

**SUBDIVISION REGULATIONS OF  
FORD COUNTY  
1996**



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**FORD COUNTY**

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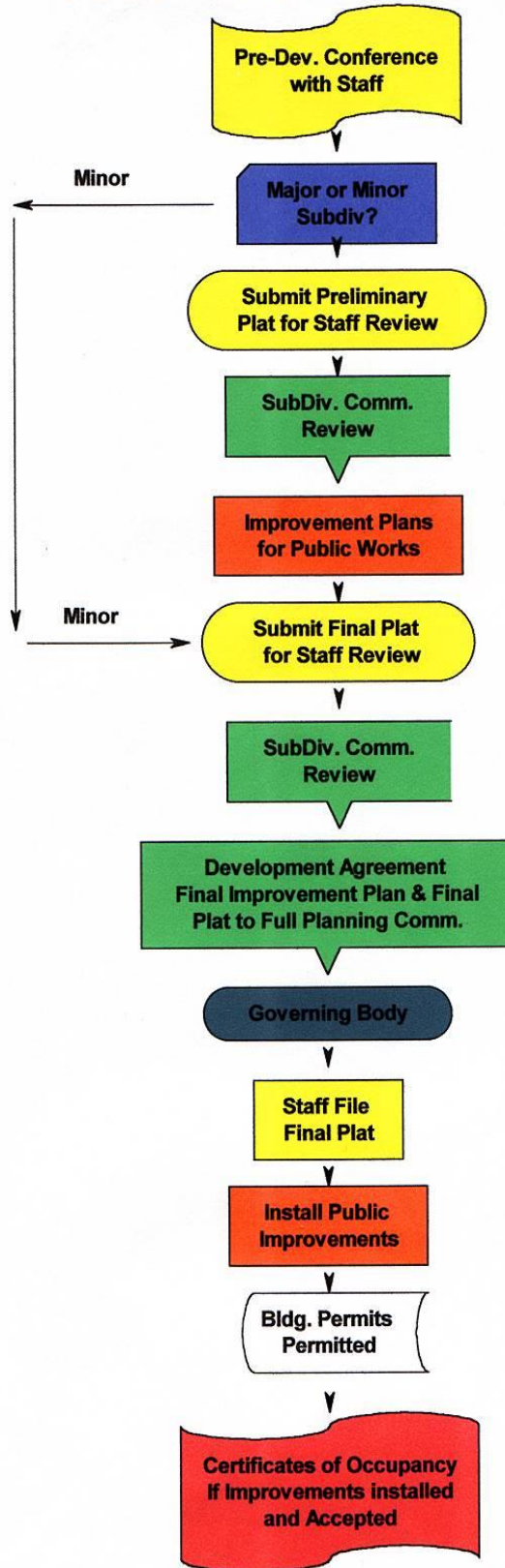
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# SUBDIVISION FLOW CHART



## SUBDIVISION REGULATIONS

RESOLUTION NO. \_\_\_\_\_

### ARTICLE ONE GENERAL PROVISIONS

**1-101 TITLE:** These regulations shall be known and may be referred to as the Subdivision Regulations of Ford County, Kansas. Its short title shall be "Subdivision Regulations."

**1-102 JURISDICTION:** These regulations shall apply to all land located within Ford County as approved by the Governing Body.

**1-103 PURPOSE AND INTENT:** The purpose and intent of these regulations is to provide for the harmonious development of the community and the surrounding area to provide for the proper location and width of streets, building lines, open spaces, safety and recreation facilities, utilities, drainage, and for the avoidance of congestion of population through requirements of minimum lot width, depth and area and the compatibility of design; to require and fix the extent to which streets shall be graded and improved, and water, sewer, drainage, and other utility mains and piping or connections or other physical improvements shall be installed; and to provide for and secure the actual construction of such physical improvements.

**1-104 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 or tracts or parcels, for the purpose of laying out any subdivision, suburban lots, building lots, tracts or parcels or any owner of land 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 1-105.

**1-105 EXEMPTIONS:** These regulations shall not apply in the following instances:

- (a) The division or further division of land into tracts of 40 acres or more when subdivided only for agriculture purposes, and that does not involve or result in the creation of any new streets, easements of access, or other dedication.
- (b) A change in the boundary between adjoining lands which does not create an additional lot.
- (c) Land used for street or rights-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.
- (d) A correction of a description in a prior conveyance provided that such a conveyance should clearly identify the prior conveyance that is the subject of correction and the error contained in such prior conveyance.
- (e) Cemetery plats.

### ARTICLE TWO ADMINISTRATION

**2-101 DIVISION OF RESPONSIBILITY:** The administration of these regulations is vested with the following governmental branches, agencies or departments of Ford County and the City thereof.

- (a) Planning, Zoning, and Environmental Health Department

- (b) Ford County Zoning Board
- (c) City Commission
- (d) Ford County Board of County Commissioners

**2-102 DUTIES OF THE PLANNING DEPARTMENT:**

- (a) Maintain permanent and current records with respect to these regulations, including amendments;
- (b) Receive and process all preliminary plats and final plats together with the applications pertaining thereto;
- (c) Forward copies of preliminary and final plats to other governmental agencies and departments, and to the Development Services Committee for information and recommendations;
- (d) Review all preliminary plats and final plats to determine whether such plats comply with these regulations and the conditions established;
- (f) Forward preliminary and final plats to the Subdivision Committee of the Zoning Board, together with staff recommendations; report to appropriate Governing Body on preliminary plat approval by Subdivision Committee;
- (g) Forward final plats to the Zoning Board, together with the recommendations of the Subdivision Committee;
- (h) Record final plats after all required approvals have been obtained. Subdivides of plats shall be responsible for payment of all recording fees (fee schedule available from Ford County Register of Deeds Office);
- (i) Notify township trustees of suburban plats within their respective townships when the dedication of street rights-of-way are proposed; and
- (j) Make other determinations and decisions as may be required of the department by these regulations or by the Zoning Board, the Board of County Commissioners, or the City Commission therein.

