding stables, dog kennels, or commercial or hydroponic greenhouses shall not be deemed agricultural uses; however, forested and non-producing open space land are considered as agricultural.

Alley. A public thoroughfare which provides only a secondary means of access to abutting property, the right-of-way of which is not less than twenty feet (20') in width.

Approved public sanitary sewer system. A sanitary sewer disposal plant, main sanitary sewer lines, sanitary sewer pumping station and other lines or facilities approved by the City of St. George, and by the Kansas Department of Health and Environment.

Approved public water system. The water treatment plant, water tower, chlorination facilities, wells, pumping facilities, main distribution lines, service lines, and such other water facilities as approved by the City of St. George, and by the Kansas Department of Health and Environment.

Benchmark. Surveying mark made in some object which is permanently fixed in the ground showing the height of that point in relation to sea level. See *Monument*.

Benefit District. An area of improvement created pursuant to K.S.A. 12-6a01 et seq.

Block. A piece of or parcel of land entirely surrounded by public highway, streets, streams, railroad rights-of-way or parks, or a combination thereof and other public utility right of way, public walks, green strips, rural land, drainage channels. In cases where the platting is incomplete or disconnected, the Zoning Administrator shall determine the outline of the block.

Bond. See *Performance Bond or Guaranty*.

City Governing Body. The City Governing Body of the City of St. George, Kansas. Also see *Governing Body*.

Comprehensive Plan. The adopted comprehensive plan for the City of St. George, Kansas.

Cul-de-sac. A vehicular turnaround which is located at the closed end of a dead end street or alley.

Curb cut. The opening along a curb line at which point vehicles may enter or leave a roadway.

Dedication. A gift or donation of property by the owner to the City. The transfer is conveyed by a plat or a written separate instrument. The act of dedicating is completed with a formal acceptance by the Governing Body.

Drainage. The process and course by which surface water moves across the land surface or is conveyed through channels, waterways, pipes, culverts, ducts, or other means. See *Stormwater Management*.

Easement. An interest in land that is held by someone other than the owner that entitles the holder to a specific limited use or right.

Engineering design. The location (horizontally and vertically) of streets, alignment of all streets, storm sewers and public utilities, existing or proposed, in public rights-of-way and easements. Minimum elements of design included shall be: alignment, grades and widths of streets; alignment, sizes, grades and depths of all underground storm drainage systems and utilities, including associated fixtures (valves, curb inlets, junction boxes, manholes, hydrants, etc.); alignment, grades and widths of all existing and proposed easements; and the minimum lot area, width and length. The engineering design shall include all support information, including calculations and computer programs, which may be requested by the City Engineer.

Exactions. Requirement of development to dedicate or pay for all or a portion of land for, or costs of, public facilities as a condition of development approval.

Final plat. A formal document by drawing and writing representing a subdivision which is prepared in accordance with these regulations to be placed on record with the Pottawatomie, County Register of Deeds.

Frontage.

- a. **Street frontage:** All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

- b. **Lot Frontage:** The distance for which the front boundary line of the lot and the right-of-way are coincident.

Governing Body. The Mayor and City Council of the City of St. George.

Impact fee. A fee imposed by the City on new development pursuant to these regulations in order to mitigate the impacts on community facilities created by the demand for capital improvements by the new development. Impact fees do not include the dedication of rights-of-way or easements for such facilities, or the construction of such improvements.

Improvements. Streets, utilities and other facilities that are to be installed, or agreed to be installed, to current City specifications, by the subdivider on the land to be used for public or private use of the lot owners in the subdivision and local neighborhood traffic and drainage needs, as a condition precedent to the approval and acceptance of a final plat, lot-split or PUD.

Improvement district. An area deemed by the Governing Body to be benefitted by a public improvement and subject to a special assessment for all or a portion of the cost of the improvement. (See *Benefit District*.)

Land surveyor or registered land surveyor. A licensed land surveyor registered in the State of Kansas or licensed to practice in the State of Kansas who is responsible for the survey and preparation of the final plat.

Local street. A street intended primarily for access to abutting properties and of limited continuity within a neighborhood.

Lot. A parcel or tract of land (legally described or platted) which is on record in the office of the Pottawatomie County Register of Deeds. For the purpose of these regulations, a lot shall have (a) its principal frontage upon a public street.

Lot, corner. A lot abutting on two (2) or more streets at their intersection.

Lot coverage. That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, including projecting roof eaves. Swimming pools, tennis courts, sidewalks, off-street parking and plazas are not counted toward lot coverage.

Lot depth. The mean horizontal distance between the front and rear lot lines.

Lot, double frontage. A lot having a frontage on two (2) non-intersecting streets.

Lot, interior. A lot other than a corner lot which has frontage on one street only.

Lot line. The boundary line of a lot.

Lot of record. A lot which is part of a recorded subdivision or a parcel of land which has been recorded in the office of the Pottawatomie County Register of Deeds.

Lot split. The dividing of a lot in a recorded plat or replat of a subdivision into not more than two parcels which creates an additional lot and meets the criteria established within these regulations.

Lot width. Generally the distance between the side lot lines at right angles at the building setback line. For lots that are not rectangular in shape, lot width is determined by measuring the distance across the width of the lot at the following points, with those measurements averaged together: (1) distance of lot width at front of lot at location where the building setback line intersects lot lines on both sides of the lot; and (2) distance of lot width at the back of lot at location where side lot lines intersect the innermost easement or right-of-way line.

Marginal access streets or frontage roads. A minor street which is parallel and adjacent to a major street, highway, or railroad right-of-way and provides access to abutting properties.

Monument. A device used to mark and identify the corners in the boundaries of subdivisions, blocks and lots and the points of curves in the street rights-of-way, and bearing the identification cap of the surveyor. These regulations create three categories of monuments, as follows, with each monument conforming to the standards for placement of boundary surveys as established by the Kansas Board of Technical Professions and further meeting the following requirements applicable to the category of monument:

Monument. A 24" long ½" diameter solid bar to identify the corner boundaries of subdivision blocks. Monument locations shall be marked by a steel fence post. Exterior monuments shall be encased in concrete using a 12" long, 4" diameter section of PVC pipe.

Lot Pin. A solid bar to mark the corners, points of curvature and points of tangent of lots.

Control Marker. A pipe to mark the points of curvature, tangent and intersection of the centerline of street right-of-way. Control markers for point of intersection shall be 24" long ½" diameter pipe.

Open space. An area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas, or required front, rear or side yards.

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

Performance bond or guaranty. Any form of guaranty acceptable by the Governing Body, most frequently a surety bond, cash deposit or letter of credit, made out to the Governing Body in an amount equal to the full cost of the improvements which are required by these regulations, with that cost being estimated by the professional engineer responsible for the design of the improvements, and the surety bond or cash deposit being legally sufficient to secure to the Governing Body that the required improvements will be constructed in accordance with these regulations.

Planned Unit Development (PUD). A plan for the development of larger tracts of land as a total design complex which may include residential, commercial or industrial uses or a combination thereof, in a manner which encourages: innovation in development; a greater variety in type, design, and layout of buildings; conservation of land through more efficient use of open space; and efficient use of public facilities and services.

Planning area. All land within the city limits of the City of St. George, Kansas.

Planning Commission. The City of St. George, Kansas Planning Commission.

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

Replat. A new plat or a revision to a subdivision or portion thereof for which a final plat has previously been recorded. The approval of a replat is processed in the same manner as a final plat.

Right-of-way. A strip of land 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 any other special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Roadway. That portion of a street, alley or highway right-of-way which has been graded, surfaced or otherwise improved for use by vehicular traffic, exclusive of sidewalks, driveways and related uses.

Secretary. Secretary of the City of St. George, Kansas Planning Commission.

Setback line or building line. A line on a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected or altered, except as otherwise provided in these regulations.

Stormwater management. The management of drainage to ensure that water moves in a manner that protects people and property from damage or flooding. Storm water management includes man-made and natural channels, drainage structures, storage areas, sedimentation control and erosion control. See *Drainage*.

Street. A right-of-way, other than an alley, dedicated to public use, or a private right-of-way serving more than one ownership, which provides principal vehicular and pedestrian access to adjacent properties. Which may include but not limited to the following;

Arterial, A street or road that is designated in the City of St. George Comprehensive Plan for large volumes of traffic to move quickly and safely, and which provides service and access to abutting properties only as a secondary function.

Collector, A Street or road that is designated in the City of St. George Comprehensive Plan primarily to gather traffic from local streets and carry it to the arterial system.

Dead End, A street having only one outlet and no vehicular turnaround, as distinguished from a cul-de-sac.

Local, Any Public Street or road designed primarily to provide access to more than one property.

Private, A right-of-way or easement which affords principal means of vehicular access to property abutting thereon, which right-of-way or easement is owned, controlled and maintained by person(s) other than the public.

Public, A right-of-way which affords principal means of vehicular access to property abutting thereon, which right-of-way has been dedicated to the public use.

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

Subdivider. A person, firm, corporation, partnership, or association who causes land to be divided into a subdivision for himself/herself or for others.

Subdivider's agreement. A contractual agreement signed and notarized by the Subdivider and the Governing Body which is conditioned upon acceptance of the final plat for the dedications thereon with primary concern for the design, installation, inspection and financing or guarantees for public improvements.

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 "re-subdivision", and the term "re-subdivision" 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.

Zero lot line. A one or two family dwelling subdivision which allows one (1) exterior wall of a structure on or within one (1) foot of a side property line and the adjacent lot side yard is double the normal side yard required by the zoning district regulations.

Zoning Administrator. The person authorized and empowered by the Governing Body to administer these regulations.

Zoning Regulations. The adopted City of St. George Zoning Regulations.

ARTICLE 4

SUBDIVISION DESIGN STANDARDS

Sections:

- 4-1 Applicability
- 4-2 Block Standards
- 4-3 Street Standards
- 4-4 Lot Standards
- 4-5 Easements
- 4-6 Design Techniques
- 4-7 Access Control
- 4-8 Land Subject to Flooding

SECTION 4-1 APPLICABILITY

4-101. All subdivisions of land subject to these regulations shall conform to the following minimum design standards and to the intent of the Comprehensive Plan. Such design standards shall govern the approval of subdivision plats by the Planning Commission and by the Governing Body.

4-102. Comprehensive Plan Coordination. All subdivisions shall be consistent with the Comprehensive Plan. The Governing Body may disapprove residential subdivision proposals where it is determined that the location of said subdivision is not compatible with the adopted Comprehensive Plan or development policies of the Governing Body. Compatibility of subdivision design with the Comprehensive Plan is also governed by Section 4-6.

4-103. Access. All lots located in any subdivision shall take access directly from a street dedicated and accepted for public use.

4-104. Land Subject to Erosion. On land subject to excessive soil movement that may result in erosion or deposition of soil, the Planning Commission, in accordance with the City Engineer's recommendations, may require, in addition to those standards set forth in these regulations, necessary preventive measures as part of the final plat approval and/or during construction and development of the subdivision.

4-105. Conformance to Applicable Laws and Regulations. In addition to the requirements established herein, all subdivision plats shall comply with all applicable laws and regulations, including the following:

- a. City zoning regulations;
- b. Regulations of the Kansas Department of Transportation if the subdivision or any lot contained therein abuts a state highway or connecting street;

- c. City-adopted building and housing codes;
- d. City-adopted fire and life safety codes;
- e. The standards and specifications adopted by the City Engineer; and
- f. Any other applicable state or local laws or regulations.

SECTION 4-2 BLOCK STANDARDS

4-201.

- a. Length. Intersecting streets, which determine block length, shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets in the neighborhood. In residential districts where no existing plats are recorded, the blocks shall not exceed one thousand two hundred (1,200) feet in length, except that a greater length may be permitted where topography or other conditions justify a departure from this maximum. In blocks longer than one thousand (1,000) feet, pedestrian ways and/or easements through the block may be required by the Planning Commission near the center of the block. Such pedestrian ways or easements shall have a minimum width of ten (10) feet. Pedestrian ways shall have a minimum width of ten (10) feet and shall be constructed in a manner approved by the City Engineer. Blocks for business use should normally not exceed six hundred (600) feet in length.
- b. Width. In residential development, the block width shall normally be sufficient to allow two (2) tiers of lots of appropriate depth and shall not be less than Two hundred (200) feet. In certain instances, however, a different arrangement may be required in order to provide better circulation or to protect a major circulation route. Blocks intended for business or industrial use shall be of such width and depth as may be considered most suitable for the prospective use. Block width and depth shall be determined with regard to needs for convenient access, safety and circulation and with consideration of topography.

