

## ARTICLE 4

### Article 4. SITE AND SKETCH PLANS, PLATS & REGULATIONS FOR PHYSICAL DEVELOPMENT

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#### 100. Site Plans

A. The site plan is a scale map of proposed buildings, structures, parking areas, easements, roads and other county requirements used in physical development, when approved by the Planning Commission and county staff, shall create an enforceable obligation to build and develop in accordance with all specifications and notations contained in the site plan instrument. All site plans shall be signed by the applicant prior to the issuance of any development permit. A final site plan filed for record indicates that the applicant is required to perform all obligations and requirements contained therein.

B. Site plans are required in all of the following application procedures unless specifically waived by the Director of Planning:

1. All applications involving mixed use development {when more than one type of land use is to be integrated into one site}, including Planned Unit, Planned Unit Rural Development or Planned Commercial. In "R" Residential Districts when required by the specific provisions of this ordinance; in "I" Institutional Districts, and in Overlay Districts when required by this ordinance.
2. In all "CH" - "CN" and "C" Commercial Districts;
3. In "M" Manufacturing Districts;

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4. For certain uses in "A-1" districts; in "AB" Agri-Business Districts, "AM" Agri-Industry, or "I" Institutional Districts;
5. For conditional uses when recommended by the Director of Planning, or required by the Planning Commission;
6. In Overlay districts when specified by this ordinance.

### 101. Requirements for Site Plans

A. Three copies of the site plan must be submitted to the Director of Planning at least five 30 working days in advance of a scheduled Planning Commission or Board of Zoning Appeals hearing. One copy shall be made available for public inspection at least 21 days in advance of a public hearing.

B. All site plans must be submitted on superior quality bond paper in a 24 X 36 inches format (or a format specified by the Director of Planning). The scale shall be a professionally acceptable standard suitable to the area of the purposed project.

C. Each site plan, unless otherwise modified by the Director of Planning, shall contain the following information:

#### 1. Front or Cover Sheet

i. A scale vicinity map showing the relationship of the site to surrounding neighborhoods, roads and other physical features. The owners of all adjacent tracts/lot must be noted;

ii. A project title, zoning designation and project sponsor. A street, lot or tract address of the project;

iii. An index to contents, and a data table which, at a minimum, includes: Acreage of the site and number of units per acre {if applicable}; gross square feet of the building(s) area; the proposed use of each building; number of employees and the BOCA or Uniform Building Code or NEPA 101 Life Safety Code Occupancy Design Load and, the total number of parking places;

iv. The name of the architect, engineer, surveyor or draftsman;

v. The following certificates and signature blocks:

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**CERTIFICATE:**

Received and placed on record this \_\_\_\_\_ day of \_\_\_\_\_,  
{Director of Planning}

Approved by the Pottawatomie County Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_,  
, \_\_\_\_\_

Chair of the Planning Commission \_\_\_\_\_

Permission for parking to encroach within setback lines is \_\_\_ is not \_\_\_ granted  
according to my marked notations: \_\_\_\_\_ {Zoning Admin.}  
\_\_\_\_\_ date

I certify that I have reviewed all sanitation, entrance, drainage and road  
requirements for this site plan according to county specifications \_\_\_\_\_  
{Director of Public Works} \_\_\_\_\_ date.

I certify that I have reviewed this SITE PLAN and will comply with all specifications,  
changes, and amendments herein, and that this instrument creates a legally  
enforceable obligation to build and develop in accordance with all final  
agreements.

Applicant signature \_\_\_\_\_ Date \_\_\_\_\_

2. Sheet #2 A site map with the following features using ADA  
specifications:

- i. Topography at reasonable intervals
- ii. Exterior lot lines with any survey pins
- iii. Location of buildings
- iv. Parking areas, paths, walks with sizes and surface material specifications
- v. Exterior lighting specifications
  
- vi. Site entrance and connections to streets
- vii. The location of easements
- viii. Connection point for utilities
  
- ix. A sketch of the entry sign, and all other signs to be used on the premises.
- x. Features to facilitate handicapped access.
- xi. Profile and detail for roads (if required)
- xii. Footings and cross sections (if requested).

