

## **Article 13**

# **Subdivision Approval Procedures**

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### **13.1 Lot Splits**

#### **A. General.**

1. Owners of a lot of record may divide such lots into no more than two tracts without recourse to replatting. Once a lot is split, it may not again be divided without replatting. The resulting lots must conform in all respects to the current district zoning regulations.
2. A Lot Split Fee, established within the Fee Schedule for the Unified Development Code, shall be submitted with each lot split.
3. Lot splits must be filed with the Zoning Administrator, with a signature block for the Register of Deeds. A lot split must be submitted as a certificate of survey, and sealed by a Licensed Land Surveyor in Kansas and reviewed by the County Surveyor or another designated land surveyor. The Zoning Administrator may require that reasonable service and right-of-way easements accompany the survey. Such instruments shall be recorded with the Register of Deeds.

### **13.2 Development Conference**

**A. Purpose.** The development conference affords the applicant an opportunity to review the city development codes and procedures and for the Zoning Administrator or consultant to comment on the proposed development.

1. **STEP ONE.** Contact the Edgerton, Kansas Zoning Administrator at (913-893-6231) for an appointment.
2. **STEP TWO.** With city assistance, determine the legal description and legal ownership of the land. Second, determine the current zoning designation and intended use for the property to be subdivided. If the land is not zoned for the intended use, review the Comprehensive Plan and read the contents of the plan with regard to future intentions. Amendments to both the Comprehensive Plan and the Zoning Map may be necessary, and a waiting period of 30 to 90 days may be required to process the required amendments.
3. **STEP THREE.** The Zoning Administrator will review pertinent requirements for platting, including roads, easements, physical arrangement and density, and general regulations for public water/sewer connections.
4. **STEP FOUR.** The applicant must review all Sanitary Regulations and Flood Plain Elevation maps that are currently in force in Edgerton.

5. STEP FIVE. Seek a Licensed Land Surveyor or Registered P.E. or Landscape Architect to begin the initial phase of subdivision. Please note that only a Licensed Land Surveyor (Kansas) may issue the actual Certificate of Survey.

### **13.3 Regular Land Development Process**

**A. Sketch Plan.** The purpose of the sketch plan is to afford an applicant the opportunity to confer early and informally with the Planning Commission. If warranted, the Zoning Administrator may waive the sketch plan, and the applicant may proceed to the preliminary platting process.

1. A sketch plan must be submitted at least twenty (20) days prior to a scheduled meeting. The Zoning Administrator must sign all sketch plans, indicating the date of review.
2. The sketch plan is an informal scale drawing and may be submitted on normal quality paper of any size larger than 8 1/2 by 11 inches. No fee is required for the sketch plan.
3. The sketch plan must contain the following information:
  - a). Name, address and phone number of Applicant.
  - b). Name and legal description of the tract.
  - c). Proposed boundaries, North point.
  - d). Very general topographic features at reasonable intervals.
  - e). General drainage features.
  - f). Roads adjacent to tract.
  - g). Proposed general street and lot layout.

**B. Preliminary Plat.** The Preliminary Plat is the actual review instrument used by the Planning Commission. The Planning Commission must approve the preliminary plat, with any notations, variances and changes, before the applicant can proceed with the Final Platting Stage. To accomplish this end, the Planning Commission shall have the following authority, options and powers:

1. A preliminary plat must be submitted at least forty-five (45) days prior to a scheduled meeting.
2. A Preliminary Plat Fee, established within the Fee Schedule for the Unified Development Code, shall be submitted with each preliminary plat application.
3. The authority to require the modification of any plat to conform to this Unified Development Code, or to modify or add conditions to any plat when such action increases the public convenience, the goals of the city comprehensive plan, supports property values, or secures the public health, safety and welfare.
4. The authority to vary setbacks and yard sizes to overcome practical difficulties, or to promote good land design. The authority to vary yard size and placement in planned unit developments, or if the plat contains zero lot line or cluster provisions.
5. The authority to compel applicants to file easements that are necessary to serve the potential residents of a subdivision, protect the use and value of neighboring property and to promote the public safety and welfare; the authority to compel applicants to offer for dedication or reservation such property as necessary to safely, conveniently and effectively serve the general welfare, promote good standards of land design

and land use, and to advance the practice of agricultural (and other natural resources) preservation.