SECTION 4-3 STREET STANDARDS

4-301.

- a. Relationship to Adjoining Street Systems.
 - 1. The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing streets in adjoining additions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements.

2. The width of such streets in new subdivisions shall not be less than the minimum street widths established in the adopted Comprehensive Plan.
 3. Alleys, when required, and street arrangement shall permit owners of adjoining property to extend street rights-of-ways into such property.
 4. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted and dedicated as a public way, or vacated upon the City's determination that the right-of-way is not necessary.
 5. Where topographical conditions make street continuance or conformity impracticable, the Planning Commission may approve an alternative layout.
 6. Where the plat submitted covers only a portion of the contiguous land owned by the subdivider, a sketch of the prospective future street system of the entire ownership shall be submitted.
 7. Where a tract is subdivided into lots of an acre or more, the Planning Commission may require an arrangement of lots and streets such as to permit a later subdivision in conformity with the street requirements.
- b. Street Names. Developers shall consult and receive approval from Pottawatomie County prior to submitting the preliminary plat to ensure that the street names are permissible. Streets that are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. Otherwise names shall be sufficiently different in sound and in spelling from other street names in the City so as not to cause confusion.
- c. Major or Arterial Streets. Major or arterial streets through subdivisions shall conform to the Comprehensive Plan as adopted by the Planning Commission and the Governing Body.
- d. Minor or Local Streets. Minor or local streets shall be so designed to discourage through or non-local traffic.
- e. Dead End Streets. Dead end streets shall not be allowed.
- f. Cul-de-sacs. Vehicular turnaround at the closed end of a street having a minimum radius of fifty feet (50') and a roadway having a minimum radius of (thirty-five and one-half feet to the back of the curb. Such local street segment should not exceed five hundred feet (500') in length from the intersection of a cross street to the juncture with the cul-de-sac.

- g. Right Angle Intersections. Under normal conditions, streets shall be laid out to intersect, as nearly as possible, at right angles. Where topography or other conditions justify a variation from the right angle intersection, the minimum angle shall be sixty (60) degrees.

- h. Streets Adjacent to a Railroad Right-of-Way, Limited Access Freeway, Principal Highway or Arterial Streets. Where lots front or side, but do not back on railroad rights-of-way, limited access freeways, principal highways, or arterial streets a marginal access street or frontage road may be required parallel and adjacent to the boundary of such rights-of-way. The distance from said rights-of-way shall be determined with due consideration to minimum distance required for approach connections to future grade-separated intersections.

- i. Half-Streets. Half-streets shall be avoided, except:
 - 1. Where they are essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; or,
 - 2. When the Planning Commission finds that it will be practical to require the dedication of the other half of the street when the adjoining property is subdivided. Where a half-street, or portion thereof, is existing and adjacent to a tract to be subdivided, the other half of the street shall be based on minimum requirements as set forth in 4-301.j and shall be platted within such tract.

- j. Alleys. Alleys may be required in commercial, industrial and residential areas. Dead end alleys shall be avoided, wherever possible; but if unavoidable, such alleys shall be provided with adequate turnaround facilities at the dead-end. Alleys should be avoided in residential areas except where alleys of adjoining subdivisions would be closed or shut-off by failing to provide alleys in the adjoining subdivision.

- k. Minimum Requirements. All right-of-way for streets, alleys and public ways, included in the subdivision, hereafter dedicated and accepted, shall not be less than the minimum width for each classification as follows:

Arterial streets	120 feet
Collector streets	80 feet
Local streets, residential	60 feet
Local streets, industrial and commercial	70 feet
Cul-de-sacs	50 feet and the turnaround shall have a radius of 35.5 feet
Marginal access or frontage/parallel access roads, one-way	50 feet
Marginal access or frontage/parallel access roads, two-way	60 feet
Alleys	20 feet

Pedestrian ways	10 feet
Bicycle paths	10 feet

All widths for roadways included in the subdivision, hereafter dedicated and accepted, shall not be less than the minimum width, dimensioned from the back-of-curb to back-of-curb, for each classification as follows:

Arterial	41 feet
Collector.....	37 feet
Local	31 feet

- l. Additional Requirements. When existing or anticipated traffic on arterial and collector streets warrants greater widths of rights-of-way, or where needed for cuts, fills or utilities, additional right-of-way may be required to be dedicated for any streets.

- m. Street Grades. The grades of streets, alleys and other public ways included in any subdivision shall not be greater than five percent (5%) for arterial streets, eight percent (8%) for collector streets and ten percent (10%) for local streets. Variations from these standards may be made when warranted by topographic conditions. Such changes shall be approved only upon the recommendation of the City Engineer.

- n. Street Alignment. Minimum horizontal and vertical alignment on all streets, except in unusual cases, shall be as follows:
 - 1. Horizontal alignment: Radii at the centerline.

Major streets	500
Local streets	150

 - 2. A tangent shall be provided between all reversed curves to provide for a smooth flow of traffic.

- o. Vertical Alignment. All changes in street grade shall be connected by vertical curves of such length as to provide for desired sight distance as set out in American Association of State Highway Officials Geometric Design Standards and shall be subject to the approval of the City Engineer.

- p. Street Layout. Proposed streets shall conform to topography as nearly as possible to reduce drainage problems and grades.

- q. Paving Material. All streets shall be hard surfaced with asphalt or, concrete subject to the specifications of the City. All paving must be provided with a stabilized sub-base and concrete curb and gutter.

SECTION 4-4 LOT STANDARDS

4-401.

- a. Minimum lot width shall be measured at the building setback line and shall not be less than required by the zoning regulations of the district in which the subdivision is located. No residential lots shall be less than sixty (60) feet in width at the building line. Corner lots shall have a width at least twenty (20) feet greater than the minimum width. No residential lot shall be less than 5,500 sq. ft.
- b. Minimum lot depth shall be one hundred (100) feet, measured through the center of the lot and perpendicular to the property line, or radial to the property line or curved streets.
- c. Maximum depth of residential lots shall not exceed three 3 times the width of the lot.
- d. If the proposed subdivision is to be served with City water and City sewer or a community-type sanitary sewer treatment plant, approval of the plat shall be subject to the minimum requirements set forth in these regulations and the zoning regulations of the district in which the subdivision is located.
- e. Lot dimensions shall comply with the minimum area requirements of the zoning regulations with no lot in a residential district being less than sixty 60 feet in width at the building setback line. Non-residential lots shall provide adequate depth and width to provide for the type of use contemplated.
- f. Minimum lot area shall be subject to the zoning district regulations in which the subdivision is located; however, if a zoning lot contained two or more principal residential structures on _____, 20 __, separate substandard lots may be created, according to these regulations, to accommodate these existing residences, provided that side yard requirements are met.
- g. All side lot lines shall bear sixty (60) to ninety (90) degrees from the street right-of-way line on a straight street or from the tangent of a curved street.
- h. Front building or setback lines shall be shown on the final plat and the preliminary plat for all lots in the subdivision and shall not be less than the setbacks required by the zoning regulations or any other regulation adopted by the Governing Body or as defined below. The greater setback requirement shall govern.

Residential Minimum Set Back Requirements:

- Front Yard25 Feet from the right of way line)
- Side Yard8 Feet from the lot line)
- Rear Yard8 feet from the lot line or 5 feet from alley

- i. Double frontage lots shall be avoided unless, in the opinion of the Planning Commission, a variation to this prohibition will give better street alignment and lot arrangement.
- j. Every lot shall have frontage on a public street other than an alley.
- k. The subdivision or re-subdivision of a tract or lot shall not be permitted where said subdivision or re-subdivision places an existing permanent structure in violation of the requirements of the zoning regulations or the minimum design standards of these regulations.
- l. Whenever the area is divided into lots containing one (1) or more acres and there are indications that such lots will eventually be re-subdivided into smaller lots, consideration must be given to the highway, street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots. Easements providing for the future opening and extension of such streets may, at the discretion of the Planning Commission, be made a requirement of the plat.
- m. Whenever possible, residential lots shall not face on arterial streets. The number of lots facing on collector streets shall be kept to a minimum in each subdivision. The street pattern shall be designed so that the side line of lots abut collector streets wherever land shapes and topography permit.

SECTION 4-5 EASEMENTS

4-501.

- a. Where alleys are not provided, permanent easements of not less than ten (10) feet in width shall be provided on each side of all rear lot lines, and on side lot lines, where necessary, for utility poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains, and other public utilities. Where a utility company or other service provider can demonstrate the need for a wider easement than required above for a specific location, such may be required by the Governing Body and provided by the developer. These easements shall provide for a continuous right-of-way at least twenty (20) feet in width. An additional twelve (12) foot wide temporary construction easement abutting each side of a utility easement shall be provided for initial construction of water, sewer and other utility lines. Such temporary easement shall be terminated by the City upon its determination that development of lots adjoining the easement is completed with all utilities fully installed.
- b. All easements shall be shown on the plat. Permanent easements shall not be obstructed by structures or vegetation. No fences may be placed in storm drain

easements located along side lot lines. A property owner may otherwise erect fences and landscape the easement at his or her own risk of loss.

- c. **Drainage Easements.** If a subdivision is traversed by a water course, drainage way or channel, then a stormwater easement or drainage right-of-way shall be provided. Such easement or right-of-way shall conform substantially to the lines of the natural water course and shall be of such width or construction, or both, as may be necessary to provide adequate stormwater drainage and for access for maintenance thereof. Parallel streets may be required in connection therewith. The Drainage Study shall include a recommendation to the Planning Commission as to the desired width of such easement. Such recommendation shall be based on the one hundred year flood depth (if known). Maintenance of stormwater easements and drainage right-of-way shall be the responsibility of the owners of property adjoining such easements or right-of-way.
- d. Where a lot or group of lots side or back on an existing high-pressure oil line, existing high-pressure gas line, high transmission electrical line, or such other utilities, an easement shall be provided on each side of said utility. The easement shall be of a dimension satisfactory from the owner of the utility and the City. The Developer shall obtain written approval for the utility easement, from the owner of the utility, prior to submission of the preliminary plat. No building or structure shall be located or constructed within said easement.

SECTION 4-6 DESIGN TECHNIQUES

4-601. Subdivision Design: The design of the subdivision shall provide for efficient traffic flow, proper mixing of land uses, and a logical link between surrounding, existing development, and the proposed layout. The Comprehensive Plan should be used as a guide in determining if the design of the proposed subdivision is proper. The Planning Commission shall have the authority to deny a plat or request redesign, if, in its opinion, the layout is not suitable for the site, or if the development of the subdivision would be premature.

SECTION 4-7 ACCESS CONTROL

4-701. In the interest of public safety and for the preservation of the traffic carrying capacity of the street system, the Planning Commission shall have the right to regulate points of access to all property from the public streets system. Such proscriptions shall be indicated on the final plat.

SECTION 4-8 LAND SUBJECT TO FLOODING

- a. All land subject to intermediate regional flood shall not be subdivided for any use incompatible with such flooding. An intermediate regional flood is a flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year or even in successive years. It is based

on statistical analyses of stream flow records available for the watershed and analyses of rainfall and runoff characteristics in the general region of the watershed. Data on the flood characteristics for the planning area may be obtained from the Kansas Water Resources Board or the Corps of Engineers, U.S. Army, and FEMA.

- b. Subdivision proposals shall include regulatory flood elevation data in areas zoned Floodway or Floodplain on the St. George Zoning Map.
- c. Adequate drainage shall be provided so as to reduce exposure to flood hazards.
- d. All public utilities and facilities shall be located so as to minimize or eliminate flood damage.
- e. All proposed development shall be consistent with the need to minimize flood damage.

SECTION 4-9 DRAINAGE STUDY

4-901. Development of permanent improved drainage facilities relies in part on early identification of any adverse drainage conditions that are caused or worsened by new development projects. To avoid sub-standard drainage facilities (difficult and costly to replace) sufficient information is needed early, when the project is being considered for approval.