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### 3. Sheet #3

a. A landscape plan drawn to scale, showing the site, building location, planting and seeding schedules, refuse and outdoor storage screening and boundary screening. All landscape features shall be shown in relation to sidewalks, paths, lawns, parking areas and drives.

b. A table entitled "Planting Schedule" which lists the common name, size and condition of all planting materials, together with a timetable for planting.

### 4. Sheet #4

a. Scale drawing of the building(s) floor plans on the lot.

b. Dimensions and use of rooms and areas.

c. Dimensions of entrances/exits and corridors.

d. Interior specifications for disability access as required by ANSI 117.1 and this ordinance

### 5. Sheet #5

a. Scale drawings of all building elevations (profiles).

b. Roof pitch and materials.

c. Siding type and materials, including facie.

### D. Additional Requirements

1. In special circumstances, such as buildings used for assembly, the planning director may require additional sheets for mechanical and electrical and building materials specifications. The Planning Commission/planning director may also require additional information for hazardous material or other environmental impacts.

2. Parking - General [See each Article 7 Table C-5]

3. Parking Design [See each Article for specific requirements]

a. Parking spaces shall be located within the building envelope {inside the required front, side and rear yards setback}. When permission to encroach into the setbacks is granted by the zoning administrator, a green area must be

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provided between the R.O.W. and property lines – if platted (minimum 8’ or as required in each Article)

### 4. Construction Standards

a. Parking spaces must be on a prepared bed with an asphalt or concrete surface. Surface requirements are set by the Director of Public Works and depend upon the need for traffic control, amount of parking, nature and size of the vehicles, in-out traffic flow and visual design. Unless waived, the minimum design space is 9.5 feet X 18 feet for each parking stall.

### 102. LOT SPLIT.

A. Owners of a lot of record may divide such lots into no more than two parts without recourse to a formal replat. Once a lot is split, it may not again be divided without replatting. The resulting lots must conform in all respects to the current district zoning regulations. When applicable, the sanitarian must approve the lot split after an environmental evaluation.

B. Lot splits are not permitted in the following circumstances:

1. When easements of any type are to be created, conveyed or extinguished, or a new public street is to be created
2. Reserved
3. Reserved

C. A lot split must be submitted as a plat or a certificate of survey and sealed by a Licensed Kansas Land Surveyor. The Director of Planning may require that reasonable drainage, utility service and R.O.W. easements accompany the survey. Such instruments shall be reviewed by the Office of Planning and Development, County GIS Department, The County Surveyor/Director of Public Works and recorded with the Register of Deeds.

### 103. The Subdivision Process

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A. Land determined by the County Planning Commission to be premature, or unsuitable for subdivision or development due to physical and location constraints shall not be subdivided or developed unless methods are used to solve the problems created by these unsuitable land conditions.

B. The pre-application conference is required prior to the preparation of a plat and affords an applicant the opportunity to meet with the planning staff and receive assistance and exchange information before formal work commences on a project. The conference consists of the following steps:

1. STEP ONE: Contact the County Planning and Development Office at Westmoreland, Kansas {785-457-3551}.

2. STEP TWO: With staff assistance, determine the legal description and legal ownership of the land. Second, with staff assistance determine the current zoning designation and intended use for the property to be subdivided. If the land is not zoned for the intended use, review the County Comprehensive Plan and Land Use Plan Update and read the contents of the plan with regard to future intentions.

3. Amendments to both the comprehensive plan and the zoning map may be necessary, and a waiting period of from 60 to 120 days may be necessary to process the required amendments.

4. STEP THREE: The staff will review pertinent requirements for platting, including roads, easements, physical arrangement and density, and general regulations for public water\sewer connections. When necessary, the Director of Public Works will give specific instructions for the initial design of facilities.

5. STEP FOUR: The applicant must review all Sanitary Regulations and Flood Plain Elevation maps that are currently in force in Pottawatomie County. To complete this step, the Zoning Administrator and the County Sanitarian must be contacted.

