



# **SUBDIVISION REGULATIONS**

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# **SUBDIVISION REGULATIONS, CITY OF GREAT BEND, KANSAS**

## **ADOPTED by ORDINANCE NO. 4089**

AN ORDINANCE RELATING TO THE SUBDIVISION OF LANDS LOCATED WITHIN THE CITY LIMITS AND LANDS LOCATED OUTSIDE THE CITY LIMITS BUT WITHIN A DESIGNATED URBAN AREA FROM THE LIMITS OF THE CITY OF GREAT BEND, KANSAS; PROVIDING RULES AND REGULATIONS FOR THE PLATTING OF SAID LANDS INTO LOTS, STREETS, ALLEYS AND OTHER PORTIONS OF THE SAME INTENDED TO BE DEDICATED FOR PUBLIC USE, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GREAT BEND, KANSAS;

### **PART I.**

#### **TITLE AND GENERAL PROVISIONS**

SECTION 1. SHORT TITLE: This ordinance shall be known, referred to and cited as "The Land Subdivision Regulations" of the City of Great Bend, Kansas.

SECTION 2. JURISDICTION: These regulations shall apply to all land located within the City of Great Bend, Kansas, and to all unincorporated land outside of but within three (3) miles of the Corporate Limits of Great Bend, Kansas.

SECTION 3. PURPOSE AND INTENT: The purpose and intent of these regulations is to provide for the harmonious development of the community. The regulations shall:

1. Provide for the proper location and width of streets, building lines, open spaces, safety and recreational facilities, utilities and drainage;
2. Avoid congestion of population through requirements of minimum lot width, depth and area;
3. Dictate the manner in which streets shall be graded and improved, and the installation requirements of water, sewer, drainage and other utility mains, piping or connections or other physical improvements;
4. Provide for and secure the actual construction of such physical improvements.

SECTION 4. APPLICABILITY: The owner or owners of any land located within the jurisdiction of these regulations subdividing said land into two or more lots and blocks, tracts or parcels, and/or establishing any street, alley, park or other property intended for public use or for the use of purchasers or owners of lots, tracts, or parcels of land fronting thereon or adjacent thereto, shall cause a plat to be made in accordance with these regulations, unless exempted under Section 5.

SECTION 5. EXEMPTIONS: These regulations shall not apply in the following instances:

1. The division of land for agricultural purposes into parcels or tracts of forty (40) acres or more not involving any new street or easements of access, and not affecting major streets according to the Master Plan, or Street Classification Plan, or Street Reservation Plan.
2. A change in the boundary between adjoining lands which does not create an additional lot.
3. Land used for street or railroad right-of-way, a drainage easement or other public utilities subject to local, state or federal regulations, where no new street or easement of access is involved.
4. Whenever any lot, parcel or tract of land located within the area governed by these regulations has been subdivided, resubdivided, or replatted prior to the adoption of these regulations.
5. Any transfer by operation of law.

SECTION 6. DEED RESTRICTIONS: The Planning Commission shall have the right to confer with the subdivider regarding the type and character of development that will be permitted in the subdivision, and may require that certain minimum regulations regarding this matter be incorporated in the deed restrictions. Such regulations shall be intended to protect the character and value of the surrounding development of the property which is being subdivided.

SECTION 7. APPROVAL NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS: All plans, plats or replats of land laid out in building lots, and the streets, alleys or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, shall be submitted to the Planning Commission for its consideration and recommendation. The recommendation of the Planning Commission on all plats shall be submitted to the governing body for official consideration and action. The failure of the governing body to approve the plat shall constitute denial of the proposed plat.

## PART II.

### ADMINISTRATION

SECTION 1. DUTIES OF THE PLANNING COMMISSION:

1. Review and approve, approve conditionally, or disapprove Final Plats and transmit approved Final Plats to the Governing Body for final approval and acceptance of dedications of streets, alleys, easements and other public ways and sites.
2. Make other determinations and decisions as may be required of the Planning

Commission from time to time by regulations, ordinances or the applicable sections of the Kansas Statutes Annotated.

## PART III.

### DEFINITIONS

SECTION 1. Definitions to be used for the interpretation of these regulations are as follows:

1. **ALLEY**: A public or private right-of-way which affords only a secondary means of access to abutting property.
2. **BLOCK**: A piece or parcel of land entirely surrounded by public highway, streets, streams, railroad right-of-way or parks, etc. or a combination thereof.
3. **COUNCIL**: The Governing Body of the City of Great Bend.
4. **CLUSTER SUBDIVISION**: A subdivision designed with common open space and/or recreation areas for the use of residents, and with residential lots which are arranged in groups or "clusters" so that each lot has convenient access to the common areas.
5. **CUL-DE-SAC**: A street having one end open to traffic and being permanently terminated by a vehicular turn-around.
6. **DESIGN**: The location of streets, alignment of streets, grades, and widths of streets, the location and alignment of easements, grades and widths of easements, the location and alignment of alleys, grades and widths of alleys, the location and alignment and right-of-way for drainage and sanitary sewers, and the designation of lot, area, width and length.
7. **EASEMENT**: A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.
8. **FINAL PLAT**: A plan or map prepared in accordance with the provisions of this regulation and those of any other applicable local regulation, which plat is prepared to be placed on record in the office of the Register of Deeds of the County in which any part of the subdivision is located.
9. **GOVERNING BODY**: The City Council of the City of Great Bend or the Board of County Commissioners of Barton County.
10. **IMPROVEMENTS**: Street work and utilities that are to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private use of the lot owners in the subdivision and to accommodate local neighborhood traffic and drainage needs, as a condition precedent to the approval and acceptance of the final plat or filing of the record of the survey map thereof.
11. **LOT**: A portion of land in a subdivision or other parcel of land, intended as a unit for transfer of ownership or for development.