**2-103 DUTIES OF THE ZONING BOARD:**

- (a) Review and approve or disapprove final plats;
- (b) Forward the final plat to the appropriate governing body for consideration and acceptance of dedications of streets, alleys and other public ways when the property being platted is within the limits of a city;
- (c) Forward the final plat to the Board of County Commissioners for consideration and acceptance of dedications of streets, alleys and other public ways when the property being platted is outside the limits of a city;
- (d) Designate a Subdivision Committee composed of three of its members to perform the duties outlined in Section 2-105 of these regulations; and
- (e) Establish an Development Services Committee consisting of representatives from public and private agencies to perform the duties outlined in Section 2-106 of these regulations; and
- (f) Make other determinations and decisions as may be required of the Zoning Board, from time to time by these regulations, or the applicable sections of the Kansas Statutes Annotated.

**2-104 DUTIES OF THE GOVERNING BODIES:**

(a) The duties of the governing bodies shall be to approve the final plat by accepting the dedication of streets, alleys and other public ways, refer back to the Zoning Board, or to disapprove the final plat.

(b) Accept, reject or negotiate development agreements with subdivides for installation of improvements required by these regulations.

**2-105 SUBDIVISION COMMITTEE OF THE ZONING BOARD:** The Zoning Board shall, by resolution or rule, designate a Subdivision Committee composed of three of its members. The Chairman of the Zoning Board shall, with the concurrence of the Board, appoint a chairman and vice-chairman of the Committee for such time as deemed appropriate.

**(a) DUTIES OF THE SUBDIVISION COMMITTEE:** The Subdivision Committee shall meet to consider subdivision applications, and the sub divider shall have an opportunity to discuss his/her application. The Subdivision Committee shall perform the following duties:

- (1) Review and approve, approve conditionally, or disapprove preliminary plats, and authorize the submission of the final plat.
- (2) Review and recommend to the Zoning Board approval, conditional approval or disapproval of final plats.
- (3) Review and make recommendations to the Zoning Board on Planned Development District.

**2-106 DEVELOPMENT SERVICES COMMITTEE:** The Zoning Board shall establish a Development Services Committee whose duty it shall be to review and make recommendations to the Subdivision Committee on all preliminary and final plats and Planned Development District plans where required. The Development Services Committee may meet with the Subdivision Committee in order to submit its recommendations.

The Development Services Committee shall consist of representatives of those public and private agencies, having a direct interest in public works, public utilities, health and safety and other such persons as the Board may from time to time deem necessary, including, but not limited to, City and/or County Public Works Departments, Fire Department(s), telephone, gas and power companies.

**ARTICLE THREE  
SUBMISSION OF PLATS**

**3-101 PRE-DEVELOPMENT CONFERENCE:** Prior to the beginning of the preliminary plat, the subdivide shall contact the Planning Dept. to discuss the availability of public utilities and the Comprehensive Plan recommendations for major streets, land use, parks, schools, public open space and other city and county requirements.

**3-102 APPLICATION:** In order to obtain consideration of a subdivision, the sub divider shall submit an application along with the preliminary plat to the Planning Department on forms provided by the Department. Applications shall be accompanied by an application fee in accordance with existing County or City policy.



**3-103 PRELIMINARY PLATS:** After reaching the preliminary conclusions regarding the requirements for the proposed subdivision, the sub divider may submit a Preliminary Plat together with any supplemental information necessary.

**(a) Submission of a Preliminary Plat:**

(1) Number of Copies: The sub divider shall submit twenty (20) copies of the preliminary plat and twenty (20) copies of a vicinity map (if not on the preliminary plat) showing the location of the proposed subdivision (**see attached sample preliminary plat.**) These plans shall be filed with the Secretary of the Zoning Board at least twenty (20) days prior to a Subdivision Committee meeting at which the preliminary plat is to be considered.

(2) All plats shall be prepared by a Licensed Land Surveyor registered in the State of Kansas.

(3) Required contents for preliminary plats:

(A) The proposed name of the subdivision. (The name shall not duplicate or too closely resemble the name or names of any existing subdivision).

(B) The location of the boundary lines of the subdivision and reference to the section or quarter section lines or quarter section corner.

(C) The name, address and telephone number of the sub divider(s), owner(s) with their spouse(s), and surveyor who prepared the plat.

(D) Scale of the plat, 1" = 100' or larger.

(E) Date of preparation and north arrow.

(F) Existing conditions:

a. Location, width and name of proposed & platted streets or other public ways, railroads and utility rights-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision shall be shown on the Preliminary Plat & labeled as existing.

b. All existing storm and sanitary sewers, water mains, gas mains, all other utility lines, either overhead or underground, culverts and any other underground installations within or adjacent to the proposed subdivision with size and necessary features, grades and locations shown.

c. Names of adjacent subdivisions together with arrangement of streets, lots, blocks, and owners of adjacent parcels of unsub divided land shall be shown.

d. Topography (unless specifically waived by the Public Works Dept.) with contour intervals of not more than two feet, referred to Municipality or U.S.G.S. datum shall be shown, except that where the ground is too flat for contours, spot elevations shall be provided.

e. The location of water courses, bridges, wooded areas, lakes, ravines, and such other features as may be pertinent to the subdivision shall be shown.