6. STEP FIVE: Contact a licensed land surveyor and Registered P.E. (Civil Engineer) or Landscape Architect to begin the initial phase of subdivision. Please note that only a Kansas Licensed Land Surveyor may conduct the actual certificate or survey of plat/condominium.

### 104. Required Studies and Data For Subdivision Review

- A. Development of permanent improved drainage facilities relies in part on early identification of any adverse drainage conditions that are caused or

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worsened by new development projects. To avoid sub-standard drainage facilities (difficult and costly to replace) sufficient information is needed early, when the project is being considered for approval.

- B. Pottawatomie County requires a preliminary hydrology/drainage study containing the information listed in the sections below as part of an application. The study compares storm runoff under existing conditions versus existing-plus-project conditions (25-year events) and identifies existing drainage problems that may be caused, or aggravated, by project development. In general, the applicant must define the drainage paths for small area developments and do an approximate or detail delineation for larger areas.
- C. Large lot projects, generally 3 – 5 acres, will be issued modified instructions. The Directors of Planning and Public Works may modify in writing the requirements for the hydrologic data depending on size, scale and location of the project. Notification of the decision to amend or modify will be given within 30 days following the initial application for subdivision.
- D. The required volume for storm water detention shall be calculated on a minimum basis of the runoff from a twenty (25) year frequency rainfall with an intensity of not less than the values listed in the report developed for the KTRAN Research Program for KDOT entitled "Rainfall Intensity Tables for Counties in Kansas" taken from Pottawatomie County rainfall data, and a minimum storm duration of 15 minutes.

Specific information must include, but is not limited to:

1. Hydrology map (topo) showing all drainage basins (on-site/ off-site tributary areas) for existing and proposed condition.
2. Land use and soil group maps showing grids in developing "C" values.
3. A drainage table for pre-development versus post-development showing all points of concentration (on-site and off-site) and data including narrative on adequacy of all drainage facilities impacted directly by proposed development.
4. Show 100-year flood lines of inundation on map for channels with drainage basins greater than 25 acres.
5. Appropriate flood plain/ floodway maps for Pottawatomie County and identify all flood hazards.
6. Peak runoff rates (cfs), velocities (fps) and identification of all erosive velocities (at all points of discharge) calculations for pre-development and post-development (rational model). The

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comparisons should be made about the same discharge points for each drainage basin affecting the site and adjacent properties.

The following runoff coefficients shall be used:

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

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

7. Demonstrate the pre-development drainage conditions, post-development conditions, and any adverse impact due to increase in peak flow rate and velocity.
8. Show adequacy of impacted off-site/ on-site drainage facilities such as culverts, inlets, channels or other drainage structures.
9. Address local drainage facilities receiving additional runoff due to the proposed development and identify any runoff contribution that would exceed the capacity of existing drainage systems.
10. Address all flow paths (on-site and off-site) on hydrology map.
11. Show proposed public storm drain systems requiring off-site public drainage easement.
12. Obtain/include letter (s) of permission for any off-site drainage discharge resulting from proposed development.
13. Summary/conclusion of project drainage impacts on existing drainage facilities and proposed mitigation.



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E. Traffic impact and circulation studies, guidelines and procedures define when proposed concept subdivision plans, commercial development and other land uses warrant a detailed traffic study and what information should be included in it. The specific purpose of these studies is to:

1. Provide guidance for short and long-range planning of site access;
2. Provide guidance for on-site circulation and the interface between on-site circulation and off-site traffic;
3. Provide guidance for off-site improvements needed to permit the roadway system to function satisfactorily so as to accommodate site and non-site traffic;

F. Reserved

G. Unless waived for large lot subdivisions, all proposed residential development plats shall be accompanied with an "area recreation and open space plan." The plan must be based on the projected number of bedrooms and the average lot size and shall address strategies to provide open space and recreation to the residents of new housing developments and methods for connecting individual residential lots to common facilities. Basic guidelines and benchmarks are provided in the Appendix. The planning and development staff may waive any or all parts of the open space/recreation plan for developments with very large lots and/or a small number of proposed bedrooms. The central elements of the plan must revolve around the following:

1. General common open space with a balanced effort to provide a mixture of natural, undeveloped areas and space for accessible passive and active recreation.
2. Recreation facilities with a concentration of bike/walking paths by the developer and active recreation areas by a homeowners association.
3. Community gardens and/or small, parks.
4. Lot(s) reserved for community buildings.
5. Conservation easements to preserve green edges, hedge rows, tree corps and natural areas.