6. Notice and a Public Hearing are required at the preliminary platting stage. Notice to the Public shall be in the official City newspaper at least twenty (20) days in advance of the hearing.
7. The Planning Commission shall review the preliminary plat and other material submitted with it to determine conformity with the comprehensive plan and these regulations and it shall act upon the plat within ninety (90) days after submission, unless the subdivider shall waive or consent to an extension of the ninety (90) day period. If the subdivider submits the preliminary and final plats concurrently, the time period shall be ninety (90) days.

### **C. Content of Preliminary Plat.**

1. A North point and scale which is appropriate to the size of the development: one inch equals 50, 100, 150 or 200 feet is typical.
2. A legal description; and current zoning.
3. Names of: Applicant, Subdivision & Streets.
4. Name and seal of surveyor/engineer.
5. Date surveyed.
6. Adequate legend; vicinity map.
7. Signature block and date for review of Zoning Administrator.
8. Signature block and date for review of City Engineer.
9. Signature block and date for review of Chair of Planning Commission.
10. Signature block and date for review of Mayor.
11. Complete outline drawing of all boundaries, lots, and streets, together with courses, distances and areas. Boundaries must be shown as solid lines and all easements as dashed lines.
12. Rights-of-way and/or easements proposed to be created for all drainage purposes, utilities, walkways, access, and other purposes.
13. Proposed location of streets, sidewalks, sanitary sewers, storm water sewers, water mains, and fire hydrants. Plat must show that the water distribution system and the sanitary sewer collection system touch upon each lot, or in an easement appurtenant to each lot.
14. Total acreage, and size of each lot.
15. Contours at vertical intervals of 4 feet or less.
16. Setbacks, yards and any entrance restrictions. Setbacks shall be shown as a building envelope representing that portion of the lot within the yards and setbacks that can reasonably contain, depending upon watercourses, topography or geology, the principal structure and the lateral field (if a lateral field is used).
17. A copy of the proposed restrictive covenants.

### **D. General Design Standards.**

1. Rights-of-way must conform to the current standards of the American Public Works Association, and greater widths may be required by the Zoning Administrator after

preliminary review; utility easements must be a minimum of fifteen (15) feet wide or, 7.5 feet for appurtenant utility easements on interior lots. Street lighting and fire hydrants must be indicated in areas planned for residential use. Cul-de-sacs are limited to 800 feet in length.

2. All portions of the tract being subdivided shall be taken up in lots (or phases), streets, planned open areas or other uses so that remnants and landlocked areas are not created.
3. All lots must front on a public right-of-way. The Zoning Administrator may grant a waiver from this requirement and allow permanent travel easements when appropriate. When a subdivision is located along arterial roads adequate buffers must be maintained between the right-of-way and the building line. Residential structures shall have their front on interior roads.
4. Corner lots shall have minimum side-yard setbacks of twenty (20) feet to the street right-of-way and nine (9) feet to the property line of the adjacent interior lot unless approved by the Zoning Administrator.
5. Side lot lines shall be substantially at right angles to street lines.
6. Drainage and watercourse easements are required. Building setbacks from watercourses should be measured from the thread of the stream. Flowage easements may be used to calculate required minimum lot sizes.
8. The lot depth to front lot width ratio shall be no more than 3 to 1.
9. If the development is to be served with public water or sewer, the plat must bear a notation that the subdivision is to be served by these facilities. The Zoning Administrator may not issue a building permit for a lot notated "SERVICED BY PUBLIC WATER/SEWER" without written verification from the public water or sewer district that all distribution or collection lines have been installed and that all lots are either connected or are capable of being connected to central utilities.
10. Ten (10) copies of a preliminary plat must be submitted to the Zoning Administrator. The plat should be on regular quality paper, either 18 x 24 or 24 x 36 inches.

#### **E. Approval Limitations.**

1. The Planning Commission shall approve or deny the preliminary plat as submitted or may approve the plat as submitted subject to specified changes. Upon denial, the Planning Commission must give reason for the denial. If a preliminary plat is denied the applicant shall not submit the same proposal again for a period of one year without written approval of the Planning Commission.
2. Tentative approval shall not constitute a final acceptance of the plat, but authorizes preparation of the final plat. No grading for streets or construction of improvements shall take place in the subdivision prior to approval and endorsement of the final plat and the submittal to and approval of construction plans and drainage plans by the Governing Body.
3. The preliminary plat shall be approved for a one-year period and shall be extended for an additional year upon the approval of a final plat for the same parcel of land or any part thereof. If a final plat is not approved for a portion or all of the land covered under the preliminary plat within one year, the preliminary plat shall be ruled null and void.
4. The Planning Commission upon submittal and approval of a written request may grant a one-year extension on the approval of the preliminary plat.