(G) The general arrangement of lots and their approximate size.

(H) Location and width of proposed streets, alleys, pedestrian ways and easements.

(I) The general plan of sewage disposal, water supply and storm water drainage, 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.

(J) Location and size of proposed parks, playgrounds, churches, school sites or other special uses of land to be considered for reservation for public use.

**3-104 APPROVAL OR DISAPPROVAL OF THE PRELIMINARY PLAT:** Action by the Subdivision Committee shall be conveyed to the sub divider within ten (10) days after the official Subdivision Committee meeting.

The approval of the Preliminary Plat shall be effective for twelve (12) months, unless an extension is requested to the Zoning Board and is approved.

If the Subdivision Committee fails to approve or disapprove a Preliminary Plat within forty-five (45) days from the filing of such plat, then such Preliminary Plat shall be deemed to have been approved, unless the sub divider shall have consented in writing to extend or waive such time limitation.

**3-105 FINAL PLAT:**

**(a) Submission:**

(1) After approval of the Preliminary Plat, the sub divider may submit for approval a final plat (**see attached sample final plat**).

(2) Four (4) originals (on mylar, or similar material) and twenty (20) prints thereof shall be submitted to the Secretary of the Zoning Board at least fifteen (15) days or at earliest possible date prior to the Zoning Board public meeting.

(3) The names and signatures of all owners of the property duly acknowledged and notarized shall appear on the original copies submitted.

(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 18 inches by 24 inches. Each sheet shall have a one and one half inch binding edge along the left hand side. Where the proposed plat is of unusual size, the final plat shall be submitted on two or more sheets of the same dimensions. If two or more sheets are required, an index map of the same dimensions shall be filed showing the entire development at a smaller scale. The title, description and other written data to be located on the right.

**(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 bearing or azimuth and linear dimensions which must be mathematically correct. Minimum standards adopted by the Board of Technical Professions shall be met. Computation of latitudes and departures with the linear error of closure shall be shown.

(3) Permanent monuments shall be placed at all corners, block corners, angle points, points of curve in streets and at intermediate points as required prior to the final acceptance of the plat of the County or City. Said permanent monuments shall meet

minimum requirements for Kansas standard for Boundaries Survey. The existing control monuments will be set in concrete according to Kansas State Statutes. The location of existing monuments shall be shown and described on the final plat. Location of such monuments shall be shown in reference to existing official monuments, including the bearing or azimuth and distances to such reference points or monuments.

(4) The location of lots, streets, public highways, alleys, easements, other lands to be dedicated, parks and other features, showing bearings and accurate dimensions in feet's, 10's, and 100's accepted units of measure, a curve schedule showing radius, delta, length and tangent, 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.

(6) Rights-of-way and easements intended to remain under private control (not dedicated to the public) shall be clearly designated as private.

(7) If the plat proposes the creation of reserves, the platter's text shall state the purposes of the reserves as well as who will own and be responsible for the maintenance of the reserves.

(8) Building setback lines on the front and side streets with dimensions.

(9) Scale of the plat (scale to be shown graphically and in feet per inch), date of preparation and north arrow.

(10) Statement dedicating all easements, streets, alleys, and all other public areas not previously dedicated.

(11) 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.

(B) 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.

(C) A certificate signed and sealed by the licensed land surveyor responsible for the survey and final plat.

(D) The acknowledgment of a notary in an acceptable form.

(E) Approval by the Zoning Board to be signed by the Chair and the Secretary in the following format:

This plat of \_\_\_ has been submitted to and approved by the Ford County Zoning Board this \_\_\_ day of \_\_\_ (month) \_\_\_ (year). Chair \_\_\_\_\_ Secretary \_\_\_\_\_.

(F) Governing Body: To be signed by the Board of County Commissioners if in the unincorporated area or (by the Mayor) and attested to by the County or City Clerk. The Governing Body will not consider a final plat unless all certifications, dedications and approvals required have been executed. Acceptance of dedications shall have the following forms:

The dedications shown on this plat accepted by the Board of County Commissioners or (City Commissioners) of Ford County or (the City of, insert

name of City,) Kansas, this \_\_\_\_ day of \_\_\_\_, (month) \_\_\_\_ (year). Chair of County Commissioners \_\_\_\_\_ or (Mayor) County Clerk \_\_\_\_\_ or (City Clerk)

The certificate of the Register of Deeds in the following form: State of Kansas, County of Ford, SS. This is to certify that this instrument was filed for record in the Register of Deeds Office, this \_\_\_\_ day of \_\_ (month), \_\_ (year) in Book \_\_ , Page \_\_. Register of Deeds \_\_\_\_\_ Deputy \_\_\_\_\_.

The Certificate of the County Attorney in the following form:

The dedication shown on this plat, are hereby accepted by the County Attorney of Ford County, Kansas, this \_\_\_\_ day of \_\_\_\_, 200\_. County Attorney \_\_\_\_\_

If in the unincorporated area, approval by the County Engineer and County Surveyor in this form:

Reviewed and approval by the County Engineer or (Surveyor) of Ford County, Kansas, this \_\_\_\_ day of \_\_\_\_, 200\_. County Engineer or (Surveyor) \_\_\_\_\_

**(c) Extent and Manner of Physical Improvements:** As a condition to the approval of the plat, the sub divider shall submit in writing to the Governing Body a Development Agreement to assume all applicable development costs as per the current policies of the County or City; the installation of all applicable improvements in accordance with these regulations; and/or a request to the Governing Body for Special Assessment financing of improvements or installations allowable under current Governing body policies.