12. **MAJOR THOROUGHFARE:** An arterial or collector roadway designated as such on the official Street Classification Plan.
13. **MARGINAL ACCESS STREETS OR FRONTEAGE ROADS:** A minor street which is generally parallel to, or adjacent to, a major traffic thoroughfare, highway or railroad right-of-way and provides access to abutting properties.
14. **NET ACREAGE:** The area of the tract being subdivided exclusive of streets, alleys, easements or other public ways.
15. **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.
16. **PEDESTRIAN WAY:** A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
17. **PLANNED UNIT DEVELOPMENT:** A subdivision designed to accommodate mixed land uses including single family dwellings, duplexes, multi-family dwellings or a combination thereof, as well as common facilities and open space for the use of the residents.
18. **PLANNING COMMISSION:** Shall mean the Great Bend Planning Commission.
19. **PRELIMINARY PLATS:** A map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it, this map need not be based on accurate or detailed final survey of the property.
20. **SECRETARY:** Secretary of the Planning Commission.
21. **SIDEWALK:** A walk for pedestrians at the side of a street.
22. **STREET:** A right-of-way, dedicated to the public use, or a private right-of-way serving more than one ownership, which provides principal vehicular and pedestrian access to adjacent properties.
23. **STREET CLASSIFICATION PLAN:** The plan of streets for the City of Great Bend as defined by Ordinance No. 1606 as amended.
24. **SUBDIVIDER:** A person, firm, corporation, partnership or association who causes land to be divided into a subdivision.
25. **SUBDIVISION:** The division of a tract of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term "subdivision" includes "resubdivision", and the term "resubdivision" as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided, for sale, use, or other purposes, which varies from the latest, approved subdivision of the same.
26. **TRAFFIC SAFETY STUDY:** Refers to the Official Traffic Study of the City of Great Bend.

## PART IV

### SUBDIVISION DESIGN REGULATIONS

#### SECTION 1. STREETS, ALLEYS AND PUBLIC WAYS:

1. **RELATION TO ADJOINING STREET SYSTEM:** The arrangement of streets of new subdivisions shall make provisions for the continuation of the principal existing streets and adjoining additions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements. The width of such streets in this subdivision shall not be less than the minimum width established herein. Alleys, when required, and street arrangements must also be such as to cause no hardship to owners of adjoining property when they plat their land and seek to provide for the convenient access to it. 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 alleys shall be platted and dedicated as a public way in accordance with Street Classification Plan (Chapter 31 Code of Ordinances, Ordinance, No. 1606 as amended, of the City of Great Bend, Kansas 1974 provision). Ordinance number 1606 as amended.
2. **STREET NAMES:** Streets that are obviously in alignment with existing streets shall bear the names of the existing streets. In no case shall the name for proposed street duplicate existing street names, irrespective of the use of the suffix street, avenue, broadway, boulevard, driveway, place, or court. In order to avoid duplication, the subdivider should consult with the proper city officials.
3. **STREET ARRANGEMENT:** Subdivision shall not be required to follow standard block and grid street arrangements so long as they do not interfere with the extension of major traffic ways and arterial streets. Secondary residential streets shall be designed to discourage through or non-local traffic.
4. **CUL-DE-SACS:** Cul-de-sac street arrangements must be designed to provide proper access to all lots. Cul-de-sacs shall not exceed 1000 feet in length including an adequate turn-around with minimum right-of-way radius 60 feet at the closed end, provided, that a 5 foot dedication for a sidewalk, in addition to the street dedication, must be made.
5. **RIGHT ANGLE INTERSECTIONS:** Under normal conditions, streets shall be laid out to intersect, as nearly as possible, at right angles. When the planning Commission finds that topography or other conditions justify a variation from the right angle intersection, a minimum angle of 80 degrees shall be required.
6. **STREETS ADJACENT TO A RAILROAD RIGHT-OF-WAY. LIMITED ACCESS FREEWAY. PRINCIPAL HIGHWAY:** Where lots front or side, but do not back on railroad rights-of-way, limited access freeways or principal highways, a marginal access street or frontage road way be required parallel and adjacent to the boundary of such rights-of-way. The distance from said right-of-way shall be determined, with due consideration to minimum distance required for approach connections to future grade separation.

7. **HALF-STREETS:** Half-streets shall be avoided, except for arterial streets and collector streets where applicable, or where they are essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; or, when the Planning Commission finds that it will be practicable to require the dedication of the other half of the street when the adjoining property is subdivided. Whenever a half-street, or portion thereof, is existing and adjacent to a tract to be subdivided, and the other half of the street, based on standards in paragraph nine of this section, shall be platted within such tract.
8. **ALLEYS:** Alleys may be required in commercial and industrial areas. Dead end alleys shall be avoided, where possible; but if unavoidable, such alleys shall be provided with adequate turn around facilities at the dead end. Half alleys shall be avoided. This provision does not apply to the unincorporated area.
9. **MINIMUM REQUIREMENTS:** Minimum rights-of-way and roadway widths for streets, alleys, sidewalks, and public ways included in any subdivision hereafter shall be dedicated and improved to comply with standards adopted by the City/County Engineer. In subdivisions containing private streets, street widths shall be jointly determined by the City/County Engineer and the Planning Commission.
10. **ADDITIONAL REQUIREMENTS:** When existing or anticipated traffic on secondary, arterial and major trafficways warrants greater widths of right-of-way or roadway, the additional width shall be provided as jointly determined by the City/County Engineer and the Planning Commission based upon existing and future traffic studies.
11. **STREET GRADES:** The grades of streets, alleys and other public ways included in any subdivision shall not be greater than is necessary for the topographical and drainage conditions and shall be subject to the approval of the City/County Engineer.

