

Article 6: Submission and Approval of Plats

Sections:

- 6-1 Pre-Application**
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SECTION 6-1 PRE-APPLICATION

6-101. Prior to the filing of the preliminary plat, the subdivider shall contact the City Engineer, the Zoning Administrator and other administrative personnel to determine:

- a. Procedure for filing plats.
- b. Availability of an approved public sewer system and public water system.
- c. Comprehensive Plan requirements for major streets, land use, parks, schools and public open spaces.
- d. Zoning requirements for the property in question and adjacent properties.
- e. Special setback requirements for arterial, collector and local streets.
- f. Prior to submitting a preliminary plat, the subdivider will meet with the Zoning Administrator to discuss the type and character of development that will be permitted. The subdivider will submit a tentative sketch of the proposed subdivision at this time. Upon the approval and recommendation of the Zoning Administrator, the subdivider may proceed to develop the preliminary plat according to these regulations.

SECTION 6-2 MINOR PLATS

6-201.

- a. A minor plat is defined as a subdivision of land (1) into no more than five (5) lots fronting on an existing street; (2) not involving any new street or extension of public facilities; (3) not including more than ten (10) acres if a residential plat, nor more than five (5) acres for any other type of plat, unless the Planning Commission approves a larger acreage; and (4) not in conflict with the Comprehensive Plan, or any provision in the zoning regulations or any provision in these regulations.
- b. Minor plats may be submitted in final plat form as described in Section 6-4 without first filing a preliminary plat or having such a preliminary plat approved by the Planning Commission, with the exception that the preliminary plat filing fee shall be submitted with the filing of the plat with the Zoning Administrator. Minor plats shall also contain all the information required for the filing of preliminary plats pursuant to Section 6-3.

SECTION 6-3 PRELIMINARY PLATS

6-301. After reaching the preliminary conclusions regarding the requirements for the proposed subdivision, the subdivider may submit a preliminary plat together with any supplemental information necessary to the Zoning Administrator who shall schedule a public hearing with the Planning Commission.

a. Submission of a Preliminary Plat.

1. **Filing Fee and Proof of Ownership.** A filing fee as adopted by the Governing Body shall accompany the filing of each preliminary plat. The preliminary plat shall not be accepted for filing until the filing fee therefore has been paid by the subdivider. The subdivider shall submit satisfactory proof of ownership, or a copy of a contract for purchase, of the entire tract to be platted.
2. **Number of Copies.** The subdivider shall submit three (3) copies of the preliminary plat and vicinity map (if not on the preliminary plat) showing the location of the proposed subdivision. These plans shall be filed with the Secretary of the Planning Commission at least twenty-seven (27) days prior to the regular Planning Commission meeting at which the preliminary plat is to be considered.
3. All plats shall be prepared by a Kansas licensed and registered professional engineer or a land surveyor, as required by state statute or regulation of the Kansas Board of Technical Professions. The boundary and topographic survey prepared for the plat shall be completed by a Kansas licensed land surveyor, whose seal and certification shall be shown on the survey.
4. Preliminary plats shall contain:
 - (a) The proposed name of the subdivision. (The name shall not duplicate or closely resemble the name or names of any existing subdivision.)
 - (b) The location of the boundary lines of the subdivision and references to the section or quarter section lines.
 - (c) The names and addresses of the subdivider, developer, owner, and the engineer, architect, landscape architect or land surveyor who prepared the plat.
 - (d) Scale of the plat, 1" = 100' or larger.
 - (e) Date of preparation and north arrow.
 - (f) Existing conditions:
 - (1) Location, width and name of platted streets, pavement width or other public ways, designation of railroads and utility rights-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision.
 - (2) All existing sewers, water mains, gas mains, culverts, electricity transmission lines or other underground installations, or above ground structures, within or adjacent to the proposed subdivision, with pipe size and manholes, grades, elevations, heights and location.
 - (3) Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land.
 - (4) Topography (unless specifically waived by the Zoning Administrator) with contour intervals of not more than two (2) feet, referred to USGS datum. Where the ground is too flat for contours, spot elevations shall be provided.