**(d) Supplemental Information:** The following additional data shall be submitted with the Final Plat.

- (1) A title report by an abstract or a title insurance company, or an attorney's opinion 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 plat. The consent of all such persons shall be shown on the plat.
- (2) A title report by an abstract or a title insurance company, or an attorney's opinion 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 plat. The consent of all such persons shall be shown on the plat.
- (3) A copy of any restrictive covenants applicable to the subdivision
- (4) A digital copy of the final plat drawing for all major plats.

## ARTICLE FOUR IMPROVEMENTS & DESIGN STANDARDS

### 4-101 RESIDENTIAL DEVELOPMENT DESIGN:

(a) In residential subdivisions, all lot areas and dimensions, required yards, and setbacks shall be as required in the Zoning or Subdivision Regulations. Exceptions from these requirements may be

recommended by the Zoning Board and approved by the Governing Body in instances where such variances would encourage and promote flexibility, economy, and environmental soundness in layout and design.

(b) Whenever possible, residential lots will front on residential or collector streets. Fronting residential lots on arterial streets should be avoided whenever possible.

(c) Every lot shall have sufficient access to it for emergency vehicles as well as for those needing access to the property for its intended uses.

(d) The placement of units in residential developments shall take into consideration topography, privacy, orientation, drainage, and aesthetics.

**4-102 COMMERCIAL AND INDUSTRIAL DEVELOPMENT DESIGN:** Commercial and Industrial developments shall be designed according to the same general principals governing the design of residential developments. Buildings shall be located according to topography, with environmentally sensitive areas avoided to the maximum extent practical. Factors such as drainage, noise, odor, and surrounding land uses shall be considered in locating buildings. Sufficient access shall be provided. Adverse impacts shall be adequately buffered.

**4-103 CIRCULATION SYSTEM DESIGN:**

(a) All road systems shall be designed to permit the safe, efficient, and orderly movement of traffic; to meet but not exceed the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive street-scape. The arrangement of arterial and collector streets shall conform to the comprehensive plan. For streets not shown on the comprehensive plan, the arrangement shall provide for the appropriate extension of existing streets, or as may be approved by the Zoning Board.

(b) In residential subdivisions, the roadway system shall be designed to serve the needs of the neighborhood and to discourage use by through and non-residential traffic.

(c) In commercial and industrial subdivisions, the roadway system shall be designed to adequately serve the needs of the businesses located therein. Due consideration will be given to the needs of the various types of traffic and vehicles using the areas, especially the needs of larger trucks.

(d) All lots, tracts, or parcels shall be served by a public street, except that private streets may be permitted as part of a **Planned Development District (PDD)** or when reviewed by the Zoning Board and approved by the appropriate Governing Body. When private streets are permitted the Sub divider or property owner(s) must provide evidence of ability to continuously maintain the street. The private street must be constructed of sufficient width and thickness to adequately serve the development.

**4-104 REQUIRED IMPROVEMENTS:** The sub divider of a proposed subdivision shall install, or provide for the installation of the following facilities and improvements:

(a) **Streets:** All streets in urban subdivisions shall be paved, curbed and guttered, and graded the width of the right of way in accordance with standards set by the County or City.

(1) All streets shall be designed to function according to the following classifications[s]:

**(A) Local Streets:**

(1) Minor - Maximum ADT (Average Daily Traffic) Guideline - 250 vehicles per day

(2) Through - Maximum ADT Guideline - 1,000 vehicles per day

(B) **Collector Streets:** Maximum ADT Guideline - 2,000 vehicles per day

(C) **Arterial Street:** Maximum ADT Guideline - 3,000+ vehicles per day

(2) **Street Names:** Streets that obviously in alignment with others already exist and named shall bear the names of the existing streets. In all cases, street names must be approved by the Ford County Emergency Communications, United States Postal Service and the Zoning Board. The Zoning Board has adopted a street naming policy.

(3) **Cul-de-sacs:** Cul-de-sacs shall normally be no longer than 700 feet, but a length up to 1,000 feet may be allowed in low density developments on a case by case review basis. Cul-de-sacs shall include an adequate paved turnaround of not less than a 35' radius in residential subdivisions and 45' radius in commercial and industrial subdivisions at the closed end.

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

(5) **Streets Adjacent To Railroad Rights-of-way, Limited Access Highways, Arterial Highway:** Where lots front or side, but do not back on railroad rights-of-way, limited access highways or arterial highways, a marginal access street or frontage road may be required parallel and adjacent to the boundary of such rights-of-way. The distance from said rights-of-way will be determined, with due consideration to minimum distance required for approach connections to future grade separations.

(6) **Half Streets:** Half streets are not permitted.

(7) **Minimum Street Width and Rights-of-way Requirements:** The street width and rights-of-way requirements for residential, collector, and arterial streets shall be determined by the number of traffic lanes, traffic lane width, parking, sidewalks and utility locations. Minimum widths are indicated in the following design table. When existing or anticipated traffic on arterial or collector streets warrants greater street or rights-of-way width, the additional width shall be provided.