## SECTION 2. EASEMENTS:

1. **UTILITY EASEMENTS:** Easements of at least 7 1/2 feet in width shall be provided and dedicated where necessary along each side of all rear and side lots for poles, wires, conduits, storm and sanitary sewers, gas, water or other mains. An easement of at least 15 feet shall be required when the proposed easement is adjacent to unplatte land.
2. **DRAINAGE EASEMENTS:** If a subdivision is traversed by a water course, drainage way or channel, then a storm water easement or drainage right-of-way shall be provided. Such easement or right-of-way shall conform substantially to the lines of such water course and shall be of such width or construction, or both, as may be necessary to provide adequate storm water drainage and for access for maintenance thereof. Parallel streets or parkways may be required in connection therewith. The City/County Engineer or a duly appointed consultant or representative shall conduct a study and make a recommendation to the Planning Commission as to the desired width of such easement.

## SECTION 3. BLOCKS:

1. LENGTH: Intersecting streets (which determine block length) shall be provided at such intervals as necessary to serve cross traffic adequately and to meet the existing streets in the neighborhood. Plats in areas where no existing plats have been recorded which utilize the standard pattern shall contain no block longer than 660 feet. A greater length may be permitted where the Planning Commission finds that topography or other conditions justify departure from the maximum (such as blocks along a major trafficway or arterial). In blocks longer than 800 feet, pedestrian ways and/or easements through the block may be required near the center of the block. Such pedestrian ways or easements shall have a minimum width of 10 feet.
2. WIDTH: In residential development, the block width shall normally be sufficient to allow two tiers of lots of an appropriate depth. 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.

#### SECTION 4. LOTS:

1. Lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography, the character of surrounding development and drainage.
2. If the proposed subdivision is serviced by a public water supply and a public sewer system, the minimum lot area requirements shall be as set forth in the Zoning Regulations.
3. In the unincorporated area, if the proposed subdivision is not serviced by a public water supply and/or a public sewer system, the minimum lot area may be increased to accommodate on site systems.
4. Minimum width and depth of lots shall be as required by the Zoning Regulations and measured as provided in said Zoning Regulations.
5. The maximum depth of all residential lots shall not exceed two and one-half times the width thereof.
6. All side lot lines shall bear 90 degrees from the street right-of-way line on a straight street or radial to the curved street, except where a variation from this rule will provide for better street or lot layout, such as in a cluster subdivision or Planned Unit Development.
7. Double frontage lots shall be avoided unless, in the opinion of the Planning Commission, a variation to this rule will give better street alignment and lot arrangement.
8. Every lot shall have access to a street other than an alley.
9. The subdivision or resubdivision of a tract or lot shall not be permitted where said subdivision or resubdivision places an existing permanent structure in violation of

the requirements of the Zoning Regulations or the minimum design standards of these regulations.

**SECTION 5. SIDEWALKS:** Sidewalks shall be required in accordance with the standards set by the City Engineer under the following conditions:

1. Within the incorporated area of the City of Great Bend.
  - a. On one side of local residential streets and on both sides of other streets, except:
  - b. along streets with residential lots of 200 feet or more frontage or residential lots one acre or larger in average size; and
  - c. along streets adjacent to large non-pedestrian generating uses as may be determined by the Planning Commission (e.g., local streets, along cemeteries); local streets along sand pits; streets along parks that are developed with walks and trails; and
  - d. where the lots have no direct access to the abutting street.

The sidewalk shall be guaranteed from curb to curb of intersecting streets rather than to property lines.

Sidewalks shall be constructed as near as possible to property lines rather than curb lines.

2. In unincorporated areas
  - a. Although not normally required, the City Engineer may require sidewalks when needed to service pedestrian traffic flow leading to schools, parks or places of public assembly.

## **PART V.**

### **SUBMISSION OF PLATS**

**SECTION 1. PRE-APPLICATION:** Prior to the filing of the Preliminary Plat, the subdivider shall contact the following:

1. The Secretary of the Planning Commission to determine the procedure for filing plats and master plan requirements for land use, parks, schools, public open space, etc.
2. The Zoning Administrator to determine the zoning requirements for the property in question and adjacent properties.
3. The City Engineer to determine availability of sanitary sewers, storm drainage and major street plans.

4. Other City personnel as deemed necessary in accordance with the specific problems of the plat.

## SECTION 2. SUBMISSION OF PLAT:

1. Submission of a Preliminary Plat and Supplementary Information:
  - a. Filing Fee: A non-refundable fee of \$100.00 shall accompany the filing of each preliminary plat. The preliminary plat shall not be accepted for filing until the filing fee has been deposited by the subdivider with the Secretary of the Planning Commission. The filing fee together with the legal description of the area to be platted in the name of the plat, shall be submitted to the Secretary of the Planning Commission.
  - b. Number of Copies: The subdivider shall submit to the Secretary of the Planning Commission six (6) copies of the Preliminary Plat and six (6) copies of a vicinity map (if not on the Preliminary Plat) showing the location of the proposed subdivision.
  - c. Utility Letters: The subdivider shall submit review copies of the Preliminary Plat and copies of a vicinity map (if not on the Preliminary Plat) to utility companies including electric, gas, cable services and telephone. The subdivider shall submit letters of review concerning the proposed plat from the above utility companies to the Secretary of the Planning Commission. Said letters are not required for City owned utilities, i.e.: sewer and water.
  - d. All plats shall be prepared by a professional engineer or registered land surveyor licensed in the State of Kansas.
  - e. Required contents for Preliminary Plats shall contain:
    - (1) The proposed name of the subdivision. (The name shall not duplicate or too closely resemble the name or names of any existing subdivision.)
    - (2) The location of the boundary lines of the subdivision reference to the section lines.
    - (3) The names and addresses of the owner, developer, and the surveyor, or engineer who prepared the plat.
    - (4) Scale of the plat, 1" = 200' or larger.
    - (5) Date of preparation and north point.
    - (6) Existing conditions:
      - (a) Location, width and name of platted streets or other public ways, railroads and utility rights-of-way, parks and other public open spaces and permanent buildings within the proposed subdivision or within 100 feet of all boundaries of the subdivision shall be shown on the

Preliminary Plat.