H. All new commercial and residential developments will prepare a public safety analysis for review and approval by the Pottawatomie County Emergency Services Director. The Director may waive or modify any public safety requirement, and is empowered to accept substitutions or alternatives when necessary. The analysis shall include, but is not limited to the following data:

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1. The type, design, flow and capacity of the water supply system and the capability of the designated volunteer fire department's ability to serve compared to the location, nature and density of the proposed development;
2. The number of fire/hydrants and/ or water re-fill points to be furnished to serve the development;
3. The spacing of the hydrants and/or-refill points per thousands of square feet and the maximum distance (usable distance not straight line) to the proposed structures;
4. Alternatives and contingency plans for public safety in very low density and/or remote developments;
5. Areas and/or facilities proposed for the location of critical emergency services, including weather and security related warning devices.

### 105. REGULAR SUBDIVISION PROCESS

#### A. Sketch Plan

1. The purpose of the sketch plan is to afford an applicant the opportunity to confer early and informally with the Planning Commission. If warranted, the sketch plan may be waived by the Director of Planning, and the applicant may proceed to the preliminary platting process.
2. A sketch plan must be submitted at least 20 working days prior to a conference with county staff. The zoning administrator and the director of planning must sign all sketch plans, indicating the dates of submission & review.
3. DOCUMENTS: The sketch plan is an informal, scaled drawing and may be submitted at 1 inch equal 100 feet on normal quality paper no smaller than 24 X 36 inches (or other scale approved by the director of planning). No fee is required for the sketch plan.
4. The sketch plan and four (4) copies with proof of ownership and taxes paid must contain, at a minimum, the following information:
  - a. Name, address and phone of applicant and the name of the subdivision;
  - b. Name and legal description of the tract and a general location map insert;

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- c. Proposed boundaries, north point, and significant natural and manmade features on the site – including streams, ponds, lakes and concentrated vegetation;
- d. Existing topographic information as directed by staff
- e. General drainage directions and soil types (generalized boundaries) from the Soil Conservation Service;
- f. Roads adjacent to tract
- g. Proposed general street and lot layout with estimates of lot sizes, proffers for common areas, recreation & open space;
- h. Type of sewerage system proposed and name of public water service district;
- i. Legend, date of preparation

5. If the proposed subdivision will utilize lateral fields or lagoons, the county sanitarian must be supplied with adequate physical data necessary to evaluate the type, size and overall suitability of the project. Typical information that must accompany the sketch plat for sanitary purposes would include: a soils analysis or a profile analysis, percolation tests and direction of drainage, and other information deemed necessary by the sanitarian.

6. Within 21 days or sooner from the date of submission, the staff will inform the applicant in writing of the sketch plan's sufficiency, and likewise any deficiencies, and schedule a second development conference.

7. After the sketch plan development conference, but within 30 days (unless the applicant requests an extension in writing) the staff shall issue a formal report to the applicant as to which items and details need to be changed, corrected or further detailed during the preparation of the preliminary plat.

### B. Preliminary Plat

The preliminary plat is the main review instrument used by the Planning Commission. The Planning Commission must approve the preliminary plat, with any notations, variances and changes, before the applicant can proceed with the final platting stage. To accomplish this end, the Planning Commission shall have the following authority, options and powers:

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1. The authority to require the modification of any plat to conform to these unified development resolutions, including traffic, storm water discharge and recreation/open space plans or to modify or add conditions to any plat when such action increases the public convenience, the goals of the county master plan, supports property values, or secures the public health, safety and welfare.