**STREET DESIGN TABLE**

DESCRIPTION	RESIDENTIAL		COLLECTOR	ARTERIAL
	MINOR	THROUGH		
Minimum No. Traffic Lanes	2	2	2	2 or more
Minimum Traffic Lane Width (ft.)	10	10	12	12
Required Curb & Gutter Width (ft.)	2.5	2.5	2.5	2.5
Minimum Sidewalk Width (ft.)	4	4	5	6
Minimum Required Right of Way Width (ft.)	50	55	60	80
Minimum Offset - Street Intersection (ft.)	150	150	No Offset	No Offset
Parking Requirement (# sides)	2	2	2	No Prkg
Parking Lane Width	6	6	6	8

(a) **Alleys:** Alleys may be required in some commercial and industrial subdivisions and are discouraged in residential areas. Dead-end alleys should be avoided, wherever possible. If unavoidable, such alleys shall be provided with adequate turn around facilities at the dead end. Minimum alley rights-of-way width shall be 20 feet. Alleys shall be improved as required by the County or City.

(b) **Sidewalks:** Sidewalks shall be installed on both sides of all arterial and collector streets and on both sides of the street in a commercial district. All sidewalks shall be not less than four (4) feet in width of Portland cement concrete and shall comply with the specifications of the County or City. Walks shall also be installed in any pedestrian easements as may be required by the Zoning Board. Generally, sidewalks should be separated from the back-of-curb a distance of at least 5'. In certain instances, it may be permissible to place the sidewalk immediately back of curb if a wider sidewalk is used.

(c) **Water Service:** Where reasonably available, as recommended by the Public Works Director, a public water supply system or its equivalent shall be in accordance with the standards of the County or City. In all other areas, a water supply approved by the Kansas Department of Health and Environment shall be provided.

(d) **Sewer Service:** Where reasonably available, as recommended by the Public Works Director, a public sewerage system shall be provided in accordance with the standards of the City. In all other areas, a sewerage supply approved by County Resolution and the Kansas Department of Health and Environment shall be provided.

(e) **Utility Locations:** If water, sewer, or other utility facilities are to be located within the public street rights-of-way, sufficient rights-of-way width shall be provided to adequately accommodate and separate those facilities. When water and sewer service is located on the same side of the street, a minimum of 10' of separation is required. The location and placement of other utilities

such as gas, electric, telephone, and cable television lines will be provided as may be required by the County or City and the utility companies.

(f) **Storm Drainage:** The development of all subdivisions within the jurisdiction of the Zoning Board will require a drainage study. The plans for all drainage facilities shall take into account the type of proposed development, location in watershed, rainfall intensities, and other factors which influence the runoff of storm waters. Drainage easements may be required, in addition to street rights-of-way. The width of such drainage easements shall be approved by the County or City.

(g) **Flood Plain Regulations:** All subdivisions containing areas that are subject to periodic flooding must meet the requirements of the County / City Flood Plain Regulations.

(h) **Street Signs:** The County or City shall pay for and install street signs at all intersections within a subdivision.

(i) **Street Lighting:** The County or City shall provide for the installation of streetlights at street intersections and other locations as it determines necessary. The sub divider shall be responsible for all costs for providing street lighting equipment other than that determined as necessary by the County or City.

**4-105 EXCEPTIONS FOR EXISTING IMPROVEMENTS:**

(a) Where the proposed subdivision is a resub division or concerns an area presently having any or all requirements as previously set out, and where such improvements meet the requirements of said Section, no further provision need be made by the subdivides to duplicate such improvements. However, where such existing improvements do not meet the requirements as set out, the sub divider shall provide for the correction of such improvements so that all improvements will then meet said requirements.

(b) Where the proposed subdivision is a resub division or concerns an area presently abutting or containing any existing public street of less than the minimum required rights-of-way width or roadway width, land shall be dedicated so as to provide a minimum street rights-of-way width established by these regulations. The Governing Body shall determine what adjustment to make where the aforesaid widening merges with existing streets which are of smaller width at the boundary of such proposed subdivision. The foregoing provisions requiring the widening of pavement may be waived by the Governing Body upon recommendation of the Zoning Board when the length of such pavement is one block or less.

**ARTICLE FIVE  
IMPROVEMENT PROCEDURES**

**5-101 RESPONSIBILITY OF THE SUBDIVIDER:** It is the responsibility of the sub divider to contract for design work for the improvements.

(a) **Submission of Preliminary Plans:** The sub divider shall submit preliminary plans for streets, water system, sanitary sewers, and drainage system with his preliminary plat. These plans shall show the general proposed location of such facilities. Street plans shall include profiles to allow a determination of the suitability of such streets. Preliminary drainage plans shall indicate locations, preliminary sizes, run off calculations and other pertinent information. The preliminary plans, including the street profiles and drainage shall be submitted in triplicate and shall be approved by the County or City Public Works Director, and the County or City Public Works Director shall not give affirmative recommendation for the preliminary plat until such time as said preliminary plans



have been approved. The preliminary plat, together with related improvement plans shall be submitted not less than twenty one (21) days prior to consideration by the Zoning Board in order to give time for adequate staff review.

(b) **Final Improvement Plans:** In all instances, upon approval of the preliminary plat, the sub divider shall have prepared by a licensed professional engineering drawings for proposed required improvements requiring data and information specified in Section (c) of this Article. Such drawings shall be certified by a licensed professional engineer, and shall be submitted in quadruplicate to the County or City Public Works Director at least thirty (30) days prior to the date that approval of the final plat is requested. Failure to do so will be considered consent to an extension of or a waiver by the sub divider of any time limitation for plat approval.