- (b) All existing sewers, water mains, gas mains, culverts or other underground installations, within the proposed subdivision or adjacent thereto, with pipe size and manholes, grades and location shall be shown.
- (c) Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land shall be shown.
- (d) Topography with contour intervals of not more than one foot, referred to City of Great Bend datum shall be shown, except that where the ground is too flat for contours, spot elevation shall be provided. Also location of water courses, bridges, wooded areas, lakes, ravines and such other features as may be pertinent to the subdivision shall be shown.
- (e) 100 year flood elevations as designated by the Federal Emergency Management Agency.
- (7) The general arrangements of lots and their approximate size.
- (8) Location and width of proposed streets, alleys, sidewalks, pedestrian ways and easements.
- (9) The general plan of sewage disposal, storm drainage, and utilities, in areas where public sewers and/or water are proposed to serve the subdivision. In other cases, a notation shall be made on the plat indicating type of sewage disposal and water system proposed.
- (10) Location and size of proposed parks, playgrounds, church sites, school sites or other special uses of land to be considered for reservation for public use.

f. Percolation test data as required by the Barton County Health Department shall be submitted for all subdivisions in the unincorporated area to be served by individual sewage disposal systems.

g. Proposed deed restrictions or covenants and restrictions (if any) in outline form. Deed restrictions and/or covenants must provide for the maintenance and ownership of all privately owned common areas and facilities including private streets, sidewalks and pedestrian ways included in the proposed plat.

2. Action of the Secretary of the Planning Commission:

a. Administrative Review: After the required submission of the Preliminary Plat, supplemental information and filing fee, the Secretary of the Planning Commission shall cause copies thereof to be distributed for review by the City Engineer; the Great Bend Police Department and the Great Bend Fire Department if the plat is located within the Incorporated limits of the City; the

Barton County Sheriff Department, the Barton County Sanitarian and the appropriate fire department if the plat is located outside the Incorporated limits of the City; and the Kansas Department of Transportation if the plat contains frontage on a state or federal highway (Collectively referred to as "review agencies").

b. Approval or Disapproval of the Preliminary Plat: After the comments of the review agencies and utility companies have been received, and within 30 days of the submission of the preliminary plat the Secretary of the Planning Commission shall review the plat for its compliance with said comments and this ordinance. After his/her review, the Secretary of the Planning Commission shall approve as submitted, as modified, or disapprove the Preliminary Plat and communicate the reasons therefore to the subdivider. The action of the Secretary of the Planning Commission shall be noted on the Preliminary Plat and one copy returned to the subdivider.

Secretary of the Planning Commission must approve or disapprove a Preliminary Plat within 30 days from the date of filing of such plat, unless such time is extended by mutual consent. If disapproved, the subdivider may appeal the decision to the Planning Commission at the next regular meeting.

If the Secretary of the Planning Commission fails to approve or disapprove a Preliminary Plat within 30 days from the date of filing of such plat, then such Preliminary Plat shall be deemed to have been approved, and the subdivider may proceed to file a Final Plat for approval by the Planning Commission.

c. Effect of Approval of Preliminary Plat: Approval of the Preliminary Plat does not constitute acceptance of the subdivision, but authorizes the preparation of the Final Plat and detailed plans and specifications for the installation of the required improvements.

Such approval shall be effective for no more than six months from the date approval was granted, unless upon application from the subdivider, the Planning Commission grants an extension to this time limit. If a Final Plat has not been approved and recorded as required by the regulations during this time period, the Preliminary Plat must be resubmitted to the Secretary of the Planning Commission as if such plat had never been approved.

### SECTION 3. FINAL PLAT:

1. Submission:
  - a. After approval of the Preliminary Plat, the subdivider shall submit a Final Plat for approval by the Planning Commission.
  - b. The original (on mylar, tracing cloth or similar material) and twenty-five (25) prints thereof shall be submitted to the Secretary of the Planning Commission at least 15 days prior to the Planning Commission's public meeting.

- c. The names and signatures of the owner or owners of the property duly acknowledged and notarized shall appear on the original copies submitted.
- d. The Final Plat, prepared for recording purposes, shall be drawn at a scale of at least 1" = 200' or larger. The size of the sheet on which such final plat is prepared shall be a maximum of 18 inches by 24 inches. If more than one sheet is required, an index map of the same dimensions shall be filed showing the entire development at a smaller scale.

2. Information: The Final Plat shall show and contain the following information:

- a. Name of subdivision (not to duplicate or too closely resemble the name of any existing subdivision.)
- b. Location of section, township, range, county and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must be mathematically correct. The allowable error of closing on any portion of the plat shall be one in 12,000.
- c. The location of existing monuments or benchmarks shall be shown and described on the final plat. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including the true angles and distances to such reference points or monuments.
- d. The location of lots, streets, public highways, alleys, sidewalks, parks and other features, with accurate dimensions in feet and decimals of feet with the length of radii on all curves, and other information necessary to reproduce the plat on the ground.
- e. Each lot shall be numbered clearly. Blocks shall be numbered or lettered clearly in the center of the block.
- f. The exact location and widths of all streets and alleys and the names of all streets to be dedicated.
- g. Boundary lines and description of the boundary lines of any area other than streets and alleys which are to be dedicated or reserved for public use.
- h. Building setback lines on the front and side streets with dimensions.
- i. Name, signature and seal of the licensed engineer or registered land surveyor preparing the plat.
- j. Scale of the plat (scale to be shown graphically in feet per inch), date of preparation and north point.
- k. Statement dedicating all easements, streets, alleys, sidewalks, and all other public areas not previously dedicated.
- l. The following certificates, which may be combined where appropriate:

- (1) 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 the said subdivision map.
- (2) A certificate signed and acknowledged as above, dedicating or reserving all parcels of land shown on the final plat and intended for any public or private use including those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants and servants.
- (3) The certificate of survey signed and sealed by a registered land surveyor responsible for the survey of the subdivision.
- (4) The acknowledgment of a notary in the following form:

State of \_\_\_\_\_, County of \_\_\_\_\_ ss.  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, 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: \_\_\_\_\_

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

This plat of \_\_\_\_\_ has been submitted to and approved by the Great Bend Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(SEAL)

CHAIRMAN

SECRETARY

- (6) The approval and acceptance of dedications by the municipal, county or township governing body, in the following form:

This plat approved and all dedications shown hereon, if any, accepted by the City Council of the City of Great Bend/County Commission of Barton County, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(SEAL)

MAYOR/CHAIR, COUNTY COMMISSION

ATTEST: \_\_\_\_\_, CITY/COUNTY CLERK

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

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

COUNTY CLERK

(8) 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 \_\_\_\_\_, 20\_\_\_\_, in Book, \_\_\_\_\_, Page \_\_\_\_\_.

REGISTER OF DEEDS

DEPUTY

m. Supplemental Information to be Submitted with Final Plat:

- (1) An abstract of title certified to date along with an attorney's opinion or in the alternate title insurance of owners policy using the standard ALTA owners policy of title showing the name of the owner of the land and all other persons who have an interest in or an encumbrance on the real state which is the subject of the plat. The consent of all such persons shall be shown on the plat and a Certificate of Approval shall be required from the City Attorney.
- (2) A certificate showing that all taxes and special assessments due and payable have been paid in full: or if such taxes 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, may be placed on deposit with such officials or governing bodies to meet this requirements.
- (3) A copy of a deed restrictions or covenants and restrictions applicable to the subdivision.
- (4) Certification from a registered land surveyor that all permanent monuments required have been set or are under contract to be set.
- (5) Development Plan: A plan showing the size and location of all improvements to be made in the subdivision, such as curb, gutter, street paving, sidewalks, and water and sewer lines. The plan also declares a time schedule as to when the subdivider intends to make improvements prior to opening the subdivision for development.
- (6) Letter of Credit as per City policy.
- (7) All items as required by Part VI, Section 6 of these Regulations.

3. Action of Planning Commission:

The Planning Commission shall approve or disapprove the Final Plat within 60 days of its submission date. If the Planning Commission disapproves, it shall advise the subdivider in writing of the reason for such disapproval. If the Planning Commission finds that the Final Plat conforms to this ordinance and the approved Preliminary Plat, and the requirements of Parts VII and VIII have been accomplished, it shall endorse the Final Plat as previously shown, and submit it to the Governing Body for approval and acceptance of dedications.

4. Action of the Governing Body:

The appropriate Governing Body shall approve or disapprove the Final Plat within 30 days of its receipt thereof. If the Governing Body fails to act within the time limit, the Final Plat shall be deemed approved, unless the subdivider shall have agreed in writing to extend or waive such time limitation. The Governing Body's approval of the Final Plat and any dedications shall be shown on the Plat as provided previously. If the Governing Body disapproves the Plat, it shall advise the subdivider in writing of the reasons for such disapproval.

5. Approved Plat:

When the Final Plat has been approved, certified and acknowledged as provided, it shall be filed and recorded in the Office of the Register of Deeds, Barton County, Kansas. Two mylar copies of the recorded Plat as certified by the Register of Deeds shall be filed with the Secretary of the Planning Commission. The developer shall be responsible for all filings.

## PART VI

### DEDICATION OR RESERVATION OF OPEN SPACE

SECTION 1. GENERAL: All residential subdivisions shall provide for the reservation or dedication of land for open space for either public recreational use or for the future use of the residents of that subdivision in order to insure the proper balance of use, design of urban areas and avoidance of the overcrowding of land. This shall include both newly platted areas as well as those being replatted, but shall not include those areas coming under the lot split provisions of this regulation.

SECTION 2. RESERVATION OF OPEN SPACE: Where private open space is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, such area shall be termed as open space reservations. Said reservations of open space shall be permitted by the Governing Body providing that the following standards are met:

1. That yards, court areas, setbacks and other open area required to be maintained by the zoning and building regulations shall not be included in the computation of such private open space; and
2. That the private ownership and maintenance of the open space is adequately provided for by written agreement; and

3. That the use of the private open space is restricted for park and recreational purpose by recorded covenants which run with the land in favor of the future owners of property within the consent of the Governing Body; and
4. That the size of the proposed open space be not less than 7% of the gross area of the subdivision, and;
5. That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as shape, topography, geology, access, and location of the private open space land.

**SECTION 3. DEDICATION OF OPEN SPACE:** All residential subdivisions, except the following, shall dedicate seven percent (7%) of the tract being subdivided, exclusive of streets, alleys, easements or other public ways or an equivalent value thereof for open space:

1. Those complying with Part VI, Section 2, Reservation of Open Space.
2. Those coming under the lot split provision of this regulation.

The amount of land required to be dedicated by a subdivider pursuant to this regulation, shall be determined by applying the required percentage to the net acreage of the area being proposed for platting.