2. The Planning Commission shall have authority to vary setbacks and yard sizes to overcome practical difficulties, or to promote best practices land design. Also, the authority to vary yard size and placement in planned unit developments, and approve plats containing zero lot line or cluster provisions.

3. The authority to compel applicants to file easements and dedicate public roads and facilities necessary to serve the residents of a development, protect the use and value of neighboring property and to promote the public safety and welfare; the authority to compel applicants to offer for dedication or reservation such property as necessary to safely, conveniently and effectively serve the general welfare, promote good standards of land use, and to advance the practice of agricultural (and other natural resources) preservation.

4. The authority to require that all preliminary plats are reviewed by the utility companies that will serve the development.

### C. Required Contents of Preliminary Plat

The preliminary plat shall be drawn on high quality, 24 x 36 inch reproducible paper unless specified otherwise by the staff. All preliminary plats shall contain the following information:

1. A north point and scale which is appropriate to the size of the development: one inch equals 100 feet is required unless another scale is shown to be more appropriate and approved by the staff;
2. A legal description and a current zoning designation;
3. Names of: applicant, subdivision and proposed street names;
4. Name and seal of surveyor/engineer;
5. Preparation date; adequate legend; vicinity location map;
6. NPDES permit application date or permit number

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7. Signature block and date for review by the Director of Planning;
8. Signature block and date for review by the Zoning Administrator;
9. Signature block and date for review by Director of Public Works;
10. Signature block and date for review by Emergency Services Director;
11. Complete delineation of all boundaries, existing easements lots, and streets, together with courses, distances and areas. Boundaries must be shown as solid lines and all easements (proposed and existing) as dashed lines. Existing features such as ponds, lakes, buildings and roads and adjacent exterior roads and upstream watershed data, including estimated elevation of flood waters from a designated flood retarding dam breach must be included.

A vicinity context sketch of the surrounding properties (with tract/lot owner names), buildings, water courses, and general features within 300 feet of any boundary (this distance may be waived or modified by the staff for sufficient justification);

12. Rights-of-way and/or existing or proposed easements to be created for all drainage purposes, utilities, walk-ways, access, and other purposes. The location of the water/sewer distribution/collection system; the plat must show that these systems touch upon each lot, or in an easement appurtenant to each lot; proposed means and location of sewage collection and water distribution points;

13. Total acreage, and size of each lot provided in a lot data table;

14. Contours at vertical intervals set by staff; the Director of Planning may waive or amend this requirement depending on terrain, location and the nature of the project; wash-outs, sink holes and other important surface features must be noted;

15. Only the front setback shall be shown on the plat. Additional yards and setback information is contained in the various Articles throughout the UDO.

16. Locations of fire hydrants/water re-fill points;

17. The location of storm drainage facilities and collection points and water retention/detention facilities; the location of perimeter walls, landscape berms and/or fences; the location and size of entry signs;

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18. Soil erosion and sediment control plan – preliminary.

### D. General Design Standards for Preliminary Plats

1. Rights-of-way (row) must be a minimum of 80' feet wide unless otherwise indicated by the Director of Public Works after preliminary review – widths up to and including 120 feet may be required in unusual circumstances; all developments are required to provide connectivity to adjacent road networks, or to undeveloped tracts at the perimeter of the proposed preliminary plat unless waived by the Director of Planning.
2. Utility easements appurtenant to a lot line must be a minimum of twenty (20) feet wide or - 10 feet for companion utility easements on interior lots. If the proposed subdivision is located in a sewer benefit district or if it will be annexed in the near future, a minimum 22' utility easement is required unless otherwise specified after a review of the preliminary plat;
3. Reserved for future amendments.
4. The Planning Commission prefers an applicant to provide a single ingress to each development and then use internal and/or frontage distribution roads rather than use multiple entrances from existing public roads. The Director of Public Works shall designate and approve all means of ingress/egress to a development and may limit, for the purpose of public safety, any development to one common means of ingress/egress.
5. Basic road, drainage and grading data must be submitted with the preliminary plat. Specifications, inspection schedules and design criteria can be obtained from the Director of Public Works;
6. All portions of the tract(s) to be developed shall be taken up in lots, streets, planned open areas or other uses so that remnants and landlocked areas are not created.