## **F. Final Plat and Construction Plans**

1. A final plat and construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the final plat must be submitted at least forty-five (45) days prior to a scheduled meeting.
1. A Final Plat Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with each final plat application.
2. The commencement of any improvements shall not occur in any subdivision prior to the approval and endorsement of the final plat and the submittal to and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the final plat by the Governing Body. Sanitary sewer and water main drawings and specifications must be submitted to and approved by the Kansas Department of Health and Environment prior to the commencement of any improvements.
3. A New Public Improvement Inspection Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements.
5. All final plats and construction plans must comply with the regulations in effect at the time that the final plat and construction plans are submitted.
6. The Planning Commission shall act upon the final plat within ninety (90) days of submission of the final plat and construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains as required by these regulations, unless the subdivider consents to an extension or waiver of the time limitation.

## **G. Final Plat. Required Contents**

1. Scale, the same used for the preliminary plat; North point; vicinity map
2. The words "FINAL PLAT" followed by the name of the subdivision at the top of the sheet, and then followed by a metes and bounds description of the tract.
3. The instrument of survey which shows the point of beginning, corners, bearings, courses, distances, exterior boundaries, interior lot boundaries, abandoned lot lines, pins, monuments found or set. All P.I.'s corners, boundaries must be monumental with a 2" x 24" metal bar
4. A boundary survey of third order surveying accuracy (maximum closure error one in five thousand (1' in 5,000), with bearings and distances referenced to section or fractional section comers or other base line shown on the plat and readily reproducible on the ground.
5. Individual notations and a TABLE showing: lot area, setbacks, and building envelopes.
6. A number for each lot, starting (if practical) in the northwest corner.
7. All easements with widths, and roads with curve data.
8. Ingress/egress limitations if required.
9. The location of existing utility easements.
10. A written legal description from the survey.

11. An instrument of dedication for all roads and easements
12. Special notations required as a condition of platting by the Planning Commission.
13. Approved phases – clearly delineated.
14. Private travel easements.
15. The Owner's Certificate with Notary Seal.
16. Certificate of the Governing Body with City Clerk's attest and Seal.
17. Edgerton City Planning Commission chair and secretary approval.
18. Certificate of the Register of Deeds.
19. Surveyor's Certificate and Seal and certificate for survey review by the County Surveyor or designated Land Surveyor.
20. Certificate of the Zoning Administrator.

### **13.4 Governing Body Approval**

- A. Required Review.** Following the approval of a final plat by the Planning Commission, the Governing Body shall review the instrument for dedications and reservations and assure that the final plat and construction plans for all proposed streets, sidewalks, storm water sewers, sanitary sewers, and water mains meet the standards of the City of Edgerton. The Governing Body may either approve the final plat, return the final plat and/or construction plans to the applicant with instructions and specifications to conform to City standards, or deny the final plat and/or construction plans with a refusal to accept dedication. If the Governing Body denies the final plat and/or construction plans a set of written findings must be given to the applicant within 30 (thirty) days.

### **13.5 Recording of Final Plat**

- A.** Upon approval of a final plat by the Governing Body the applicant shall record the plat with the Register of Deeds within a period of one year. If the final plat is not recorded within one year from the date of approval by the Governing Body, it shall be considered null and void.
- B.** Before any final plat shall be signed by the Zoning Administrator and filed by the Register of Deeds, the applicant shall submit a certificate of title indicating the ownership of all property within the bounds of the subdivision.
- C.** The applicant shall provide the Zoning Administrator with one copy of the final plat that was approved by the Governing Body on Mylar®. The applicant shall also return one copy of the final plat that was recorded by the Register of Deeds.
- D.** Article 10 of Chapter IV of the Edgerton City Code imposes an excise tax on platting and building within the City. Prior to endorsement of any final plat, all excise taxes must be paid or city staff must determine that an exemption from payment prior to platting is applicable, all in accordance with Article 10 of Chapter IV of the City Code.
- E.** A New Street Light Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted prior to the endorsement of any final plat. (Ord. 800; 2005)

### **13.6 Vesting and Conflicting Requirements**

- A.** Initial rights for a final plat shall vest for a period of three (3) years. If all streets, sidewalks, storm water sewers, sanitary sewers, and water mains have not been installed and the development of structures commenced after three (3) years, the final plat shall be considered null and void.
- B.** The requirements and standards in force at the time of the adoption of a final plat shall remain and shall continue to govern and not be set aside by the adoption of subsequent standards.
- C.** Standards (such as setbacks) appearing on a plat which are greater than those imposed by this ordinance are valid, and shall be duly noted and enforced by building permits.
- D.** Restrictive covenants are private instruments between buyer and seller. The Zoning Administrator does not enforce restrictive covenants unless such restrictions are part of a Planned Unit Development, or unless the City itself, as a condition of platting, is a party to such agreements. Nothing contained in these regulations is intended to void the obligation of any party to adhere to the terms of all contracts, conditions, and covenants of record.