- a. A preliminary hydrology/drainage study containing the information listed in the sections below is required as part of an application. The study compares storm runoff under existing conditions versus existing-plus-project conditions (25-year events) and identifies existing drainage problems that may be caused, or aggravated, by project development. In general, the applicant must define the drainage paths for small area developments and do an approximate or detail delineation for larger areas.
- b. The required volume for storm water detention shall be calculated on a minimum basis of the runoff from a twenty (25) year frequency rainfall with an intensity of not less than the values listed in the report developed for the KTRAN Research Program for KDOT entitled "Rainfall Intensity Tables for Counties in Kansas" taken from Pottawatomie County rainfall data, and a minimum storm duration of 15 minutes.

Specific information must include, but is not limited to:

- 1. Hydrology map (topo) showing all drainage basins (on-site/ offsite tributary areas) for existing and proposed condition.
- 2. Land use and soil group maps showing grids in developing "C" values.

3. A drainage table for pre-development versus post-development showing all points of concentration (on-site and off-site) and data including narrative on adequacy of all drainage facilities impacted directly by proposed development.
4. Show 100-year flood lines of inundation on map for channels with drainage basins greater than 25 acres.
5. Appropriate flood plain/ floodway maps for Pottawatomie County and identify all flood hazards.
6. Peak runoff rates (cfs), velocities (fps) and identification of all erosive velocities (at all points of discharge) calculations for predevelopment and post-development (rational model). The comparisons should be made about the same discharge points for each drainage basin affecting the site and adjacent properties.

The following runoff coefficients shall be used:

Commercial	.80
Residential	
<i>One and Two Family Area</i>	.50 1 acre or <
<i>One and Two Family Area</i>	.30 > 1 acre
<i>Multi-family Areas</i>	.65
Churches – Schools	.75
Light Industrial	.65
Heavy Industrial	.80
Parks	.35
Permanent unimproved areas greenbelts, etc.	.30

As an alternate to the above coefficients or for areas not specifically listed above (planned unit developments, shopping centers, mobile home parks, etc.), a composite runoff coefficient based on the percentage of the different types of surfaces involved may be used

7. Demonstrate the pre-development drainage conditions, post development conditions, and any adverse impact due to increase in peak flow rate and velocity.
8. Show adequacy of impacted off-site/ on-site drainage facilities such as culverts, inlets, channels or other drainage structures.
9. Address local drainage facilities receiving additional runoff due to the proposed development and identify any runoff contribution that would exceed the capacity of existing drainage systems.
10. Address all flow paths (on-site and off-site) on hydrology map.

11. Show proposed public storm drain systems requiring off-site public drainage easement.
12. Obtain/include letter(s) of permission for any off-site drainage discharge resulting from proposed development.
13. Summary/conclusion of project drainage impacts on existing drainage facilities and proposed mitigation. Post development runoff shall not exceed pre development runoff.

SECTION 4-10 TRAFFIC IMPACT STUDY

4-1001 Reserved

ARTICLE 5

DEDICATION OR RESERVATION OF PUBLIC SITES AND OPEN SPACE

Sections:

- 5-1 Dedication or Reservation of Public Sites and Open Spaces**
- 5-2 Dedication of Public Park Land**
- 5-3 Action by Governing Body**
- 5-4 Use of Land and Fees**

SECTION 5-1 DEDICATION OR RESERVATION OF PUBLIC SITES AND OPEN SPACES

5-101. In subdividing land or re-subdividing an existing plat, due consideration should be given by the subdivider to the dedication or reservation of suitable sites for schools, parks, playgrounds, or other public recreational areas or open spaces. In its consideration of any such subdividing or resubdividing the Planning Commission shall make recommendations as to dedications and reservations. Any area so dedicated or reserved shall conform as nearly as possible to the recommendations of the Planning Commission and the Governing Body. All areas to be reserved for, or dedicated to, public use shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to or acquired.

SECTION 5-2 DEDICATION AND RESERVATION OF PUBLIC PARK LAND

5-201. 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 or reservation 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 and the recommendation of the Planning Commission.

5-202. Amount of Dedication. The number of acres of land required to be dedicated or reserved shall be determined as follows, 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 stormwater easements.

Percent of Total Land Area Being Subdivided to be Dedicated or Reserved for Park Purposes: RS Residential Suburban – 2%; R-1 Single-Family Residential – 5%; R-2 Two-Family Residential – 6%; R-3 Multi-Family Residential – 8%.

5-203. Location and Design Standards. Any land dedicated or reserved shall conform to the comprehensive plan 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:

- a. No dedications or reservations shall be required from subdivisions comprised of less than five (5) acres.
- b. The land shall contain not less than two (2) contiguous acres and be a minimum of two hundred (200) feet at the narrowest dimension.
- c. The land 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.
- d. At least fifty percent (50%) of the land shall have a grade of less than four percent (4%). The balance may consist of steep slopes, streams, ditches, lakes or other natural features.
- e. Natural features such as wooded areas, streams, and other natural assets shall be preserved whenever possible.

5-204. Indication on Preliminary Plat. At the time of the preliminary plat submittal, the developer shall indicate whether a dedication or reservation of land or a fee in lieu of dedication is being proposed. Any land proposed to be dedicated or reserved shall be shown on the preliminary plat.

5-205. 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.

When a fee in lieu of dedication is required, total payment shall be made prior to final plat approval by the Governing Body or, at the option of the developer, payment may be made at the time of issuance of a building permit on each individual lot. In the latter case, the fee shall be in accordance with the fee schedule referenced in section 5-204.

5-206. Reservation of Park Land. 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 benefiting the reserved land.

SECTION 5-3 ACTION BY GOVERNING BODY

5-301. Upon receiving the recommendations of the Planning Commission, the Governing Body may:

- a. Accept dedication or reservation of land.
- b. Accept, in lieu of the dedication of land, a fee in accordance with a fee ordinance adopted by the Governing Body.
- c. Waive the requirement if the Governing Body finds that there are sufficient schools, parks, playgrounds or other publicly-owned or operated recreational areas or open spaces in the area of the subdivision.

SECTION 5-4 USE OF LAND AND FEES

5-401. Land or fees obtained pursuant to this Article shall only be used to obtain public open space, public recreational land or facilities for public use. The Governing Body shall make appropriate findings as to the relationship between the subdivision from which the fees were obtained and such open space, recreational land or facilities for public use.

ARTICLE 6

CONTENTS AND SUBMISSION REQUIREMENTS FOR PLATS AND PLANS

SECTION 1. SKETCH AND CONCEPT PLAT.

6-101.

- a. Sketch and Concept Plats may be free hand pencil drawings that are drawn to a convenient scale no smaller than one inch to fifty feet (1" = 50'). Three (3) copies of the Sketch or Concept Plat shall be submitted when required. Sketch and Concept Plats shall show the following information:
1. Approximate topography or some indication of ridge lines and steep slope areas;
 2. Location and direction of all water courses and areas subject to potential flooding;
 3. Natural features such as rock outcroppings, marshes, lakes, streams, wetlands, critical areas for habitats for endangered or threatened wildlife and native flora and fauna, wooded areas, riparian woodlands, steep slopes, isolated preservable trees, and other such items;
 4. Approximate location of existing structures (i.e. buildings, bridges or culverts), utility lines or other aboveground structures on or adjacent to the tract;
 5. Existing zoning, proposed zoning and land uses of the site and adjacent areas;
 6. Location of property lines, existing easements or rights-of-way on or adjacent to the tract and their width and purpose;
 7. Approximate location and size of existing sewers, water mains, gas mains and other underground structures within the tract or adjacent thereto;
 8. Location of existing and proposed public facilities such as schools, parks, playgrounds, open space, linear trails and other public areas or features on or adjacent to the tract;
 9. Approximate location and widths of proposed streets, fire department

access easements, pedestrian easements, bike routes, and preliminary proposals for connection with existing water supply and sanitary sewer;

10. Approximate location of proposed storm water infrastructure and detention basins.
11. The layout of proposed residential lots, commercial and/or industrial lots;
12. The name of the proposed subdivision;
13. The name, address and phone number of the owner of record, subdivider of the subdivision, and consultant that prepared the Sketch/Concept Plat and,
14. A brief written description of the nature, and type, of development that is envisioned to occur on the land covered by the Concept Plan shall accompany the Concept Plan.

SECTION 2. PRELIMINARY PLAT.

6-201.

- a. The Preliminary Plat shall be drawn to a scale no smaller than one inch to fifty feet (1" = 50'); however, areas over 100 acres may be at a scale of one inch to one hundred feet (1" = 100'). Fifteen (15) copies of the plat shall be submitted with the application. The Preliminary Plat shall contain the following information:
 1. The proposed name of the subdivision. This name shall not duplicate or resemble the name of any existing subdivision within the City. Names of new subdivisions shall not be as similar in sound and/or spelling to existing subdivisions as to cause confusion or misunderstanding. Subdivision names shall be subject to the review of the City;
 2. The true north point, scale of drawing including a graphic scale, and the date of preparation;
 3. An identification clearly stating that the plat is a Preliminary Plat;
 4. A vicinity map showing the location of the subdivision in relation to major streets;
 5. Names of adjacent subdivisions or, in the case of unplatted land, the name of the owner(s) of adjacent property;
 6. The name, address, and phone number of the owner(s) of record, the subdivider, and the licensed professional engineer, and other consultants

that prepared the plat;

7. The location, widths and names of all proposed and existing public or private streets within or adjacent to the tract, together with easements, rights-of-way and other important features such as section lines and corners, city boundary lines and monuments;
8. Contour lines or spot elevations based on USGS datum (with date of survey) having the following intervals:
 - (a) Two (2) foot contour intervals; or,
 - (b) Spot elevations where the ground is too flat for contours; or,
 - (c) Five (5) foot contour intervals when the average slope of the subdivision exceeds five (5%) percent; or,

Any other contour intervals deemed necessary or appropriate by the City.

9. The location and direction of all watercourses and areas subject to flooding, including identification of the 100 Year and 500 Year Flood Plains and the Flood Plain zones (i.e., Floodway and Floodway Fringe) including base flood elevations, and other areas outside the 100 Year and 500 Year Flood Plains that are subject to, or are known to have been subject to, periodic flooding, and if known, recorded flood depths in flooded areas;
10. Natural features such as rock outcroppings, marshes, lakes, streams, wetlands, critical areas for habitats for endangered or threatened wildlife and native flora and fauna, wooded areas, riparian woodlands, steep slopes, isolated preservable trees, and other such items;
11. Existing use of the property, including the location of all existing structures (i.e., buildings, bridges or culverts) showing those that will be removed and those that will remain on the property after the Final Plat is recorded;
12. The horizontal and vertical location, direction of flow and size of all existing utilities and drainage improvements adjacent to, and within the proposed subdivision;
13. Zoning on and adjacent to the tract; Location, elevation and description of the benchmark controlling the vertical survey;
14. The legal description of the subdivision, with distances and bearings along boundary lines, and with distance and direction to the monuments used to

locate the land described in the Certificate of Survey;

15. The proposed use of the land, whether for single family, two family, multiple family, commercial, or industrial, schools, parks, or other uses, and the proposed zoning classification;
 16. Proposed streets showing the location, names and/or labels, widths and approximate grades. The Preliminary Plat shall show the relationship of all existing streets to any proposed streets, or to any development plan adopted by the PLANNING COMMISSION, and any dedications that have been accepted by the Governing Body;
 17. Proposed easements showing width and purpose;
 18. Proposed lots showing approximate dimensions, square footage and proposed lot numbers. Numbering of lots shall be in a consecutive order in both a logical and physical sequence;
 19. Proposed location, size and type of utilities to be installed, including direction of flow;
 20. Proposed front building setback lines along all rights-of-way and travel easements;
 21. Proposed location, layout, elevation, type and size of water mains, fire hydrants, sanitary sewer mains and laterals, storm sewers, culverts and street improvements, including sidewalks, bike routes and street lights, and how they connect to the existing or proposed systems;
 22. In the case of residential subdivisions, the proposed net density of the development shall be noted on the plat, and shall be expressed in terms of numbers of dwelling units per net acre; and,
 23. Proposed phasing boundaries and Final Plat Schedule.
- b. Additional data and information to be submitted with an application for Preliminary Plat include the following statements and/or plans which shall accompany the Preliminary Plat, and when convenient, may be shown on the Preliminary Plat:
1. Drainage Study and plan shall be submitted,
 2. Proposed deed restrictions, if any, in outline form.
 3. A listing, if applicable, of all off-site improvements to be incorporated in the proposed subdivision.