- (5) Location of water courses, bridges, wooded areas, lakes, ravines, above-ground and underground utilities, and such other features as may be pertinent to the subdivision.
- (6) Current zoning classification and proposed zoning classification if property is proposed to be rezoned.
- (7) General street layout of adjacent property within two hundred (200) feet to show how streets and other public facilities in the proposed subdivision relate to the adjacent property.
- (g) The general arrangements of lots and their approximate size.
- (h) Location and width of proposed streets, alleys, pedestrian ways and easements and approximate gradient of streets.
- (i) In areas where approved public sewer and/or water systems are proposed to serve the subdivision, a plan of sewage disposal and water supply shall be shown. Proposed manholes, proposed sanitary sewer pipe size and slope, water line pipe size, end water line valve and fire hydrant location shall be shown on the preliminary plat. If the connection to existing facilities is off-site, then the location, size and elevation of the existing facilities where the connection is to be made shall be shown on the preliminary plat.

If the proposed development will not use an approved public sewer and/or water system, the size, type and location of sewage disposal and depth or size, type and location of the water supply shall be shown on the preliminary plat. Septic tanks and lateral fields shall show location, size, soil type, soil depth and soil percolation rates in the preliminary plat.
- (j) Location and size of proposed parks, playgrounds, churches, school sites or other special uses of land to be considered for reservation or dedication for public use.
- (k) Location and size of proposed electrical distribution systems.
- (l) General layout of adjacent unsubdivided property to show how streets and other public facilities in the proposed subdivision relate to the unsubdivided property.
- (m) Vicinity map showing streets within five hundred (500) feet of the boundaries of the proposed subdivision.
- (n) The subdivider shall submit a preliminary grading and drainage plan, including location and size of all storm sewers, existing and proposed land elevations and contours, necessary widths of all open drainageways and meeting all other requirements for stormwater management as set forth by the City. This plan shall be forwarded to the City Engineer who will prepare a written analysis of the plan for consideration by the Planning Commission.

b. Review by Technical Advisory Committee. Upon the receipt of the copies of the preliminary plat, the Zoning Administrator shall send a copy of the plat to each member of the Technical Advisory Committee. The Technical Advisory Committee shall review said plat and submit its recommendations to the Planning Commission.

c. Approval or Disapproval of Preliminary Plat. Action by the Planning Commission shall be conveyed to the subdivider in writing within fifteen (15) business days after the Planning Commission meeting at which time the plat was considered and action was taken thereon. Approval of the preliminary plat by the Planning Commission does not constitute an acceptance of the subdivision but is rather merely

an authorization for the subdivider to proceed with the preparation of the final plat. In cases where the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Planning Commission. If the Planning Commission fails to approve or disapprove a preliminary plat within sixty (60) days after the plat has been submitted for consideration, then such preliminary plat shall be deemed to have been approved, unless the subdivider shall have consented to extend or waive such time limitation.

- d. Area to be Platted. In order to ensure that the provisions of these regulations are carried out and that the overall subdivision design is prepared in an orderly manner, the Planning Commission may require that a preliminary plat be submitted on all contiguous land under common ownership rather than a parcel or segment. The area may, however, be final platted in smaller parcels or segments as directed by the Planning Commission.
- e. Effective Date. The approval of the preliminary plat shall be effective for a period of twelve (12) consecutive months unless an extension of time is granted by the Planning Commission. If the final plat has not been submitted for approval within this period, or extended period, a preliminary plat must be submitted again to the Planning Commission for approval.

SECTION 6-4 FINAL PLATS

6-401.