### **13.7 Assurances**

- A.** Developers are required to install all streets, storm water sewers, sanitary sewers, and water mains and other services to all lots (in a designated phase) as they appear on the final plat and/or construction plans prior to receiving a building permit from the Zoning Administrator. Developers are required to install all sidewalks on a lot as they appear on the final plat and/or construction plans prior to receiving a certificate of occupancy from the Zoning Administrator. Developers are also required to reimburse the City of Edgerton for the cost of all street signs, stop signs, and speed limit signs.
- B. Exceptions.** The Zoning Administrator may issue building permits for lots in an approved subdivision when such lots have direct access to an existing public right-of-way and when, in his/her opinion, building construction would not interfere with the orderly process of the installation of facilities and utilities.
- C. Financial Assurance.** Prior to the commencement of any improvements, all required infrastructure (streets, sidewalks, storm water sewers, sanitary sewers, and water mains) must be assured by a financial instrument (performance and maintenance bond or special benefit district). Financial assurances must be made in a form and amount acceptable and approved by the City Attorney. Unless otherwise indicated by special resolution of the Governing Body, financial assurances shall be equal to the contract cost of purchase and installation of all facilities and utilities and valid for a period ending no less than two years after acceptance by the City of Edgerton. If substantial progress in installing the infrastructure is not evident within two hundred eighty (280) days after the approval of the final plat by the Governing Body, the City of Edgerton shall take appropriate action to exercise the financial assurance.
- D. As Built.** Prior to acceptance of public improvements by the City, the developer shall provide two (2) sets of prints for all public improvement projects, excluding sidewalks, corrected to show the project as constructed and shall accurately and completely denote all changes made during the construction. Each sheet within the prints shall be clearly marked as "Conforming to Construction Records" and shall include the date of revision and certifications by a Kansas licensed engineer. This set of plans shall be substantially

similar to the set of construction plans that was approved by the Governing Body. (Ord. 801; 2005)

### **13.8 Resubdivision or Replats**

- A.** Any previously subdivided tract(s) may be resubdivided after submission of a new or corrected plat. Resubdivided plats may be used for the following purposes:
  - 1. The division of any existing lot into two or more additional lots.
  - 2. The reconfiguration of any lot(s).
  - 3. The correction of any monument, distances, and/or bearing.
  - 4. The addition or removal of any easement or right-of-way.
  - 5. The vacation of a lot(s) from an existing subdivision.
  
- B.** All resubdivision plats shall contain the title RESUBDIVISION or REPLAT followed by the original title of the plat and, if applicable, the lot(s) that are to be divided: ie, A Replat of Lots 1 and 2 of \_\_\_\_\_ Subdivision.
  
- C.** Renumbering of existing lots using resubdivision.
  - 1. When one or more lots are created from an existing numbered (or lettered) lot(s), the new lot(s) shall be numbered as follows:
    - a). **Abandoning lot lines between two or more lots to create one or more lots:** the lowest lot number plus the letter beginning with (A). Example - abandoning lot lines between lots 1 and 2 and 2 and 3 to create a new, single lot; the lot is now numbered 1A. If the lot originally contained a letter designation, then the new lot shall contain the lowest letter plus the numeric character one (1).
    - b). **Creating two or more new lots from an existing lot:** the letters A, B ... and so forth for each new lot created preceded by the original lot number. Example: lot 4 is split into four (4) lots - the new lots would be lots 4A, 4B, 4C, and 4D.
    - c). **Adding new lots (one or more) to an existing subdivision:** as far as practicable, the lots shall continue in a consecutive fashion - or by direction of the Zoning Administrator.
    - d). **Creating new lots from a lot or lots previously resubdivided:** as far as practicable, the lots shall continue using a numbered system. Example: lot 4 was resubdivided into lots 4A, 4B and 4C. If lot 4A were resubdivided into three lots, the new numbers would be lot 4A-1, lot 4A-2, and lot 4A-3.