### E. General Design of Lots and Typical Layouts & Connectivity Requirements

1. Residential lots must front on a public R.O.W. See Section 114 E – this article.
2. Corner lots shall have two equal front building setbacks.

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3. As a general rule, utility easements must be placed on all sides of a lot unless the applicant presents an acceptable general plan for providing public services:

4. Utility easements = 20' in width or 10' feet either lot side line, Larger easements may be required in individual projects.

5. Side lot lines shall be substantially at right angles to street lines.

6. Drainage and watercourse easements are required. Building setbacks from watercourses should be measured from the thread of the stream. Flowage easements may not be used to calculate required minimum lot sizes. Lot lines should be set back 100 feet from the thread of a stream unless waived by the Planning Commission.

7. The lot depth to front ratio shall be no less than 3 to 1 unless waived by the planning staff.

8. If a development is to be served with public water or sewer, the plat must bear a notation that the subdivision is to be served by these facilities. The Zoning Administrator may not issue a building permit for a lot notated "SERVICED BY PUBLIC WATER/SEWER" without written verification from the public water or sewer district that all distribution or collection lines have been installed and that all lots are either connected or are capable of being connected to central utilities. Lots less than five (5) acres in size must be connected to the water distribution system, with meter installed or provide verification for an application for meter verified prior to the issuance of a building permit; lots greater than five (5) acres must provide verification that the water distribution system is installed and ready for service in the future.

F. The preliminary plat must be accompanied by a feasibility study if the development will not be served by central sewer and water. The feasibility study shall indicate quality and gallons/minute of water available for individual wells, and general suitability of the soil for laterals or lagoons.

G. Five (5) copies of a preliminary plat must be submitted to the Director of Planning. The plat should be on regular quality paper, either 18 x 24 or 24 x 36 inches.

1. The layout of lots and blocks should provide desirable settings for structures by making use of natural contours, maintaining existing views, affording privacy for the residents and protection from adverse wind, noise, and vehicular traffic.

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2. Development design should provide for efficiency in the installation and provision of all public and private facilities and services.

3. The development design should maintain stands of trees or other vegetative cover to reduce the effects of winds on buildings. The design and development of subdivisions should preserve the natural terrain, drainage, existing topsoil, and vegetation, including tree masses and large individual trees. Lot dimensions should be adequate to allow for the provision of necessary private service and off-street parking facilities needed by the type of use and development allowed.

4. Double frontage lots should be avoided except where essential to provide separation of residential development from expressways, major arterials, or to overcome specific disadvantages of topography and orientation.

5. Landscaping shall be provided, and existing (suitable) vegetation shall be used as a buffer between different types of uses both within and adjacent to the development. New plant materials, if practical, shall be xeriscape instead of traditional landscaping.

6. Side lot lines should be at right angles to, or radial to the center of curvature of the street or road on which the lot fronts. Where lot lines are not at right angles or radial to street lines, this shall be indicated on the final plat.

7. Lots should be arranged to minimize the number of outlots.

8. Lots should use natural and man made divisions, such as fences and easements, as their boundaries. Utility, access, or drainage easements should not divide a lot.

9. Common water and sanitation facilities must be located on separate outlots owned in common by the users.

10. Reserved.

11. The newly created residential lots should be located nearest to utilities and roads to minimize the amount of construction of these improvements and the loss of agricultural land.