4. Any additional reports, studies, or documents, such as percolation tests, grading plans for steep slopes, or as may be required by the City Clerk or the PLANNING COMMISSION in order to completely review the proposed subdivision.
5. Requests for Variations.
6. Utility release forms of appropriate utility shall be submitted.
7. A Transportation Impact Study shall be submitted when required by the Kansas Department of Transportation. The study shall be in conformity with KDOT's regulations. If a study is not required, then the applicant shall submit a letter from KDOT indicating the same.
8. Notwithstanding that the responsible City may waive the requirement for submittal of a drainage report and plan and/or a Transportation Impact Study, the PLANNING COMMISSION may require submittal of a drainage report and plan and/or Transportation Impact Study, prior to taking action on an application. Any decision by the PLANNING COMMISSION to require such submittal shall be final.

SECTION 3. FINAL PLAT.

6-301.

- a. The Final Plat shall be prepared by an engineer or land surveyor licensed to do work in the State of Kansas. It shall be drawn in waterproof black ink on 0.004 inch mylar Cronoflex engineering photographic film, or its equivalent, as may be approved by the Planning Commission. The permitted sheet sizes shall be twenty-four (24) inches by thirty-six (36) inches. Larger sizes will not be accepted. The scale shall be no smaller than one inch to fifty feet (1" = 50') except that a variation in scale may be allowed where the City determines it is necessary for a proper exhibit of the subdivision. When more than one (1) sheet is used for any plat, each such sheet shall be numbered consecutively, and each sheet shall contain a notation showing the whole number of sheets (e.g., sheet 1 of 3 sheets). Linear dimensions shall be given in feet and decimals of a foot to the nearest one hundredth of a foot. Information shall be provided on the Final Plat necessary for the reproduction of the plat on the ground. Fifteen (15) copies of the Final Plat shall be submitted with the application.

6-302.

- a. Final Plats shall be prepared with the accuracy required for traverse data. The following sheets or drawings shall be submitted with the Final Plat.

1. Traverse data for the plat, with the error of closure not more than one (1) in ten thousand (10,000); and,
 2. The location of all stakes, monuments or other evidence found or set on the ground used to determine the boundaries of the plat.
- b. The Final Plat shall contain the following information:
1. The name of the subdivision, adjacent subdivisions or landowners, identification clearly stating that the plat is a Final Plat;
 2. The date, scale of drawing including graphic scale, true north point, legend and controlling physical features, such as water courses, highways and railroads;
 3. A vicinity map with current zoning identified on and adjacent to the tract;
 4. Square footage and acreage of each proposed lot;
 5. A legal description of the tract boundaries and any dedicated rights-of-way, and the total acreage of the tract listed in the legal description;
 6. All monuments, tract boundaries, block boundaries, streets or other rights-of-way lines with distances and bearings referenced to section corners. Where these lines follow a curve, the central angle, the radius, points of curvature, length of curve and length of intermediate tangents shall be shown. In addition, (using dotted lines) the lines of all adjacent lands, and streets and alleys with their widths and names; except that in the case of a Replat of a platted subdivision, if it can be determined that the requirements for the location of the subdivision and ties to section corners have been sufficiently referenced, then the distances and bearings to section corners need not be shown on the Replat;
 7. Lot lines with dimensions and bearings;
 8. Lot numbers beginning with the number one (1) and numbered consecutively through all phases or units of a subdivision;
 9. The width of the portion of the right-of-way being dedicated and the width of any existing right-of-way;
 10. All easements shall be denoted by fine dashed lines, clearly identified, and if already on record, the recorded reference of such easements. If an easement is not definitely located of record, a statement of such easement shall be included. The width of the easement with sufficient ties to locate it definitely with respect to the subdivision must be shown. If the

easement is being dedicated through the plat map, it shall be properly referenced in the Owner's Certificate;

11. Identification of the 100 and 500 Year Flood Plain, and the Floodway and Floodway Fringe boundaries on the Final Plat, including elevations of these lines;
 12. Land parcels to be dedicated for any purpose, public or private, to be distinguished from lots or tracts intended for sale;
 13. Front building setback lines along all rights-of-way and travel easements;
 14. The name of each street shown on the subdivision plat;
 15. Location and elevation of permanent bench mark, if required;
 16. "No Access" shall be designated by perpendicular dashed lines along right-of-way lines. Access points shall be designated as a break in the "no access" and labeled as "access". Access points shall conform with the Subdivision Layout Standards;
 17. Any variations of the Subdivision Layout Standards granted by the PLANNING COMMISSION shall be noted on the Final Plat;
 18. Letters, as required by Article X, Section 10-601 (E) from each of such companies or persons supplying electrical or communications service, indicating that said arrangements have been made, shall be submitted to the City Clerk at the time that application is made for a Final Plat; and,
 19. Any additional reports, studies, or documents as may be required by the City Clerk or the PLANNING COMMISSION in order to completely review the Final Plat.
- c. The following additional documents and other information shall accompany the Final Plat:
1. A check payable to the County Register of Deeds in an amount to be determined by the County Register of Deeds to pay for the recording of the Final Plat and any other documents to be filed with the County Register of Deeds; and,
 2. The original of a Certificate of Title, issued by an approved Title Company, showing the ownership, for all parts of the subdivision for the Final Plat. The Final Plat will not be approved, unless the Owner(s) reflected thereon are confirmed by the Certificate of Title. The PLANNING COMMISSION and the City Clerk shall be entitled to

assume that the Owner(s) reflected on the Certificate of Title are the lawful Owner(s) of the subject property; and,

3. A County Treasurer's receipt that all taxes are paid in full for all parts of the proposed subdivision; and,
 4. A complete application on the forms provided by the City Clerk.
- d. Upon acceptance of dedications by the responsible Governing Body, the Final Plat shall be submitted in digital format approved by the City Clerk. Any Final Plat not submitted in digital format will be converted by the City, and the cost will be billed, and shall be paid, by the applicant prior to recording of the plat.

6-303. The following certification shall appear on a Final Plat:

- a. At the time the Final Plat is submitted to the PLANNING COMMISSION, it shall contain:

1. The following certificates, which may be combined where appropriate.

- (a) A certificate signed and acknowledged by all parties having any record, title, or interest in the land subdivided, and consenting to the preparation and recording of said subdivision map, including all mortgage holders.
- (b) A certificate signed and acknowledged as above, expressing the property owner's intent to dedicate or reserve all parcels of land shown on the final plat and intended for any public or private uses including those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants, and servants.
- (c) The acknowledgment of a notary in the following form:

State of _____, County of _____, SS.

Be it remembered that on this ____ day of _____, _____, before me, a notary public in and for said County and State, came _____, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

(SEAL)

Notary Public

My Commission Expires: _____

- (d) The certificate of the Planning Commission in the following form:

This plat of _____ Addition has been submitted to and approved by the St. George Planning Commission this ____ day of _____, _____.

Chair

Secretary

- (e) The acceptance of easements, rights-of-way and other public dedications by the Governing Body in the following form:

The dedications shown on this plat have been accepted by the City of St. George, Kansas, this ____ day of _____, _____.

(SEAL)

Mayor

ATTEST:

City Clerk

- (f) The certificate of the County Treasurer in the following form:

State of Kansas)
) SS

County of Pottawatomie)

I hereby certify that the taxes on the included tracts are current.

Pottawatomie County Treasurer **Date**

- (g) A blank space for noting entry on the transfer record in the following form:

Entered on transfer record this _____ day of _____.

Pottawatomie County Register of Deeds

- (h) The certificate of the Register of Deeds in the following form:

State of _____, County of _____,
SS.

This is to certify that this instrument was filed for record in the Register of Deeds office on the ____ day of _____, _____, in Book _____, Page _____.

Pottawatomie County Register of Deeds Deputy

2. The following additional data and documents shall be submitted with the final plat.

- (a) A title report by an abstract or title insurance company, or an attorney's opinion of title, showing the name of the owner or owners of the land and all other restrictions, easements or encumbrances on the land. The consent of all such persons having a financial interest shall be shown on the plat and acknowledged by a notary public.
- (b) If any taxes or special assessments, due and payable, have not been paid in full but have been protested as provided by law, monies or other sufficient escrows guaranteeing such payment of taxes in the event the protest is not upheld, shall be placed on deposit with the City in an amount sufficient to meet this requirement.

- (c) A copy of any restrictive covenants applicable to the subdivision.
- (d) Certification from the City Engineer that all permanent monuments have been set in accordance with Section 7-2 of these regulations and the Land Survey Act (K.S.A. 58-2001 et seq.).
- (e) At least three (3) reference ties for locating each exterior monument.

SECTION 4. LOT SPLITS AND BOUNDARY LINE ADJUSTMENTS.

6-401. LOT SPLITS.

- a. Upon approval of a Lot Split by the City Clerk, the applicant shall prepare a Lot Split Survey. The Lot Split Survey shall be prepared in accordance with the approval of the application. The Lot Split Survey shall indicate, as a title, that it is a Lot Split of Lot ___ of _____ subdivision. The Lot Split Survey shall be prepared in the same manner, with all of the same information, where applicable, as a Final Plat. In addition, all documents required to be submitted with a Final Plat shall also be submitted with a Lot Split Survey. The Lot Split Survey shall contain the following:
 - 1. A surveyor's certification indicating that such person is duly licensed by the applicable authority and that the property was surveyed by such person in accordance with all applicable rules and laws, duly acknowledged by a notary public, and in a form approved by the City Clerk.
 - 2. A certification by the Director, or designee, of the City Clerk indicating that it has been submitted to, and approved by the City Clerk pursuant to these Regulations, in a form approved by the City Clerk.
- b. The City Clerk shall file the Lot Split with the Register of Deeds when all requirements of these Regulations have been met. If such requirements have not been met within one (1) year of the approval of the Lot Split, the approval shall have been deemed to have been withdrawn and the Lot Split Survey shall not be filed without a re-approval by the City Clerk.

6-402. BOUNDARY LINE ADJUSTMENTS.

- a. Upon approval of a Boundary Line Adjustment by the City Clerk, the applicant shall prepare a Boundary Line Adjustment Survey. The Boundary Line Adjustment Survey shall be prepared in

accordance with the approval of the application. The Boundary Line Adjustment Survey shall indicate, as a title, that it is a Boundary Line Adjustment of Lot ___ and Lot ___ of ___ subdivision. The Boundary Line Adjustment Survey shall be prepared in the same manner, with all of the same information, where applicable, as a Final Plat. In addition, all documents required to be submitted with a Final Plat shall also be submitted with a Lot Split Survey. The Boundary Line Adjustment Survey shall contain the following:

1. A surveyor's certification indicating that such person is duly licensed by the applicable authority and that the property was surveyed by such person in accordance with all applicable rules and laws, duly acknowledged by a notary public, and in a form approved by the City Clerk.
 2. The City Clerk indicating that it has been submitted to, and approved by the City Clerk pursuant to these Regulations, in a form approved by the City Clerk.
- b. The City Clerk shall file the Boundary Line Adjustment with the appropriate Register of Deeds when all requirements of this Section have been met. If such requirements have not been met within one (1) year of the approval of the Boundary Line Adjustment, the approval shall have been deemed to have been withdrawn and the Boundary Line Adjustment Survey shall not be filed without a re-approval by the City Clerk.

ARTICLE 7

IMPROVEMENTS

Sections:

- 7-1 Subdivision Types
- 7-2 Required Improvements
- 7-3 Exceptions for Existing Improvements
- 7-4 Waivers

SECTION 7-1 SUBDIVISION TYPES

7-101. Reserved for future use.