- a. Submission of a Final Plat.
 - 1. After approval of the preliminary plat, the subdivider shall submit engineering designs/construction plans and documents for approval prior to submission of a final plat along with the plat recording fee established by ordinance adopted by the City Governing Body.
 - 2. A digital copy of the final plat, in state plane coordinates or tied to two section corners and formatted to standards established by the Zoning Administrator, plus the original on Mylar and two (2) prints thereof shall be submitted to the Zoning Administrator at least twenty (20) days prior to the Planning Commission public meeting. The names and signatures of the owner(s) of the property duly acknowledged and notarized shall appear on the original and all copies submitted.
 - 3. The Planning Commission shall be required to hold a public hearing on a final plat only when the Planning Commission finds there is a question whether the final plat as submitted is in substantial conformity with the approved preliminary plat.
 - 4. The final plat, prepared for recording purposes, shall be drawn at a scale of at least 1" = 100' or larger. The size of the sheet on which such final plat is prepared shall be twenty-two (22) inches by thirty-six (36) inches. Each sheet shall have a one and one-half inch (1 1/2") binding edge along the left-hand side. Where the proposed plat is of unusual size, the final plat shall be submitted on two (2) or more sheets of the same dimensions. If two (2) or more sheets are required, an index map of the same dimensions shall be attached showing the entire development at a smaller scale. The dimensions indicated are standard for all final plats and must be complied with. Title, description and other written data shall be located either right or left.
 - 5. No building permit will be issued, nor shall any lot, tract or parcel of land as described on the final plat be sold or offered for sale until the final plat has been properly filed and recorded with the Register of Deeds. The final plat shall be registered within one year from date of approval by the City Planning Commission and the City Commission. Failure to file a final plat within the time period specified will render said plat null and void.
- b. Information. The final plat shall show and contain the following information.

1. Name of subdivision (not to duplicate or too closely resemble the name of any existing subdivision).
2. 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 (1) foot in five thousand (5,000) feet. Total acreage of the subdivision shall be provided.
3. The location of existing monuments and 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.
4. The location of lots, streets, public highways, alleys, 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.
5. Lots shall be numbered clearly. Blocks shall be numbered or lettered clearly in the center of the block. All lots, however designated, shall be numbered in progressive numbers or by blocks in which they are situated, and their precise length and width shall be stated on the map or plat.
6. The exact locations, widths, and names of all streets, easements, alleys and other rights-of-way to be dedicated.
7. 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.
8. Building setback lines on the front and side streets with dimensions.
9. Name, signature and seal of the licensed engineer and registered land surveyor preparing the plat, as appropriate.
10. Name, signature, and seal of the registered surveyor verifying that all monuments and control markers have been set in compliance with City requirements and in accordance with the Land Survey Act, K.S.A. 58-2001 *et seq.*
11. Scale of the plat (scale to be shown graphically and in feet per plat scale inch), date of preparation and north arrow.
12. Statement expressing the property owner's intent to dedicate for public use all easements, streets, alleys, and all other public areas previously dedicated.
13. 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 Arkansas City Planning Commission this ____ day of _____, _____.

Chair

Secretary

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

(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 Arkansas City, Kansas, this ____ day of _____, _____.

(SEAL)

Mayor

ATTEST:

City Clerk

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

(f) 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 _____.

Cowley County Register of Deeds Deputy

14. 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.

c. Governing Body Acceptance. After the approval of the final plat by the Planning Commission, such plat shall be forwarded to the Governing Body for its approval of the plat and the acceptance of streets, alleys, easements or other dedicated public rights-of-way or sites. The Governing Body may take action on the plat at any meeting following approval of the plat by the Planning Commission and the Governing Body should approve or disapprove the plat and shall accept or refuse the dedication of land for public purpose within thirty (30) days after the first meeting of the Governing Body following the date of the submission of the plat to the city clerk. The Governing Body may defer action for an additional thirty (30) days for the purpose of allowing for modifications to comply with the requirements established by the Governing Body. No additional filing fees shall be assessed during that period. If the Governing Body defers or refuses such dedication, it shall advise the Planning Commission of the reasons for such deferral or refusal.

d. Recording of Final Plat. After acceptance of the public dedications and easements by the Governing Body and receipt of (1) engineering drawings, (2) appropriate petitions for improvements, and (3) the agreement with the developer for all required developer-installed improvements, the Governing Body may approve the final plat by signing the original mylar copy and two additional copies. The Secretary of the Planning Commission shall record the original copy of the final plat with the Register of Deeds of Cowley County. A copy shall be provided to the developer.