(c) **Content of Engineering Drawings:** Engineering drawings for required improvements shall contain the following data and information:

- (1) Plans, details, specifications, and cost estimates for roadway and sidewalk construction, including plans, profiles indicating existing topography and elevations indicating curb and sidewalk elevation, intersection control elevation and paving geometric for each street with a typical cross section of the roadway. The profiles of grade lines shall be shown at the same horizontal scale as the plans and at a suitable vertical scale. The minimum horizontal scale shall be one inch equals fifty (50) feet. This information shall be shown on standard plan and profile: and with cross section sheets, unless otherwise required by the County or City Public Works Director.
- (2) Plans-profiles, details, and specifications and cost estimates of proposed storm drainage improvements.
- (3) Plans-profiles if required by the Public Works Director, details, specifications and cost estimates for proposed water distribution systems and proposed water supply facilities and fire hydrants if any.
- (4) Plans-profiles, details, specifications and cost estimates of sewerage systems and of sewage treatment plants, if any.
- (5) Grading plans maybe required if deemed necessary by the County or City Public Works Director for all lots and other sites in the subdivision.
- (6) When unusual site conditions exist, the County or City Public Works Director may require such additional plans, specifications, and drawings as may be necessary for an adequate review of the improvements to be installed.
- (7) All plans shall be based on the most current County or City U.S.G.S. datum for vertical control.
- (8) Whenever possible the Standard Specifications of the County or appropriate City shall be used. Special provisions or special specifications shall be provided as part of the final plans which will help clarify or show unusual details or work not adequately covered by the standard specifications.

(d) **Review of Plans:** The County or City Public Works Director, official or agency responsible for determining specifications and standards shall review all engineering drawings in order to determine whether such drawings are consistent with the approved preliminary plat and comply with their design standards. If such drawings are consistent and so comply, the reviewing official shall forward to the Zoning Board, a notice that they so conform and comply. In the event that the drawings do not so conform or comply, the reviewing official shall notify the sub divider of the specific manner in which such drawings do not so conform or comply, and the sub divider's engineer may correct such drawings. If such drawings are not corrected, the reviewing official shall forward to the Zoning Board a notice as to the items of nonconformity or noncompliance.

(e) **Approval by Zoning Board:** The Zoning Board shall approve a final plat only when the approval of the County or City Public Works Director has been received certifying that the plans and engineering drawings have been approved; and that a Development Agreement has been executed.

(f) **Construction of Improvements:** No improvements shall be constructed nor shall any work preliminary thereto be done until such time as the plans, engineering drawings are approved; and subdivision plat is recorded and a Development Agreement has been executed. The Development Agreement shall stipulate the responsibilities of the sub divider and the governing body regarding installation of improvements, methods of financing, posting of monetary surety and timing of development.

(g) **Inspection:** All improvements constructed or erected shall be subject to inspection by the City and or County Public Works Director. The cost attributable to all inspections required by this regulation shall be charged to and paid by the sub divider. Before any required inspections take place, the sub divider may be required to post a deposit with such official or such agency entrusted to keep such security for the official, to cover the cost of such inspections. The sub divider shall give at least 48 hours written notification to such official prior to commencing work on roadways, sidewalks, water lines, sanitary sewer lines, storm sewer, underground wiring and other required improvements.

(h) **Inspection Procedures:** After notice is received as specified in Section (g), the County Public Works Director and/or City Public Works Director shall conduct an on-site inspection to determine that the work complies with the approved engineering plans, specifications and change orders. If in the opinion of the Public Works Director, such work does not comply with the final drawings, he shall have the authority to order that all such work shall be terminated until such time as necessary steps are taken to correct any defects or deficiencies. Upon the correction of such defects or deficiencies, the sub divider shall again notify the official as provided in Section (g).

(i) **Final Inspection:** Upon completion of all improvements within the area covered by the Final Plat, the sub divider shall notify the Public Works Director, who shall conduct a final inspection of all improvements installed. If such final inspection indicates that there are any deviations in such improvements as installed from the final engineering plans, specifications and change orders, he shall notify the sub divider in writing of such defects, deficiencies, or deviations and the sub divider shall, at his sole cost and expense, correct such defects or deviations within thirty (30) days of the date of notification. When such defects, deficiencies or deviations have been corrected, the sub divider shall notify the official that the improvements are again ready for final inspection.

(j) **Report to the Zoning Board and Governing Body:** If a final inspection indicates that all improvements as installed contain no defects, deficiencies, or deviations, within ten (10) days from the completion of such inspection, the County Public Works Director or City Public Works Director shall certify to the Zoning Board, the Governing Body, and utility that all improvements have been installed in conformity with the engineering plans and specifications accompanying the Final Plat.

(k) **Acceptance of Improvements:** Upon the determination by the governing body, after consideration of the opinion of the official, that there are no defects, deficiencies, or deviations in the improvements, and that all improvements have been installed in conformance with the approved engineering drawings, and with the requirement of the regulations, and all other applicable statutes, ordinances, and regulations, the governing body and/or such appropriate utility shall by resolution or by letter, respectively, formally accept such improvements. The improvement shall become the property of the governing body or appropriate utility company involved.