7-102. In all classes of subdivisions the area of the lots will be determined by the availability of an approved public sanitary sewer system and an approved public water system. The determination of whether or not such systems are available in sufficient size and capacity to serve the subdivision shall be made by the Director of Utilities, in consultation with the City Engineer, following review of the preliminary plat.

SECTION 7-2 REQUIRED IMPROVEMENTS

7-201. The subdivider of a proposed subdivision shall install, or provide for installation of, the following facilities and improvements:

- a. Streets. Streets shall be surfaced with concrete, asphaltic concrete, or materials approved by the City and shall include the curb and storm sewer inlets. Streets shall conform to the adopted standards and specifications adopted by the City.
- b. Frontage Roads. If a proposed subdivision adjoins or contains an existing or planned arterial street or state or federal highway the Planning Commission may require the subdivision to provide frontage roads, deep lots with rear service alleys or such other design necessary to ensure that access to lots in the subdivision is not taken directly from such street or highway.
- c. Water. Where an approved public water system is proposed to serve the subdivision, said water lines shall be installed in proper easements or within the limits of the street and alley right-of-way. Utility sleeves shall be provided at the time of street construction for extensions of water mains and other utilities if such improvements are to be installed following initial construction of a street. The location and design of utility sleeves shall be approved by the City Engineer.
- d. Sanitary Sewers. Where an approved public sanitary sewer system is proposed to serve the subdivision, the sewer system shall be constructed to provide service to each lot within the subdivision. The system of mains and laterals shall collect the sanitary sewer within the subdivision and discharge it into a community disposal

system approved by the City and the Kansas Department of Health and Environment.

- e. Street Signs. Street signs will be supplied and erected by the owner or developer. The type and style of street sign to be erected shall be approved by the City.
- f. Electricity. Poles, power lines, transformers, and street lights shall be installed and paid for in accordance with policies established by the City.
- g. Sidewalks. Sidewalks shall be installed on both sides of all collector and arterial streets and on one side of all local streets. Sidewalks along minor or local streets shall be not less than four (4) feet in width, sidewalks along major or arterial and collector streets shall not be less than five (5) feet in width. All sidewalks shall be constructed of Portland cement concrete and shall comply with the specifications of the Governing Body. Sidewalks shall be located in the platted street right-of-way, and located a distance from the property line as specified by the City Engineer. Sidewalks shall also be installed in any pedestrian easements as may be required by the Planning Commission.
- h. Other Improvements. If other improvements are required, according to policies of the Governing Body, such as tree planting, and retaining walls, such improvements shall be made in accordance with the recommendations of the Planning Commission and specifications of the City Engineer.
- i. Storm Drainage. The subdivider shall install culverts, storm sewers, rip-rap slopes, stabilized ditches and other storm drainage improvements and plans for these improvements shall comply with the minimum standards of the Governing Body and shall be examined and approved by the City Engineer prior to construction.
- j. Bench Marks, Corners, Monuments and other Markers.
 - 1. Bench Marks.
 - (a) All elevation shown on plats shall be based on USGS datum.
 - (b) The permanent benchmark location and description that is used to extend datum to the project shall be noted on the Preliminary Plat and Final Plat.
 - 2. Monuments.
 - (a) Variations to the monument length and diameter may be allowed by the Zoning Administrator based on subsurface conditions.

- (b) Installation of lot pins shall commence immediately upon the installation of streets, sewer mains and water mains unless such installation is waived by the Zoning Administrator.
- 3. U.S. Government Corners. Whenever a survey originates from the United States public land survey corner or any related accessory, the land surveyor shall file a copy of the completed survey and references to the corner or accessory with the Secretary of the State Historical Society and with the County Surveyor. Such survey shall be filed within thirty (30) days of the date the references are made.
 - (a) Any altered, removed, damaged or destroyed corner shall be restored.
 - (b) Whenever such a corner or any related accessory is restored, re-established or replaced due to construction activities, a restoration report shall be filed with the Secretary of the State Historical Society as specified in K.S.A. 21-3724, as amended.
- 4. Existing Markers. At any time during construction of the subdivision, if a stone marker should be found, the developer shall mark the location of such marker as required by state law.
- k. Provision of Utilities. The subdivider shall be responsible to provide for and pay the full cost for the proper installation of all utilities, including: sanitary sewers and connection to approved treatment facilities, water supply, natural gas, electricity and telephone service. Such utilities shall be installed according to the specifications of the controlling utility company or the City.
- l. All telephone and cable television lines, electrical services and distribution lines shall be placed underground, except that this provision shall not include meters, electric and telephone service pedestals, transformers, three-phase feeder lines, subtransmission and transmission lines (34.5kv and above), electrical substations and such other facilities as the utility may deem necessary to install utilizing "overhead" type construction. Variances from this requirement may be authorized by the Zoning Administrator.

SECTION 7-3 EXCEPTIONS FOR EXISTING IMPROVEMENTS

7-301.

- a. Where the proposed subdivision is a re-subdivision or concerns an area presently having any or all required improvements as previously set out, and where such improvements meet the requirements of this Article and are in good condition as determined by the City Engineer no further provision need be made by the subdividers 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 said requirements.

- b. Where the proposed subdivision is a re-subdivision or concerns an area presently abutting or containing 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 Planning Commission policy, and the subdivider of such proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by these regulations and the City Engineer. The City Engineer shall determine what adjustment to make where the aforesaid widenings merge with existing streets which are of smaller width at the boundary of such proposed subdivision. The City Engineer may reduce the minimum roadway required by these regulations to match an existing roadway system if the extension of such roadway is already improved at each end of the roadway in the subdivision and the roadway in the subdivision to be reduced is two (2) blocks or less in length. The City Engineer may also require lanes to be painted on such widened streets designating driving and parking areas. The foregoing provisions requiring the widening of pavement may be waived by the Planning Commission when the length of such pavement is less than one (1) block.

SECTION 7-4 WAIVERS

7-401. The Governing Body is authorized to grant a waiver of any of the improvements required in this Article. Such waiver may be granted only upon a finding of the Governing Body that the required improvement is either: (1) technically not feasible or (2) no valid public interest is served by requiring the improvement.

ARTICLE 8

IMPROVEMENT PROCEDURES

Sections:

- 8-1 General**
- 8-2 Submission of Petitions for Improvements**
- 8-3 Final Improvement Plans**
- 8-4 Content of Engineering Drawings**
- 8-5 Review of Plans**
- 8-6 Approval by Planning Commission**
- 8-7 Construction of Improvements**
- 8-8 Construction Observation**
- 8-9 Construction Observation Procedures**
- 8-10 Final Inspection**

- 8-11 Report to Planning Commission and Governing Body**
- 8-12 Acceptance of Improvements**

SECTION 8-1 GENERAL [RESERVED FOR FUTURE USE]

SECTION 8-2 SUBMISSION OF PETITIONS FOR IMPROVEMENTS

8-201. If petitions are intended to be submitted to meet the requirements of Article 7, the subdivider shall so indicate at the time of submission of the preliminary plat. If the petition method is in accordance with current policies of the Governing Body, said petitions shall meet the requirements of Section 9-1, and shall be submitted to the Governing Body for review and action.

SECTION 8-3 FINAL IMPROVEMENT PLANS

8-301. In all other instances when petitions have not been authorized for submission, upon the approval of the preliminary plat, the subdivider shall have prepared by a licensed professional engineer, engineering drawings for proposed required improvements, containing the data and information specified in Section 8-4. Such drawings shall be certified by a licensed professional engineer, and shall be submitted in a number established by the Zoning Administrator for distribution to the City Engineer and other City staff at least thirty (30) days prior to the date that approval of the final plat is requested. Failure to do so will be considered automatic consent, by the subdivider, to a waiver or an extension of waiver of any time limitation for plat approval.

SECTION 8-4 CONTENT OF ENGINEERING DRAWINGS

8-401. Engineering drawings for required improvements shall contain the following data and information.

- a. Plans, profiles, details, specifications and costs estimates for roadway and sidewalk construction, including plans and profiles for each street with a typical cross section of the roadway. The profiles of grade lines shall be shown to a scale ranging from one (1) inch equals twenty (20) to one (1) inch equals fifty (50) feet horizontal. The vertical scale shall be one-fourth (1/4th) the horizontal scale. This information shall be shown on standard plan and profile sheets unless otherwise required by the City Engineer.
- b. Plans, profiles, details, specifications and detailed cost estimates of proposed storm drainage improvements, along with all appurtenant items of work.
- c. Plans, profiles, details, specifications and detailed cost estimates of proposed water distribution systems and proposed water distribution facilities, along with all fire hydrants, valve assemblies and other appurtenant items of work.
- d. Plans, profiles, details, specifications and detailed cost estimates of sewerage collection systems, along with all appurtenant items of work.
- e. When unusual site conditions exist, the City Engineer may require such additional plans, specifications and drawings as may be necessary for an adequate review of the improvements to be installed.
- f. All plans shall be based on City U.S.G.S. datum for vertical control.
- g. Grading plans for all lots and other sites in the subdivision.
- h. All plans for underground wiring shall be prepared by or at the direction of the utility involved.

SECTION 8-5 REVIEW OF PLANS

8-501. The City Engineer and other City staff shall review all engineering drawings in order to determine whether such drawings are consistent with the approved preliminary plat and comply with design standards. If such drawings are consistent and in compliance, the City Engineer shall forward to the Planning Commission a notice that such drawings do so conform and comply. In the event that the drawings do not so conform and comply, the City Engineer shall notify the subdivider of the specific manner in which such drawings do not so conform or comply. The subdivider may then correct such drawings and resubmit the corrected drawings.

SECTION 8-6 APPROVAL BY PLANNING COMMISSION

8-601. The Planning Commission shall approve a final plat only when the approval of the City Engineer has been received indicating that the plans have been approved or that the appropriate petitions, if authorized, have been filed with the City Engineer.

SECTION 8-7 CONSTRUCTION OF IMPROVEMENTS

8-701. Except where such is otherwise expressly allowed under these regulations, no improvements shall be constructed nor shall any work preliminary thereto be done until such time as a final plat and the engineering drawings accompanying it shall have been approved by the Planning Commission, the Governing Body has accepted the dedication of the land for public purposes and there shall have been compliance with all of the requirements relating to an agreement, bond deposit or petition as specified in these regulations.

SECTION 8-8 CONSTRUCTION OBSERVATION

8-801.

a. All improvements constructed or erected shall be subject to construction observation by the City to determine compliance with the construction plans and City standards. ~~The cost attributable to all inspections required by this regulation shall be charged to and paid by the subdivider. Before any required inspections take place, the subdivider may be required to post a deposit with such official or such agency entrusted to keep such security for the official, to cover the cost of such inspections.~~ The subdivider shall give at least two (2) business days' written notification to such official prior to the performance of any of the following work:

1. All phases of roadway and sidewalk construction.
2. All phases of construction including, but not limited to, water lines, sanitary sewer lines, storm sewer, underground wiring and other required improvements.

SECTION 8-9 CONSTRUCTION OBSERVATION PROCEDURES

8-901. The City Engineer may conduct an on-site observations to determine that the work complies with the approved engineering plans and specifications. If, in the opinion of the City Engineer, such work does not comply with the approved engineering plans and specifications, he or she shall have authority to order that all such work shall be terminated until necessary steps are taken to correct any defects, deficiencies or deviations. Upon the correction of such defects, deficiencies or deviations, the subdivider shall again notify the City Engineer as provided in Section 8-8.

SECTION 8-10 FINAL INSPECTION

8-1001. Upon completion of all improvements within the area covered by the final plat, the subdivider shall notify the City, which shall thereupon conduct a final inspection of all improvements installed.

SECTION 8-11 REPORT TO PLANNING COMMISSION AND GOVERNING BODY

8-1101. When a final inspection or re-inspection indicates that all installed improvements contain no defects, deficiencies or deviations, the inspecting official shall, within ten (10) days of such final inspection, certify to the Governing Body that all improvements have been installed in conformance with the engineering plans and specifications accompanying the final plat. If the Governing Body determines, after consideration of such certification, that there are no defects, deficiencies or deviations in any such improvements as installed, the Governing Body shall so notify the subdivider in writing.