**SECTION 4. AMOUNT OF CASH OR LAND CONTRIBUTION IN LIEU OF LAND**

**DEDICATION:** The City shall have the right to accept or refuse the dedication of land for park purposes. In the event the City refuses the land dedication, the subdivider has the option of fulfilling the requirement by one or a combination of both of the following methods:

1. The subdivider may make a cash contribution based upon the fair market value of the amount of land which would otherwise be required to be dedicated.

The "Fair Market Value" shall be determined prior to the submission of the Final Plat by one of the following methods:

  - a. The City and subdivider may agree as to the fair market value, or
  - b. If the subdivider and City cannot agree, the subdivider, at the subdivider's expense, may obtain a qualified real estate appraiser approved by the City to obtain an appraisal of said property.
  - c. The appraisal shall only be valid for a six-month period. If the plat is not completed within the appraisal validation period, the subdivider shall revalidate the value by a. or b. above.
2. The subdivider may deed to the City by separate instrument, lots which are equivalent in value to the amount of land which would otherwise be required to be dedicated.

a. The "Fair Market Value" of the lots which are to be deeded shall be

determined by the following:

- (1) By agreement between the subdivider and the City, or
- (2) If the City and the subdivider cannot agree, the subdivider may, at the subdivider's expense, obtain a qualified real estate appraiser approved by the City to obtain an appraisal of the platted lots.
  - b. No deeding of partial lots shall be accepted by the City. In the event that the value determination results in a fraction of a lot, the subdivider shall fulfill the obligation by either a cash contribution or the deeding of an additional lot.

**SECTION 5. OBLIGATION OF LAND OR VALUE OBTAINED FROM THIS REQUIREMENT:**

1. All land required to be dedicated to the City under this provision shall be dedicated for park, open space and recreation purposes and shall be so indicated on the Final Plat.
2. All land reserved under this provision shall be reserved for park, open space and recreation purpose and shall be so indicated on the Final Plat.
3. All cash contributions received under this provision shall be placed in the trust account to be created by the Governing Body for that neighborhood or area in which the proposed subdivision is located. Said funds shall be used in each neighborhood or area for capital improvements only (land acquisition and development) and shall not be available for operational and maintenance costs.
4. In such instances where land is deeded by separate instrument in lieu of actual dedication or cash contribution, said land shall be placed in the hands of the previously described neighborhood or area trust, and any value received from the sale, rental or lease of said lands shall be placed in said trust fund. Any lands deeded to the City as a result of this provision of the Subdivision Regulations shall not be utilized for any public or private purpose other than park, open space and recreation unless proper value has been transmitted to said special trust fund.

**SECTION 6. DOCUMENTS TO ACCOMPANY SUBMISSION OF THE FINAL PLAT**

1. Restrictive covenants prepared in accordance with Section 2, Reservation of Open Space, shall be submitted with the Final Plat.
2. All cash contributions as required shall be submitted with the Final Plat.
3. All deed transfers completely executed by the applicant and approved by the City Attorney shall be submitted with the Final Plat.
4. A letter, signed by the person or organization submitting the Final Plat, stating that they have received a copy of these subdivision regulations and will comply with them.

## PART VII

### FLOOD PLAIN REGULATIONS AND IMPROVEMENTS

**SECTION 1. SUBDIVISIONS IN 100 YEAR FLOOD PLAIN OR FLOOD WAY:** All proposed subdivisions located in the 100 year flood plain or flood way as designated by the Federal Emergency Management Agency shall be subject to applicable flood insurance regulations as adopted by the City of Great Bend.

**SECTION 2. REQUIRED IMPROVEMENTS:** No Final Plat shall be approved until arrangements have been made for the installation of the following improvements:

1. **Street and Alleys:** All streets, alleys and other public ways in the shall be surfaced and graded in accordance with standards set by the City Engineer. Minimum surface treatment for streets, alleys and other public ways for subdivisions within the incorporated area shall be road sand.
2. **Water Supply:** For subdivisions within the incorporated area, each lot shall be connected to the City of Great Bend public water supply system. For subdivisions within the unincorporated area, each lot shall be provided with water in accordance with State and County standards.
3. **Sanitary Sewers:** For subdivisions within the incorporated area, each lot shall be connected to the City of Great Bend sanitary sewer system. For subdivisions within the unincorporated area in which the lots are less than 2 acres in area, the subdivider may be required to install sewer lines and a disposal system. If the subdivision has been platted into lots having a minimum area of 20,000 square feet he may install individual disposal devices for each lot at the time improvement are erected thereon. All such individual sewage disposal systems shall be subject to the approval of the County Sanitarian and the State Department of Health and Environment.
4. **Drainage and Storm Sewers:** All natural water and drainage courses shall be maintained. Storm sewer systems shall be installed,, separate and independent of the sanitary sewer system and subject to the approval of the City Engineer. Such storm sewer system shall be connected to the existing storm sewer system of the City of Great Bend or the nearest major water channel. If such connection is not available, other adequate means for the discharge of the storm sewer system shall be provided by the subdivider. All drainage improvements shall be compatible with the drainage system of the City of Great Bend and subject to the approval of the City Engineer.
5. **Sidewalks:** In the incorporated area, permanent sidewalks shall be constructed on one side of local residential streets and on both sides of other streets in urban subdivisions in accordance with applicable standard specifications of the City. Except as set forth in Part IV, Section 5 hereof, sidewalks are not required in subdivisions in the unincorporated area.
6. **Street Markers:** Street markers shall be installed at each street intersection subject to the approval of the City Engineer. Said signs shall be paid for by the developer.

7. Permanent Monuments: Permanent monuments shall be set at all subdivision boundaries, corners, block corners, lot corners, angle points, points of curve in streets and at intermediate points as required by the City Engineer prior to the final acceptance of the plat by the City. Said permanent monuments shall be 1/2 inch iron bars, thirty inches long, extending below the frost line. Should conditions prohibit the placing of monuments on the line, offset markings will be permitted, provided, however, that exact offset courses and distances are shown on the subdivision plat.
8. Utilities, Including Gas, Electric, Cable and Telephone: The subdivider shall submit a letter of commitment from the applicable utility company evidencing that a satisfactory arrangement has been made for the installation of the required utility services.