(l) **Maintenance of County Improvements:** A proposal to maintain improvements made in the county shall be made to the applicable township board. The township board may either accept or reject the proposal for maintenance. In the event the proposal is rejected, the sub divider shall

provide a signed agreement with the County Public Works Director to maintain the improvements and the method of assessment of maintenance related expenses at the time the plat is presented for final approval. Upon annexation, property owners may be assessed reconstruction costs or improvement costs which may be authorized by the Governing Body.

**(m) Partially Developed Subdivisions Not Fully Improved:** After January 1, 1984, the City of Dodge City required all subdivisions to be fully improved. For lands given plat approval prior to these dates in the respective jurisdictions, the following standards apply. If less than 15 percent of the front footage of an unimproved street is developed, property owners shall be subject to the preliminary and final improvement plan requirements before commencing such improvements. No building or other development permits will be issued in violation of these provisions.

## ARTICLE SIX VARIANCES AND EXCEPTIONS

**6-101 AUTHORIZATION:** 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 impractical, the Zoning Board may recommend to the Governing Body, by letter of transmittal, that said Governing Body authorizes variances or exceptions. The Zoning Board 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 to enable the use of innovative development techniques.
- (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.
- (d) Such variances and exceptions shall be described and filed  
of record.

## ARTICLE SEVEN LOT SPLITS

**7-101 CONDITIONS FOR APPROVAL:** The intent of this section is to provide for the issuance of building permits on lots divided into not more than two tracts without having to replat said lot, provided that the resulting lots shall not again be divided without replating. The Zoning Administrator may approve or disapprove lot splits in accordance with the following regulations.

- (a) **Application Procedure:** Requests for lot split approval shall be made by the owner of the land to the Zoning Administrator. Four (4) copies of a scale drawing and legal description prepared by a licensed surveyor of the lot(s) involved and the location of any structure(s) thereon together with the precise nature, location and dimensions of the proposed lot split shall accompany the application.

(b) **Approval Guidelines:** Approval or disapproval of lot splits 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) 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., repaving, etc.)
  - (D) There are less street rights-of-way than required by these regulations or the Comprehensive Plan 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 size lot or parcel will be created except if the substandard size lot results from the division or proposed division of a duplex structure which otherwise conforms with setback requirements contained in the Zoning Regulations.
  - (H) The lot has been previously split in accordance with these regulations.
  - (I) A receipt has not been received showing that all real estate taxes have been paid.
- (2) The Zoning Administrator shall, in writing, either approve, with or without conditions, or disapprove the lot split within fifteen (15) days of the application.
  - (A) If approved, and after all conditions have been met, the Zoning Administrator 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.
  - (B) An owner/applicant who disagrees with the Zoning Administrator's decision may appeal the decision to the Subdivision Committee of the Zoning Board. The appellate process is outlined in Article 10, Part 4, Sections 10-401 to 10-406 of the Dodge City-Ford County Zoning Regulations, as adopted

**7-102 AGRICULTURAL LOT SPLITS:** The creation of one (1) additional lot in the unincorporated portion of Ford County on properties zoned and used as agricultural shall be permitted without requiring either a rezoning or a plat however a legal survey may be required. These divisions shall be a minimum of two (2) acres to forty (40) acres in size at the date of the adoption of this Regulation. They may be created because of mortgage or lending requirements: provided:

- (a) The provisions of section 2-102 (8) of the Ford County Zoning Regulation will be complied with.
- (b) A recordable covenant for the entire original tract, executed by the owner and / or owners, restricting further division of the original tract without full platting of the original tract, including the original split, into lots no larger than the size of the original split. The covenant shall include the requirements that rezoning and platting shall be in conformance with the applicable Zoning and Subdivision Regulations of Ford County. Said covenant shall be

recorded with the Register of Deeds of Ford County prior to the approval of the initial agricultural lot split.

**7-103 INDUSTRIAL LOT SPLITS:** Will be given special consideration. The unlimited division of a platted lot used for industrial purposes only shall be permitted; provided, the resulting lots are used for industrial purposes in accordance with the Zoning Regulations.

## **ARTICLE EIGHT**

### **Definitions**

**8-101 INTRODUCTIONS:**

(a) For the purpose of this article certain numbers, abbreviations and words used herein shall be used, interpreted and defined as set forth in this section. Any word or phrase which is defined in this article or elsewhere shall have the meaning as so defined whenever the word or phrase is used in this regulations, unless such definition is expressly limited in its meaning or scope.

(b) Unless the context clearly indicates to the contrary:

(1) The word "shall" is always mandatory and word "may" is always permissive.

**8-102 DEFINITIONS:**

(a) **Alley:** A public rights-of-way which affords only a secondary means of access to abutting property.

(b) **Block:** A piece or parcel of land entirely surrounded by public highway, streets, streams, railroad rights-of-way, barks, etc., or any combination thereof.

(c) **Development Agreement:** A contract between the sub divider and the Governing Body, which commits each to the development of improvements in and for a proposed subdivision. Such agreement stipulates responsibilities for financing, posting of financial surety, and timing of development, and provision of public facilities or amenities by the sub divider in excess of those required under current regulations. Such agreement assures the sub divider of the proposed development use and intensity as submitted, including subsequent phases when clearly part of the original proposal.

(d) **Easement:** A right given by the owner(s) of land to another party for specific limited use of that land.

(e) **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.

(f) **Governing Body:** The elected officials of the City and/or County.

(g) **Improvements:** Changes to land necessary to prepare it for building sites, including, but not limited to, grading, street paving, curb paving, sidewalks, walkways, alleys, water mains, sewers, drainage ways, and other public works and appurtenances.