SECTION 8-12 ACCEPTANCE OF IMPROVEMENTS

8-1201. Upon the receipt by the Governing Body of the certificate of the official designated in Section 8-8 that all improvements have been installed in conformance with the approved engineering drawings, and with the requirements of these regulations, and all other applicable statutes, ordinances and regulations, the Governing Body and/or such appropriate utility may thereupon by resolution or by letter, respectively, formally accept such improvements. Upon acceptance, the improvements shall become the property of the City or appropriate utility company involved.

ARTICLE 9

GUARANTEE OF INSTALLATION OF IMPROVEMENTS

Sections:

- 9-1 Guarantee of Installation
- 9-2 Off-Site Improvements

SECTION 9-1 GUARANTEE OF INSTALLATION

9-101. In lieu of the actual construction of the physical improvements required and the completion of construction occurring prior to recording the final plat, the Governing Body may either (a) waive any requirement of guarantee of installation or (b) accept one of the following methods of guarantee provided it is in accordance with the policies of the Governing Body.

- a. Fiscal sureties may be offered subject to the following:
 - 1. The subdivider shall enter into a subdivider's agreement with the Governing Body under which the subdivider agrees to install such required improvements. Such agreement shall be conditioned upon the acceptances of the final plat by the Governing Body and its filing with the Pottawatomie County Register of Deeds.
 - 2. Simultaneously with the execution of the subdivider's agreement, 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 acceptance of the final plat and further conditioned upon the actual completion and satisfactory installation of such required improvements within two years from the date that the final plat is accepted by the Governing Body.
 - 3. Simultaneously with the execution of the subdivider's agreement, if the subdivider furnishes a corporate completion bond, he or shall also deposit in escrow an amount equal to the cost of all improvements to be made in accordance with the plans and specifications for required improvements or an equivalent amount in the form of a maintenance bond or other securities that may be deemed sufficient by the Governing Body. If a subdivider furnishes a cashier's check, escrow account or irrevocable letter of credit, 15% of the amount of such guarantees shall be held as a deposit in escrow after the final completion of such improvements.

4. The subdivider shall agree that the deposit in escrow may be held by the Governing Body for a period of 18 months after such improvements are completed for the purpose of:
 - (a) Guaranteeing and securing the correction of any defect in material or workmanship furnished for such improvements, latent in character, and not discernible at the time of final inspection or acceptance by the Governing Body; and
 - (b) Guarantee against any damage to such improvements by reason of the settling of the ground, base or foundation thereof.
 - (c) Such escrow agreement shall provide that, as such defects have so developed, that the deposit may be applied by the Governing Body for any amounts incurred correcting such defects; and that the balance of such deposit, if any, held at the end of such 18-month period shall be returned by the Governing Body to the depositor, or paid to the order of the depositor without payment of interest.

- b. Petitions to the Governing Body may be submitted as a means of guaranteeing the authority to install improvements at such time as the Governing Body deems appropriate. Petitions may be submitted only when the following conditions exist:
 1. The petitions must be brought in the manner set out under Kansas law.
 2. The petitions must be approved by the Governing Body concurrently with the acceptance of the final plat.
 3. The initiating resolution for such improvement must be adopted by the Governing Body concurrently with the petition approval or as soon thereafter as may be provided by law.
 4. A certificate signed by the petitioner must be recorded with the Pottawatomie (Pottawatomie) County Register of Deeds stating that such petitions have been filed and approved by the Governing Body and that certain land within the plat as described will be liable in the future for special assessment for the required improvements authorized.

Such a preconstruction procedure shall be temporarily conditioned on subsequent acceptance of the final plat and a time limit for actual construction mutually agreed upon. Maintenance guarantees may also be required by the Governing Body.

- c. The subdivider shall, prior to the acceptance of the final plat, submit a letter from the utility provider(s) involved stating that satisfactory arrangements have been made by the subdivider guaranteeing the installation of their respective services.
- d. Monuments and benchmarks shall be installed in accordance with the requirements of these regulations and their installation certified by a licensed land surveyor on the final plat before such plat is recorded with the Pottawatomie County Register of Deeds.

SECTION 9-2 OFF-SITE IMPROVEMENTS

9-201. The Governing Body may, upon making a finding of necessity, require the subdivider to install or upgrade off-site improvements located outside the perimeter of a subdivision. Such off-site improvements should be within dedicated rights-of-way or easements and serve a public purpose. The financing and guaranteeing of such improvements shall be administered as if they were the same as on-site improvements. The Governing Body may require such subdivision to participate in any or all of the following facilities and improvements, or any other off-site improvements as recommended by the Planning Commission, if the need is created by a proposed subdivision:

- a. Drainage improvements and drainageways;
- b. Pedestrian ways;
- c. Screening and landscaping;
- d. Grading;
- e. Street improvements;
- f. Traffic control devices;
- g. Parks, recreational areas and open space;
- h. Public water supply and delivery system;
- i. Storm water sewerage; and
- j. Sanitary sewerage.

ARTICLE 10
VARIANCES AND EXCEPTIONS

Sections:

10-1 Variances and Exceptions

SECTION 10-1 VARIANCES AND EXCEPTIONS

10-101.

- A. Whenever the Planning Commission deems full conformance to provisions of these regulations is impractical or impossible due to the size, shape, topographic location or condition, or such usage of land included in a subdivision plat being presented for approval, the Planning Commission may recommend variances or exceptions of these regulations in the final plat. Such recommendations shall intend that substantial justice may be done and the public interest be secured. Such Planning Commission recommendation for authorization of variances or exceptions shall be made by letter of transmittal to the Governing Body. In recommending such variances or exceptions, the Planning Commission must find:
- i. That there are special circumstances or conditions affecting the property;
 - ii. That the variances or exceptions are necessary for the reasonable and acceptable development of the property in question; and,
 - iii. That the granting of the variances or exceptions will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.
- B. Such request for variance or exception shall be approved or disapproved by the Governing Body after its consideration of the recommendation of the Planning Commission. The decision of the Governing Body shall be transmitted in writing to the Subdivider and the Planning Commission.

ARTICLE 11

APPLICATION PROCEDURE, AND APPROVAL PROCESS FOR THE SUBDIVISION OF LAND

Sections:

- 11-1 General**
- 11-2 Pre-Application Development Conference**
- 11-3 Application, Review and Approval of Preliminary and Concept Plats**
- 11-4 Application, Review and Approval of Final Plats**
- 11-5 Application, Review, and Approval of Concurrent Plat**
- 11-6 Recording of Plat**
- 11-7 Application, Review, and Approval of Lot Splits and Boundary Line Disputes**

SECTION 11-1 GENERAL

- 11-101.** Except as otherwise provided for herein, no land within the City shall be subdivided until all applicable provisions of these Regulations have been met. The procedure, and approval process, for the subdivision of land, shall include, where applicable, and as set forth herein after:
- (A) A Pre-Application Development Conference, including submittal of a Sketch Plat; and,
 - (B) The submittal of an application for the review and approval of a Preliminary Plat, which includes a Concept Plat, where applicable; and,
 - (C) A Public Hearing before the PLANNING COMMISSION on the application for a Preliminary Plat; and,
 - (D) Approval of the Preliminary Plat by the PLANNING COMMISSION; and,
 - (E) The submittal of an application for approval of a Final Plat; and,
 - (F) Approval of the Final Plat by the PLANNING COMMISSION; and,
 - (G) Acceptance of the dedications to the public, contained on the Final Plat, by the Governing Body; and
 - (H) The filing of the Final Plat with the appropriate Register of Deeds.

11-102. INFORMATION PACKETS.

Information packets concerning the subdivision process, meeting schedules and application forms are available from the Zoning Administrator.

PART 2. PRE-APPLICATION DEVELOPMENT CONFERENCE.

- 11-201. Prior to submitting an application for the review and approval of a Preliminary Plat, the subdivider shall contact the Zoning Administrator to arrange for a Pre-Application Development Conference, and the Zoning Administrator shall schedule the same.

The Pre-Application Development Conference is the beginning step in the review of any subdivision and shall be mandatory for any proposal. The conference shall include, but is not limited to, the subdivider or an appointed designee and representatives of the City. The Pre-Application Development Conference shall be an informal review of the proposal and the subdivider shall bring to the Pre-Application Development Conference a Sketch Plat, prepared in accordance with Section 6-101, and when applicable, a Concept Plat as required by Section 11-301 (B) (2) herein. The subdivider shall also bring to the Pre-Application Development Conference information in the form of drawings and/or legal descriptions which identifies all unplatted land contiguous to the proposed subdivision, and which is in the same ownership as the proposed subdivision. The subdivider shall also bring information regarding any benefit districts, to which the proposed tract is subject, and which have been created by the City of St. George. Such information shall include a rough draft of the plan regarding special assessments, required by Section 11-302. The purpose of the conference is to acquaint the subdivider with the application submittal process; to identify any accompanying studies, documents or reports that should be submitted; to provide an exchange of information regarding the proposed development; and, to advise the subdivider about policies and regulations that create opportunities or pose constraints on the proposed development. No official approval or disapproval of a proposal occurs with this step. A development conference shall have effect for only six (6) months. If no Preliminary Plat, Lot Split or Boundary Line Adjustment action has been filed within six (6) months of the conference, the subdivider shall hold another conference, unless an extension is granted by the Zoning Administrator.

- 11-202. In the event any factor of the proposed subdivision, which in the judgment of the Zoning Administrator, necessitates review, and comment, by an Advisory Board, other than the PLANNING COMMISSION, such review and comment shall occur prior to the submittal of an application for a Preliminary Plat. The subdivider shall submit all necessary information to such Board for such review and comment.

PART 3. APPLICATION, REVIEW AND APPROVAL OF PRELIMINARY AND CONCEPT PLATS.

11-301. (A) The subdivider shall submit an application, on forms provided by the Zoning Administrator, for the review, and approval, of a Preliminary Plat. The Zoning Administrator may administratively provide for submission deadlines for materials required in support of an application provided for in these Regulations. The application shall be submitted to the Zoning Administrator.

(B) The following documents, where applicable, shall be attached to the application:

(1) The proposed Preliminary Plat, and information, as set forth in Article VI of these Regulations.

(2) A Concept Plat, when required, as follows:

(a) Upon submittal of a Preliminary Plat, the subdivider shall submit a Concept Plat, addressing land contiguous to the proposed subdivision, and in the same ownership as the proposed subdivision. The Zoning Administrator, subsequent to the Pre-Application Development Conference, shall determine the scope, and extent, of such contiguous land that is required to be addressed by the Concept Plat. In determining such scope, and extent, the Zoning Administrator may consider such factors as the size of the area contiguous to the proposed subdivision, the topography of such area, the City boundaries, the time within which such area is likely to develop, and such other factors as are reasonable. The Zoning Administrator shall notify the subdivider of such scope, and extent, as soon as possible after the Pre-Application Development Conference. A Concept Plat shall be submitted, even if a prior Concept Plat, covering some, or all, of the same area, has been previously submitted with a prior Preliminary Plat. A Concept Plat shall be considered an informal review of contiguous land. The purpose of the Concept Plat is solely to allow the PLANNING COMMISSION to receive and exchange information from the subdivider about future development of the contiguous land during its formative stages.

(b) The Concept Plat shall be prepared in accordance with the requirements of Article VI, Section 6-101 (1-13).

(c) The PLANNING COMMISSION shall not be entitled to base any decision about the Preliminary Plat upon information contained in the Concept Plat and neither the PLANNING COMMISSION nor the subdivider shall not be bound by any information on the Concept Plat as to the future development of the area which it represents.

11-302. (A) Upon receipt of a complete application for the review and approval of a Preliminary Plat, the Zoning Administrator shall schedule the application for Public Hearing before the PLANNING COMMISSION. Such Hearing shall not be scheduled sooner than thirty (30) days subsequent to the receipt of the complete application. After such Hearing date has been established, the Zoning Administrator shall proceed with the publication of a public notice for a Public Hearing before the PLANNING COMMISSION, as prescribed herein.