- e. **Building Permits.** No building or zoning permit shall be issued for any structure that is located upon a lot in a subdivision that has not been subdivided in accordance with these Subdivision Regulations. Construction drawings and specifications for all required developer-installed improvements shall be submitted to the City Engineer, and approved, before any building or zoning permit shall be issued. No plat, re-plat, dedication or deed shall be filed with the Register of Deeds until such plat, re-plat, dedication or deed has been approved by the Planning Commission and the Governing Body as required by law.

SECTION 6-5 ADMINISTRATIVE PLAT APPROVAL

6-501. Administrative Minor Plat Approval Process. As an alternative to the procedures for plat approval in accordance with Section 6-2 of this Article, the following plats or replats may be approved administratively upon the approval of the Zoning Administrator without submission to or approval by the Planning Commission or Governing Body, provided that all of the following criteria are met.

- a. No new street right-of-way shall be proposed or required to serve the lots or tracts resulting from subdivision;
- b. The subdivision includes the total contiguous tract of land owned, or under control of, the subdivider(s);
- c. A drainage study has been completed and approved for the proposed plat;
- d. The plat includes no more than five (5) lots or tracts of land;
- e. No dedication of land for public purposes is required, including but not limited to public parks, open spaces or rights-of-way;
- f. All new lots or tracts front onto existing street right-of-way which is improved to City specification;
- g. No extension of lateral or sewer mains is required to serve those lots or tracts;
- h. Existing easements for utilities are not altered, removed or realigned unless expressly agreed to in writing by the utility; and
- i. The plat is consistent with the goals and objectives of the City's Comprehensive Plan and these regulations.

6-502. Administrative Minor Plat Rules and Regulations. The Zoning Administrator shall establish such administrative rules and regulations as necessary to govern the procedure, submission requirements and contents of minor plats. Such administrative rules and procedures may be amended from time to time, and a copy of the current administrative plat approval rules and procedures shall be available for public inspection at the office of the Zoning Administrator.

6-503. Submission/Contents. After the proposed plat has been determined to meet the requirements for administrative minor plat approval, the applicant shall submit the required number of copies of the proposed plat, as specified in the administrative procedures, including the required documents and the appropriate filing fee. The submission requirements and contents of minor plats shall be determined by the administrative procedures.

6-504. Filing Fees. The administrative minor plat approval fee for minor plat approval shall be fifty percent (50%) of the fee for a major plat.

6-505. Action by the Zoning Administrator. The Zoning Administrator shall administratively approve, approve with conditions, or disapprove the minor plat within thirty (30) days after the completed application has been submitted, including the necessary documents and fee. If the Zoning Administrator finds that the application for the proposed plat does not meet requirements, the Zoning Administrator shall advise the applicant in writing stating the reasons for such determination. If the plat is not eligible for administrative

minor plat approval because it does not meet all the requirements provided in Section 6-501, or if the Zoning Administrator, at his or her sole discretion, chooses not to accept the application, it may be resubmitted as a plat, in accordance with this Article.

6-506. Recording. The required number of copies of the administratively approved recorded minor plat shall be submitted to the Zoning Administrator within ten (10) days after the plat has been recorded with the Register of Deeds. The Zoning Administrator will distribute the recorded copies to the various government agencies and local utility companies. No building permit shall be issued by the City until the recorded copies of the approved minor plat are on file with the Zoning Administrator.