(h) **Land Surveyor:** A person who has been duly licensed by the Kansas State Board of Technical Professions according to the provisions of the Kansas Professional Engineers and Land Surveying Act as the same may be amended from time to time.

(i) **Lot:** A portion of land in a subdivision or other parcel of land intended as a unit for transfer of ownership or for development.

(j) **Lot Split:** A lot divided into not more than two tracts without having to replat said lot provided that the resulting lots shall not again be divided without replating.

(k) **Open Space:** An area of land or water or combination thereof planned for active or passive recreation but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas.

(l) **Permit, Building:** A certificate issued by the building official or his/her designee to allow construction of a specific type of structure.

(m) **Permit, occupancy:** A permit issued by the zoning administrator after certification that such land use, structure or building is fit for human occupancy and complies with all the provisions of the zoning regulations and other applicable city codes, ordinances, rules and regulations.

(n) **Planned Development District:** A zoning district which allows the use of flexible land use controls to be applied to the development of land. The procedure and statutory requirement governing this are contained in the zoning regulations.

(o) **Preliminary Plat:** The preliminary drawing or drawings, described in these Regulations, indicating the proposed manner or layout of the subdivision.

(p) **Professional Engineer:** A person who has been duly licensed by the Kansas State Board of Technical Professions according to the provisions of the Kansas Professional Engineers and Land Surveying Act as the same may be amended from time to time.

(q) **Restrictive Covenants:** Restrictions governing the use of land within a given subdivision placed on the land by the owner(s) at the time of platting. Such covenants are not enforced by the Governing Bodies or the Zoning Board.

(r) **Secretary:** The Secretary of the Ford County Zoning Board.

(s) **Setback:** The distance between a building and the lot line, or road right-of-way line, whichever provides the desired minimum distance.

(t) **Street:** A dedicated public right-of-way, other than an alley, which provides principle access to adjacent properties.

(1) **Arterial Street:** An arterial or thoroughfare that primarily serves as a transportation link for vehicular traffic and which prohibits direct access from residential lots.

(2) **Collector Street:** A street intended to move traffic from local streets to arterial streets. A collector street serves a neighborhood or large subdivision and should be designed to discourage residential properties from facing onto it..

(3) **Local Street:** A right-of-way dedicated to the public use, or a private right-of-way serving more than one ownership, which provides principle vehicular and pedestrian access to adjacent properties.

(4) **Cul-de-sac:** A street having one end open to traffic and being permanently terminated by a vehicular turn around.

(5) **Freeway:** A multilane highway with full grade separation, total control of access, median strips, and fencing or landscaping strips along with sides. Basically serves intercity and interstate traffic.

(6) **Frontage Road:** A street which is generally parallel to or adjacent to an arterial or railroad right-of-way and provides access to abutting properties.

(u) **Sub divider:** The owner or owners of land proposed to be subdivided, or the sub divider or other duly authorized agent of such owner or owners; provided, that any person claiming to represent such owner or owners shall be required to establish his or her authority to act in such representative capacity by an appropriate written instrument.

(v) **Subdivision:** Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, or interests for the purpose of offering same for sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, including resub division. A subdivision includes the division or development of residential and nonresidential-zoned land, whether by deed, metes-and-bound description, map, plat, or other recorded instrument.

(1) **Subdivision, Major:** Any subdivision not classified as a minor subdivision.

(2) **Subdivision, Minor:** Any subdivision containing no more than four lots; which does not involve the dedication of any public right-of-ways, lands, or easements; which does not adversely affect the development of surrounding properties to a significant extent; and which does not conflict with either the Comprehensive Plan and/or Zoning Regulations. A minor subdivision proposal is exempt from requirements for preliminary plats, and may be submitted as a final plat proposal after the pre-development conference.

(3) **Subdivisions, Urban:** All subdivisions lying within the corporate limits of Dodge City and those subdivisions in the unincorporated area within three (3) miles of the city limits having or intending to have a density of more than one dwelling unit per acre, and all subdivisions or portions thereof, for commercial, industrial, and public and semi-public purposes.

(4) **Subdivisions, Suburban:** All other lands in unincorporated areas required to be platted either by statute or by these subdivision regulations.

(w) **Zoning Board:** Shall mean the Ford County Zoning Board.

## ARTICLE NINE AMENDMENTS AND VALIDITY

**9-101 AMENDMENTS:** These regulations may be amended at any time after the Zoning Board has held a public hearing on the proposed amendment. A notice of the public hearing shall be published in the official city and county newspaper as provided by law. At, or after the public hearing is held, the Zoning Board may adopt amendments to these regulations, but the amendments shall not become effective until approval by both the Governing Bodies.

**9-102 VALIDITY:** If any section or subsection of these regulations be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section or subsection shall be considered separately and apart from the remaining provisions of these regulations, such section or subsection to be completely severable from the remaining provisions, and the remaining provisions shall remain in full force and affect.

**ARTICLE TEN  
PENALTY**

**10-101 PENALTY:** Any person violating the provisions of these Subdivision Regulations is guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of one hundred dollars (\$100.00), plus court costs, and shall stand committed to jail until such fine and costs be paid or otherwise discharged according to law. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense.

**The following is not part of the ordinance.**

**Subdivision Fees**

**Subdivision fees will be set by policy rather than by ordinance. Said fees will be reviewed as requested and a recommendation for adjustment made to the Governing Body(s) as needed by the Zoning Board.**

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