(B) If the tract of land proposed to be subdivided is subject to special assessments imposed by the City of St. George, no application for a Preliminary Plat regarding such tract shall be deemed complete until the subdivider has submitted a plan, and said plan has been approved by the Zoning Administrator, which sets forth the manner in which such special assessments are to be re-apportioned upon the tract, as platted. Such plan, as submitted for approval, shall include the written approval of all owners of the tract and shall be consistent with the original resolution creating the benefit district and the ordinance levying the special assessments. If, after such plan has been approved, the proposed Preliminary Plat is modified, such Preliminary Plat shall not be approved until the plan has been resubmitted, and approved by the Zoning Administrator.

11-303. Public Hearing. The PLANNING COMMISSION shall conduct a Public Hearing on any application for a Preliminary Plat. A Notice of Public Hearing shall be advertised once in the official City newspaper and at least twenty (20) days shall elapse between the date of publication and the date set for the Public Hearing. Such notice shall state the date, time and place of the Public Hearing and a general description of the proposed subdivision.

11-304. Area of Notification. Notice of the Public Hearing shall be mailed at least twenty (20) days before the hearing to all owners of record of land within two hundred (200) feet of the area proposed to be platted. If the area to be platted is located adjacent to or outside the City's limits, the area of notification shall extend to one thousand (1,000) feet in the unincorporated area.

11-305. Posting of Signs for Public Hearings Involving Specific Property.

(A) The subdivider shall place a sign on the property informing the general public that a Public Hearing will be held concerning the proposed change. The sign shall be furnished by the City, and the subdivider shall maintain the sign for at least twenty (20) days immediately preceding the date of the Public Hearing. The sign shall be firmly attached to a stake and placed within 5 feet of the street right-of-way line in a central position on the lot, tract or parcel of land, so that the sign is free of any visual obstructions surrounding the sign. If a lot, tract or parcel of land is located on a corner, one sign shall be placed so as to face each of the streets abutting thereto. If the lot, tract or parcel of land does not have a yard in which to place a sign, a sign may be posted in the window of the building in such a manner that it is free of visual obstructions.

(B) The subdivider shall file an affidavit with the Zoning Administrator on the day of the Public Hearing verifying that the sign has been maintained and posted as required by this paragraph. The sign may be removed at the conclusion of the Public Hearing and must be removed by the applicant at the end of all proceedings on the application or upon withdrawal of the application. Failure to post the sign(s) in accordance with these procedures, or failure to submit the affidavit prior to the hearing may result in a delay of the Public Hearing.

11-306. Consideration of Preliminary Plats.

(A) The PLANNING COMMISSION shall approve the Preliminary Plat if:

- (1) The proposed Preliminary Plat conforms with the requirements of these Regulations; and,
- (2) There is no indication from providers of public facilities, or services, that their facilities, or services, will not be available to the platted area within a reasonable period of time. For the purposes of this Section, public facilities and services shall include, but are not limited to sanitary sewer, water, streets, storm sewer, fire protection, police protection, schools, electricity, and phone service; and,
- (3) The Plat conforms to all requirements established by the PLANNING COMMISSION pursuant to Subsection 11-306 (B); and,
- (4) The proposed plat presents an overall development pattern that is consistent with the Comprehensive Plan and policies adopted by the Governing Body, and,

- (5) The plat contains a sound, well-conceived parcel and land subdivision layout that is consistent with good land planning, site engineering design principles, and the requirements of these regulations, and,
 - (6) The spacing and layout of proposed streets, curb cuts, intersection locations, medians, and the number and location of ingress and egress points to the land covered by the plat are consistent with good traffic engineering design and public safety considerations, and,
 - (7) The subdivider has made every reasonable effort to mitigate the impact of the proposed subdivision on the public health, safety and general welfare, including off-site impacts caused by increased traffic volume and altered traffic flow.
- (B) In the event the PLANNING COMMISSION determines that there are physical characteristics of the parcel proposed to be platted, which create circumstances that significantly, and adversely, impact the general health, safety and welfare of the future users of the site, or other areas, and such circumstances are not adequately addressed by these Regulations, but reasonably would have been, if they had been known or considered at the time of adoption of these Regulations, then the PLANNING COMMISSION may either impose conditions upon the plat approval or deny the plat, whichever is reasonably necessary to address such circumstances.
- (C) Prior to the approval of a Preliminary Plat, the PLANNING COMMISSION may require the subdivider to submit an engineering study of the impact of a flood on any flood prone area not delineated as a Floodway or Floodway Fringe District. Flood-prone areas are those that include, but are not necessarily limited to, those that have a history of flooding due to natural storm events and/or manmade conditions, or any combination thereof. The PLANNING COMMISSION shall review the plat to determine if the subdivision proposal will be reasonably safe from flooding and may impose construction standards consistent with the need to protect those flood-prone areas identified in the study. In order to be reasonably safe, residential development shall be constructed on non-settling fill so that the lowest enclosed floor, including a basement of the dwelling would be at least one (1) foot above the flood elevation determined by the concurrent engineering study. In order to be reasonably safe, commercial or industrial development may be constructed on non-settling fill so that the lowest enclosed floor is at least one (1) foot above the determined flood elevation, or flood proofed to at least one (1) foot above the determined flood elevation. The

PLANNING COMMISSION shall review the plat to assure that:

- (1) The proposed plat is consistent with the need to minimize flood damage within the flood-prone area; and,
 - (2) All public utilities and facilities, such as sewer, gas, electrical, water and streets are located and constructed to minimize or eliminate flood damage; and,
 - (3) Adequate drainage easements are provided to reduce exposure to flood hazards.
- (D) The PLANNING COMMISSION may deny a plat in unique circumstances where the facts indicate that due to frequency or severity of flooding, flood depths, or flood velocities, the proposed plat cannot provide lots that are safe from the effects of flooding.
- (E)
- (1) If the PLANNING COMMISSION disapproves, or approves conditionally, the Preliminary Plat, the reasons for such shall be stated in writing and shall refer specifically to those parts of these Regulations with which the Preliminary Plat does not conform. A copy of such writing, signed by the Secretary of the PLANNING COMMISSION, shall be delivered to the applicant.
 - (2) If the PLANNING COMMISSION fails to take action to approve, disapprove or conditionally approve the Preliminary Plat within ninety (90) days after the date of the first Public Hearing on said Preliminary Plat, the Preliminary Plat shall be deemed approved, as submitted, unless the PLANNING COMMISSION, for good reasons stated, extends such time frame for a period not to exceed an additional ninety (90) days. If the PLANNING COMMISSION fails to take such action within the extended period, the Preliminary Plat shall be deemed approved, as submitted.
 - (3) When a Preliminary Plat is approved with conditions, the subdivider shall provide the Zoning Administrator with a revised Preliminary Plat, consistent with the conditions set forth by the PLANNING COMMISSION, prior to the submission of the Final Plat to the PLANNING COMMISSION.
 - (4) Once approved, a Preliminary Plat shall be marked indicating it has been approved by the PLANNING COMMISSION. If the Preliminary Plat has been revised pursuant to Subsection (3), the Zoning Administrator shall determine if it is in compliance with the requirements of the PLANNING COMMISSION and shall

mark the revised Preliminary Plat accordingly.

- (5) Approval of the Preliminary Plat by the PLANNING COMMISSION does not constitute final acceptance of the subdivision, but is merely an authorization to proceed to the preparation of the Final Plat.

11-307. Effective Period of Preliminary Approval.

- (A) The approval of a Preliminary Plat shall be effective for a period of two (2) years. Upon written request by the subdivider, made before the expiration of the period, the PLANNING COMMISSION may extend the period of effectiveness for another period of two (2) years.
- (B) The subdivider shall submit an application for approval of a Final Plat within the period of effectiveness, including any authorized extensions thereof for the Preliminary Plat. If no such application is filed within the period of effectiveness, the approval of the Preliminary Plat shall be automatically deemed to have been withdrawn. For good cause shown, the PLANNING COMMISSION may allow the reinstatement of such approval. In the event such approval is withdrawn, and not reinstated, the proposed subdivision, in order to be approved, must be reprocessed as a Preliminary Plat pursuant to these Regulations. In the event an application requests approval of a Final Plat, for only a portion of the area covered by the Preliminary Plat, and such request is approved, the original Preliminary Plat shall be deemed to be considered in phases. Upon approval of such a Final Plat, the approved portion shall be Phase 1, and the balance of the Preliminary Plat shall be considered Phase 2. The period of effectiveness for the approval of Phase 2 shall be a period of two (2) years, commencing on the date of approval of the Final Plat of Phase 1. The process for the approval of a Final Plat for Phase 2 shall be the same as for the original Preliminary Plat, including, but not limited to any request for an extension of the period of effectiveness, and including the continued phasing of Phase 2, into more phases.
- (C) Notwithstanding the period of effectiveness established in Subparagraph (A) or (B) of this Section, every plat shall conform to existing Zoning Regulations and Subdivision Regulations applicable at the time of Final Plat approval, except that any such plat shall be exempt from any subsequent amendments to the Zoning Regulations rendering the Preliminary Plat, as approved, nonconforming as to bulk, lot size or use regulations, provided that the Final Plat approval is obtained within the period of effective approval of the Preliminary Plat.

PART 4. APPLICATION, REVIEW AND APPROVAL OF FINAL PLATS.

11-401.(A) Following approval of a Preliminary Plat, the subdivider may submit an application for review and approval of a Final Plat, within the period of effectiveness as described in Section 11-307 (A) and (B), on forms provided by the Zoning Administrator. Following approval of a Final Plat, a subdivider may at any time, submit an application for a Replat of all, or a portion, of the parcel controlled by said Final Plat. An application for a Replat shall be treated in the same manner as a Final Plat, except no application for a Replat shall be deemed complete if all, or any portion, of the tract proposed to be Replatted is subject to special assessments imposed by the City of St. George, until the subdivider submits the plan, and said plan is approved by the Zoning Administrator, as required by Section 11-302.

(B) The following documents, where applicable, shall be attached to the application:

- (1) The Final Plat, and included information, all as set forth in Article VI of these Regulations.

11-402. Review of Application for Final Plat by Zoning Administrator.

(A) Upon receipt of an application for approval of a Final Plat, the Zoning Administrator shall review such application to determine if, in the opinion of the Zoning Administrator, the Final Plat substantially conforms with the Preliminary Plat, as approved by the PLANNING COMMISSION, including conformance with any conditions and requirements imposed by the PLANNING COMMISSION; and, that the Final Plat complies with all requirements of these Regulations, currently in effect. If the Zoning Administrator determines the Final Plat so conforms, and complies, the Zoning Administrator shall place approval of such Final Plat on the agenda of a meeting of the PLANNING COMMISSION in compliance with these Regulations. If the Zoning Administrator determines that the Final Plat does not conform, or does not comply, the Zoning Administrator shall notify the subdivider of the discrepancies and of the action necessary to obtain conformance and compliance. Upon receipt of such notification, the subdivider may:

- (1) Undertake to take the action suggested by the Zoning Administrator and resubmit the application for approval of the Final Plat when such action is complete; or,
- (2) If the Zoning Administrator has found that the Final Plat does not substantially comply with the Preliminary Plat, but that it is in compliance with these Regulations, currently in effect, the subdivider may request that the application for approval be scheduled with the PLANNING COMMISSION in order that the Commission can

determine such conformance. The subdivider may also request that the application for approval of the Final Plat be considered, in the alternative, as an application for approval of a Preliminary/Final Plat in one action. If the subdivider makes such a request, the requirements of Public Hearing and notice, as set forth in Sections 11-303, 11-304 and 11-305 shall apply.

- (B) The Final Plat shall be deemed submitted to the Secretary of the PLANNING COMMISSION when the Zoning Administrator determines that it is in substantial conformance with the Preliminary Plat and it complies with these Regulations, or when the subdivider makes a written request pursuant to Subsection (A)(2) above.

11-403. Review of Final Plat.