#### **SECTION 4. EXCEPTIONS FOR EXISTING IMPROVEMENTS:**

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

### **PART VIII**

#### **IMPROVEMENT PROCEDURES**

**SECTION 1. SUBMISSION OF DEVELOPMENT PLAN:** At the time the Final Plat is presented to the Planning Commission for approval, the subdivider shall also present to the Commission a development plan for the entire subdivision. This plan shall show the proposed location, size, and dimensions of all water lines, sewer lines, bridges, culverts, pumping stations, water treatment plants, and sewage treatment plants which will be needed in the subdivision. The plan must further show the location, size and dimensions of all existing public facilities which will have to be extended into the subdivision. To expedite approval of the development plan, the subdivider or his engineer should review the plan with the City Officials prior to presenting it to the Planning Commission for approval.

**SECTION 2. CONSTRUCTION OF REQUIRED IMPROVEMENTS:** All required improvements shall be constructed by the subdivider or the City, where applicable. At the time the development plan is presented to the Planning Commission, the subdivider shall declare which improvements he intends to construct. The subdivider is required to cause to be installed; a water system, sanitary sewer lines, telephone lines, electric and/or gas lines,

cable television lines, and storm sewers where necessary.

**SECTION 3. REVIEW OF PLANS:** The City Engineer shall review all development plans in order to determine whether such plans are consistent with the approved Plat and comply with the design standards. If such drawings are consistent and so comply, the Engineer shall forward to the Planning Commission, a notice that they so conform or comply. In the event that the drawings do not so conform or comply, the Engineer shall notify the subdivider of the specific manner in which such drawings do not so conform or comply, and he may then correct such drawings. If such drawings are not corrected, the Engineer shall forward to the Commission a notice as to the items of nonconformity or noncompliance.

**SECTION 4. AGREEMENT, BOND, DEPOSIT AND PETITIONS GUARANTEEING INSTALLATION OF REQUIRED IMPROVEMENTS:** One of the following methods shall be used by the subdivider to guarantee that improvements required by these regulations can or will be installed according to approved plans and specifications.

1. **Performance Bond:** Upon final approval of plans and specifications for required improvements, the subdivider may enter into an agreement with the City under which the subdivider agrees to install the required improvements at his own expense. Simultaneous with this agreement the subdivider shall furnish a performance bond in an amount sufficient to secure installation of the required improvements. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the City Attorney. The period within which the required improvements must be completed shall be specified by the Council in the resolution approving the Final Plat and shall not in any event exceed two years from the date of Final Plat approval.
2. **Petition:** Petitions may be presented and approved by the Council, properly executed by the subdivider as provided by law, authorizing the City to install the required improvements and assess the cost to the subdivided property.
3. Provide a letter of credit for costs and anticipated cost of said improvement under the provisions of City policy as the City may from time to time set out by resolution.

**SECTION 5. CONSTRUCTION OF IMPROVEMENTS:** No improvements shall be constructed nor shall any work preliminary thereto be done until such time as a Final Plat and the development plans accompanying it shall have been approved and there shall have been compliance with all of the requirements relating to the guarantees set out in Part VIII, Section 4 of these regulations.

**SECTION 6. INSPECTION:** All improvements constructed or erected shall be subject to inspection by the City or County Engineer as appropriate. The cost attributable to all inspections required by this regulation shall be charged to and paid by the subdivider.

The subdivider shall give at least 48 hours written notification to the City Engineer prior to the performance of any construction work.

**SECTION 7. INSPECTION PROCEDURES:** After written notice is received, the City or County Engineer may conduct an on-site inspection to determine that the work complies with the approved engineering plans and specifications. If in his opinion, such work does not

comply with such final drawings, he shall have authority to order that all such work shall be terminated until such time as necessary steps are taken to correct any defects or deficiencies. The subdivider shall again notify the Engineer as provide in Section 6 after said defects or deficiencies are corrected.

**SECTION 8. FINAL INSPECTION:** Upon completion of all improvements within the area covered by the Final Plat, the subdivider shall notify the City or County Engineer who shall there upon conduct a final inspection of all improvements installed. If such final inspection indicates that there are any defects or deficiencies in any such improvements as installed, or if there are any deviations in such improvements as installed from the final engineering plans and specifications, he shall notify the subdivider in writing of such defects, deficiencies, or deviations and the subdivider shall, at his sole cost and expense, correct such defects or deviations within six (6) months of the date of notification. When such defects, deficiencies or deviations have been corrected, the subdivider shall notify the official that the improvements are again ready for final inspection. If such defects, deficiencies or deviations have not been corrected within six (6) months, the City may draw upon the performance bond or letter of credit and proceed to correct said defects, deficiencies or deviations.

**SECTION 9. ACCEPTANCE OF IMPROVEMENTS:** Upon the receipt by the Governing Body of the Certificate of the City/County Engineer that all improvements have been installed in accordance with the engineering drawings, as approved, and in conformity with the requirements of this regulation and all other applicable statutes, ordinances and regulations the appropriate governing body shall there upon formally accept such improvements. The dedicated improvements shall become the property of the appropriate political subdivision.

## PART IX

### APPEALS, VARIANCES, EXCEPTIONS

**SECTION 1. APPEALS:** Any interested person may appeal decisions made by the Planning Commission in enforcement of these regulations to the Governing Body by filing written notice of appeal with the City Clerk within seven days following the filing of the Commission's decision. In the event the Governing Body sustains the Planning Commission, the action of the Planning Commission shall be final, except as otherwise provided by law. If the Council overrules the Planning Commission, the reasons therefore shall be reflected in writing or in the minutes of the meeting.