- (A) The PLANNING COMMISSION shall approve the Final Plat if it is in substantial conformance with the Preliminary Plat, as approved, including all requirements and conditions placed upon such Preliminary Plat by the PLANNING COMMISSION; and, the Final Plat complies with all requirements of these Regulations as of the date of such final approval.
- (B) The PLANNING COMMISSION shall determine if the Final Plat substantially conforms with the Preliminary Plat, and if it complies with these Regulations, within sixty (60) days after the first meeting of the PLANNING COMMISSION following the date of submission of such Final Plat to the Secretary of the PLANNING COMMISSION pursuant to Section 11-402 (B). If such determination is not made within said period, the Final Plat shall be deemed to have been approved, unless the subdivider has agreed, in writing, to an extension of such period.
- (C) If the PLANNING COMMISSION determines that the Final Plat is in substantial conformance to the Preliminary Plat and that it complies with these Regulations, there shall be endorsed on the Final Plat the fact that it has been submitted to, and approved by, the PLANNING COMMISSION. If the Final Plat is deemed to be approved pursuant to Subsection (B) above, a certificate indicating such approval shall be issued by the Secretary, upon demand.
- (D) If events have occurred, subsequent to the approval of the Preliminary Plat, which raise issues that the PLANNING COMMISSION believes should be addressed pursuant to section 11-306 (B) or 11-306 (C), the PLANNING COMMISSION may make such requirements, as are permitted by those Sections, prior to approval of the Final Plat.

(E) If the PLANNING COMMISSION determines that the Final Plat does not comply with these Regulations, or does not conform to the Preliminary Plat, or both, the PLANNING COMMISSION may deny approval of such Final Plat. In such event, the PLANNING COMMISSION shall set forth, in writing, its order of denial, which shall also specifically set forth the factors the PLANNING COMMISSION relied upon in making such determination.

(F) If the PLANNING COMMISSION enters an order denying approval of a Final Plat, it may also set a period of time, within which, the subdivider may resubmit the Final Plat, with amendments thereto, for reconsideration by the PLANNING COMMISSION.

11-404. Governing Body Action.

(A) Before a Final Plat is recorded, it shall be submitted to the Governing Body for consideration of the acceptance of streets and other public ways, service and utility easements, and land dedicated for public use. When within the corporate limits of the City, acceptance of dedications shall be shown over the signature of the Mayor or any other City official duly authorized to act during the absence or disability of the Mayor and attested to by the City Clerk.

(B) The Governing Body shall accept or refuse the dedication of land for public purposes within thirty (30) days after the first regularly scheduled meeting of said Body, following the date of official submission of the Final Plat to the said Body's Clerk by the Secretary of the PLANNING COMMISSION. The responsible Governing Body may defer action for an additional thirty (30) days for the purpose of allowing for modifications to such dedications in order to comply with the requirements established by said Body.

(C) If the Governing body defers or refuses any such dedication, it shall advise the subdivider and the PLANNING COMMISSION of the reasons therefore. Such reasons shall be solely related to the ownership, improvement, maintenance, and use of such dedicated land.

(D) No Final Plat shall be filed of record, or be effective, if it contains dedications of land to the public that have not been accepted by the Governing Body.

PART 5. APPLICATION, REVIEW, AND APPROVAL OF CONCURRENT PLAT.

11-501. Application Requirements and Approval Procedure. Whenever a subdivision

will consist of five (5) or fewer lots, the subdivider may submit an application for the concurrent approval of a Preliminary and Final Plat. Such application shall be on forms provided by the responsible Planning Department. The application shall contain all the documents required for both Preliminary Plats and Final Plats and shall be reviewed, simultaneously, in the same manner required for Preliminary and Final Plats.

PART 6. RECORDING OF PLAT.

- 11-601. Upon approval of a Final Plat, and acceptance of all dedications by the Governing Body, and upon submission of all documents required to be submitted with a Final Plat, the shall file the Final Plat with the appropriate Register of Deeds. If all documents, required to be submitted with a Final Plat, have not been submitted within one (1) year of the date upon which the Governing Body accepted the dedications, or within one (1) year of the approval of the Final Plat, whichever date is later, the approval of such Final Plat shall be deemed to have been withdrawn and such Final Plat shall not be filed until it has been submitted again for approval.

PART 7. APPLICATION, REVIEW, AND APPROVAL OF LOT SPLITS AND BOUNDARY LINE ADJUSTMENTS

- 11-701. (A) The Planning Commission is hereby authorized to review, and either approve or disapprove, both Lot Splits and Boundary Line Adjustments, in accordance with these Regulations.
- (B) Applications for either Lot Splits or Boundary Line Adjustments shall be submitted to the Planning Commission, on forms provided by the City. Such application shall include a survey, prepared by land surveyor, licensed in the State of Kansas, showing the lot(s) involved, the precise location of all structures and easements thereon, the location of all streets and rights-of-ways, and location and dimensions of all boundary lines, as they currently exist, and, as they are proposed. Such Application shall also identify any restrictive covenants that are applicable to the property involved.
- 11-702 Consideration of Lot Splits.
- (A) The Planning Commission shall approve an application for a Lot Split if the application requests the dividing of a lot into two (2) lots, and the original lot has not been previously split, and both new lots conform to the requirements of these Regulations. The Planning Commission may approve an application for a Lot Split that requests the dividing of a lot into more than two (2) lots if, in the opinion of the Planning Commission, the proposed split does not create lots that are out of character with the original subdivision, and all new lots conform

to the requirements of these Regulations.

- (B) No Lot Split shall be approved if:
 - (1) A vacation, modification or addition, of streets, alleys, setback lines, access control or easement is required or proposed.
 - (2) An installation of a public facility is required or proposed.
 - (3) The lot split will result in a lot without access to a street or to adequate services or which cannot meet flood plain requirements.
 - (4) A substandard sized lot will be created according to applicable Zoning Regulations or sanitary code.
 - (5) A newly created lot will not comply with these Regulations.
 - (6) Any newly created lot will be in violation of any applicable restrictive covenants filed of record. (The Planning Commission shall be entitled to rely upon the information provided by the applicant regarding the existence of such restrictive covenants.)
 - (7) Any other factor which, in the opinion of the Planning Commission, fails to comply with the intent and purpose of existing land development regulations and Governing Body policies.
- (C) No building permit shall be issued for a lot created by a Lot Split until the Lot Split has been approved by the Planning Commission.
- (D) The Planning Commission shall either approve, approve with conditions, or disapprove the Lot Split within 45 days after submittal of the application. Upon approval of a Lot Split, the applicant shall prepare a Lot Split Survey, as described in Section 6-401 of these Regulations.

11-703. Consideration of Boundary Line Adjustments.

- (A) The Planning Commission may approve a Boundary Line Adjustment, if, in the opinion of the Planning Commission the Boundary Line Adjustment does not create lots that are out of character with the original subdivision, and all lots, after the Boundary Line Adjustment, conform to the requirements of these Regulations.
- (B) No Boundary Line Adjustment shall be approved if:
 - (1) The adjustment causes one, or both, lots to be substandard sized

lots, according to applicable Zoning Regulations or sanitary code.

- (2) The adjustment causes one, or both, lots to not comply with these Regulations.
 - (3) The adjustment causes one, or both lots to be in violation of any applicable restrictive covenants filed of record. (The Planning Commission shall be entitled to rely upon the information provided by the applicant regarding the existence of such restrictive covenants.)
 - (4) The adjustment causes any other factor which, in the opinion of the Planning Commission, fails to comply with the intent and purpose of existing land development regulations and Governing Body policies.
- (C) The Planning Commission shall either approve, approve with conditions, or disapprove the Boundary Line Adjustment within 45 days after submittal of the application. Upon approval of a Boundary Line Adjustment, the applicant shall prepare a Boundary Line Adjustment Survey, as described in Section 6-402 of these Regulations.

ARTICLE 12

VACATIONS AND CORRECTIONS

Sections:

- 12-1 Review and Recommendation by Planning Commission**
- 12-2 Vacation of Unrecorded Plat**
- 12-3 Correction of Platting Errors**
- 12-4 Vacation of Streets, Alleys, Easements and Plats**

SECTION 12-1 REVIEW AND RECOMMENDATION BY PLANNING COMMISSION

12-101.

- a. Before any application for the vacation of any public right-of-way, street, alley, easement, plat, setback or access control shall be approved or recommended for approval by the Governing Body, the application shall be submitted to the Planning Commission for review and recommendation. Said recommendation shall include conditions which are appropriate to protect the best interests of the public, Governing Body and utilities.
- b. The recommendation of the Planning Commission shall be submitted to the Governing Body. No vacation shall be recommended for approval unless it is established that no private rights will be injured or endangered by such vacation and that the public will suffer no loss or inconvenience by such vacation.
- c. All requests for vacations shall be accompanied by the name and mailing address of all record owners of property touching upon the property proposed to be vacated.
- d. An application for vacation shall be submitted to the Zoning Administrator and shall be accompanied by fees in the amounts established by the Governing Body.
- e. A written receipt shall be issued to the person(s) making such a payment and records thereof shall be kept in such a manner as prescribed by law. No fee shall be required when said application is submitted by any agency. No fee shall be refunded in the event of disapproval by the Planning Commission or Governing Body.

SECTION 12-2 VACATION OF UNRECORDED PLAT

12-201.

- a. Upon written request of the subdivider to the Planning Commission, a preliminary or final plat may be withdrawn from consideration either before or after approval by the Planning Commission.
- b. Upon written request of the subdivider to the Zoning Administrator, a final plat for which dedications, if any, have been accepted by the Governing Body may be vacated by motion of the Governing Body; provided, that (1) the plat has not been recorded; (2) no lots have been sold or transferred; and (3) no improvements have been installed. After the plat is vacated, the Zoning Administrator shall see that all fiscal sureties are returned to the subdivider except for those expenditures which have been incurred by the City in administrative, legal or engineering costs prior to the date of the request for vacation.

SECTION 12-3 CORRECTION OF PLATTING ERRORS

12-301. If, after recording a final plat, an error is found in distances, angles, bearings, subdivision or street names, block or lot numbers, the computation of dimension or elevation or other details of the plat, except in connection with the outer boundaries of the plat, and if the property described in that part of the plat containing the error is under the ownership of the same person who caused the plat to be prepared, the City Engineer, after substantiation of the existence of the error, may file an affidavit with the Pottawatomie County Register of Deeds that the error was made. The affidavit shall describe the nature and extent of the error and the appropriate correction. The Pottawatomie County Register of Deeds shall record the affidavit and shall place in the margin of the recorded plat a notation that the affidavit has been filed, the date of filing and the book and page where it is recorded. The filing of the affidavit shall correct any errors, but shall have no effect on the validity of the plat or any property interest recorded by reference thereto. A copy of the recorded affidavit shall be filed with the Zoning Administrator.

SECTION 12-4 VACATION OF STREETS, ALLEYS, EASEMENTS AND PLATS

12-401.

- a. The following procedures are provided to vacate streets, alleys or other public reservations such as, but not limited to public easements, dedicated building setback lines, access control, or a part thereof, and including all or parts of recorded plats within the corporate limits of the City:
 1. Petitions for vacations received from the Governing Body, the owner of platted land or the owner of land adjoining on both sides of any street, alley, easement or other public reservation may be filed with the Zoning Administrator.

2. The petition shall be reviewed by and comments submitted to the Planning Commission by the City Staff.
3. The Planning Commission shall then make a recommendation to the Governing Body as to whether the vacation should be approved or disapproved and with or without conditions attached. If the Planning Commission determines that:
 - (a) due and legal notice has been given;
 - (b) no private rights will be injured or endangered; and
 - (c) the public will suffer no loss or inconvenience;

then the Planning Commission shall recommend that such vacation be approved and entered at length in the minutes. Such recommendation may provide for the reservation to the City and/or the owners of any lesser property rights for public utilities, rights-of-way and easements for public service facilities originally located in such vacated land or planned for the future. The petition shall not be recommended by the Planning Commission nor granted by the Governing Body if a written objection is filed with the City Clerk by any owner who would be a proper party to the petition, but has not joined therein. Furthermore, when only a portion of a street, alley or public reservation is proposed to be vacated, the petition shall not be recommended by the Planning Commission nor granted by the Governing Body if a written objection is filed with the City Clerk by any owner of lands which adjoin the portion to be vacated. The recommendation of the Planning Commission to the Governing Body shall be made as provided by K.S.A. 12-752 for the submission and approval of a final plat, and the Governing Body may approve or disapprove the vacation or approve it with or without reservation of lesser easements than as recommended by the Planning Commission.

4. Following the approval of the vacation by the Governing Body, the City Clerk shall certify a copy of the order to the Pottawatomie County Register of Deeds.