**SECTION 2. VARIANCES AND EXCEPTIONS:** Whenever it is found that the land included in a subdivision plat presented for approval, is of such size or shape, or is subject to or is affected by topographical location or conditions, or is to be devoted to such usage that full conformity to the provisions of these regulations is impossible or is impractical, the Planning Commission may grant such variances or exceptions in the final plat so that substantial justice may be done and the public interest secured.

1. In granting such variances or exceptions, the Planning Commission shall find the following:
  - a. That there are special circumstances or conditions affecting the property.

- b. That the variances or exceptions are necessary for the reasonable and acceptable development of the property in question.
- c. 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.

2. Procedure: A petition for any such variance shall be submitted in writing by the subdivider at the time when the Preliminary Plat is filed for the consideration of the Secretary of the Planning Commission. The petition shall state the grounds for the variance and all of the facts relied upon by the petitioner.

3. Planned Unit Development and Cluster Subdivisions: When a plat or subdivision is prepared in connection with a planned unit development or cluster subdivisions authorized by any legally adopted zoning regulation regulating the same area, then the Planning Commission may vary the design standards contained in this regulation to such extent as may be necessary to permit the preparation of a planned unit development plan or cluster subdivision in accordance with the standards, conditions and restrictions of such zoning regulation.

## PART X

### LOT SPLITS

SECTION 1. GENERAL INTENT: The intent of this section is to provide for the issuance of building permits on lots or unplatting tracts divided into not more than two tracts without having to replat said lot, provided that the resulting lots shall not again be divided without replatting, except that lots or unplatting tracts within an industrial zoning classification may be divided into two or more tracts without replatting. The Secretary of the Planning Commission may approve or disapprove lot splits in accordance with the following regulations.

SECTION 2. APPLICATION PROCEDURE: Request for lot split approval shall be made by the owner of the land to the Secretary of the Planning Commission. Four (4) copies of a survey of the lot(s), and the location of the structure(s) thereon, together with the precise nature, location and dimensions of the split, shall accompany the application.

SECTION 3. APPROVAL GUIDELINES: Approval and disapproval of a lot split shall be made, based on the following guidelines:

1. No lot split shall be approved if:
  - a. A new street or alley is needed or proposed.
  - b. A vacation of streets, alleys, setback lines, access control or easements is required or proposed.
  - c. If such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc.; or will interfere with maintaining

existing service levels, e.g., additional curb cuts, repaving, etc.

- d. There is less street right-of-way than required by these regulations unless such dedication can be made by separate instrument.
- e. All easement requirements have not been satisfied.
- f. If such split will result in a tract without direct access to a street.
- g. A substandard-sized lot or parcel will be created.
- h. If the lot has been previously split in accordance with these regulations, except that lots or unplatting tracts within an industrial zoning classification may be divided into two or more tracts without replatting. .

2. The Secretary may make such additional requirements as deemed necessary to carry out the intent and purpose of existing land development regulations and Governing Body policy. Requirements may include, but not be limited to, installation of public facilities, dedication or right-of-way and easements, and submission of covenants for the protection of other landowners in the original subdivision.

3. The Secretary shall in writing, either approve or disapprove (with or without conditions) the lot split within thirty (30) days of application. If disapproved, the applicant for lot split may appeal the decision to the Planning Commission at the next regular session. If approved, and after all conditions have been met, the Secretary shall sign and furnish a certificate of approval to be affixed to the lot split survey, and a certified copy thereof shall be filed with the Register of Deeds, the official designated to issue building or occupancy permits, and a copy shall be furnished to the applicant.

#### **SECTION 4. FILING FEE:**

1. The filing fee for lot split shall be twenty-five dollars (\$25.00).
2. Cost of recording documents, publications, writes, and engineering costs are payable in addition to filing fees. These costs will be billed to the applicant.

#### **PART XI**

#### **ENFORCEMENT AND PENALTY**

**SECTION 1. ENFORCEMENT:** No building permit shall be issued for any structure to be located on a lot or tract in a subdivision that has been subdivided or split, and approved in the manner provided in these regulations, and no such lot split, plat, replat, or dedication of a street or public way shall be filed with the Register of Deeds of Barton County, as provided by law, until such lot split, plat, replat or dedication shall have endorsed on it that it has been approved in accordance with these regulations.

**SECTION 2. PENALTY:** The violation of any provision of this title shall be deemed to be a public offense and any person, firm, association, partnership, or corporation convicted thereof shall be punished by a fine not to exceed five hundred dollars (\$500.00); and the City

of Great Bend, Kansas shall further have the authority to maintain suits or action in any court of competent jurisdiction for the purpose of enforcing any provisions of this title and to abate nuisances maintained in violation thereof; and in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of the building, structure, or land. Each day any violation of this title shall continue shall constitute a separate offense.

## **PART XII**

### **AMENDMENTS**

SECTION 1. **PROCEDURE:** These regulations may be amended at any time after the Planning Commission shall have held a public hearing on the proposed amendment. A notice of such public hearing shall be published in the official City newspaper as provided by law. At, or after such public hearing is held, the Planning Commission may adopt such amendments, but such amendments shall not become effective until approval by the City Council of the City of Great Bend, Kansas.

## **PART XIII**

### **SEVERABILITY**

SECTION 1. If any section of this regulation be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separately and apart from the remaining provisions of these regulations, and the remaining provisions of these regulations, shall remain in full force and effect.

## **PART XIV.**

### **EFFECTIVE DATE**

PASSED AND APPROVED by the Governing Body of the City of Great Bend, Kansas, the 15 day of July, 2002.