***12. All new development/subdivisions (consisting of more than 2 lots) shall provide public, paved internal roads according to current county specifications. All new subdivisions (unless preliminarily platted prior to the effective date of Resolution 2011-52) shall be located on a continuously paved road, or provide a developer's agreement, according to current county policy and standards. In all cases 'paved' means that the road surface is covered with asphalt or concrete and***



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*not "chip and seal."*

*Exceptions may be recommended by the Planning Commission for small, large lot rural subdivisions located within ½ mile of the small communities of Duluth, Fostoria, Havensville, Onaga, Olsburg, Wheaton, Westmoreland and Emmett.*

13. All new developments, including residential, commercial and industrial shall provide sidewalks or walking paths, or both according to current county standards and policies (unless waived). All developments on one (1) acre lots or less shall provide, at a minimum, sidewalks/bicycle paths on both sides of the street.

All new developments with lot sizes greater than one acre to a maximum of three acres shall provide a dedicated 10' strip of land, on one side of the street, to the Homeowners' Association for the future development of a sidewalk (unless waived). In addition, the Planning Commission will normally require a dedicated walking/bicycle trail that connects as many lots as possible to rights-of-way and other features in the subdivision.

All new development with lots sizes greater than three acres are required to provide a walking/bicycle trail that connects as many lots as possible to rights-of-way and other features in the subdivision in a circular (looped) fashion (unless waived).

14. The Final Plat is the instrument used for recording a land development with the Register of Deeds. To be approved, the final plat must comply with the approved preliminary plat. Once the preliminary plat is approved by the Planning Commission, no changes may be required on the final plat stage except for honest error or the discovery of erroneous data that would impact upon the public health, safety, or welfare, or by voluntary agreement. The final plat shall be submitted on quality mylar® together with an electronic version on prescribed media.

### H. The Final Plat Shall Contain the Following Data

1. An appropriate scale approved by the planning staff; north point, vicinity map and legend that explains all lines and symbols used on the plat;
2. The words "FINAL PLAT" followed by the name of the subdivision at the top of the sheet, and then followed by a metes and bounds

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description of the tract sufficient to enable the description of the subdivision to be plotted and retraced for closure that conforms to the Kansas Minimum Surveying Standards.

3. The instrument of survey which shows the point of beginning, corners, bearings, courses, distances, exterior boundaries, interior lot boundaries, abandoned lot lines, pins, monuments found or set. All P.I.'s, corners, and boundaries must be monumented with a ½" x 24" metal bar.

All monuments found must be accompanied by a reference to their origin that includes evidence of possession beyond the surveyed premises used to establish the corners of property;

Survey monuments for external boundaries of all platted subdivisions shall be set not more than 1,400 feet apart along any straight boundary line, at all angle points, at the beginning, end, and all points of change of direction or change of radius of any curved boundaries defined by circular arcs, at the beginning and end of any spiral curve, and at all public land corners.

4. Individual notations and a TABLE showing: lot area, setbacks, and building envelopes (if required because of diverse physiography and/or requested by the Planning Commission) A lot envelope indicates the area of a lot which may be used for structures and lateral field or lagoon placement when physiography, drainage or general soil conditions restrict building practices;

5. A table for street curve data. The data for each curve shall include: radius; tangent; arc length; delta; chord length; chord bearing;

6. FEMA Flood Plain information:

7. A number for each lot, starting (if possible) in the northwest corner;

***Note: an "a" and "b" lot may be used for large lots in anticipation of future lot splits. If this option is used, a distinct line should be employed to delineate the a and b lot.***

8. All easements with widths;

9. Ingress/egress points to the development;

10. Method of water and sewer service and the location of fire hydrants and manholes;

11. Notations for explanation and/or to indicate an irrevocable promise to perform some duty or obligation during the development stage

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within the subdivision;

12. Notations for the reservation or dedication of lots/tracts for open space, recreation, or land assigned to the Homeowners' Association; the location of emergency warning systems for storms and flood;

- a. An instrument of dedication for all roads and easements
- b. Special notations required as a condition of platting by the Planning Commission.
- c. Reserved for future changes.
- d. Private travel easements.
- e. A statement which notes that setbacks {building lines}, yards, or building envelopes are *"hereby established on the plat and no building or structure, or portion thereof, may be erected between this line and the street or adjacent lot line."*
- f. A notation with the NPDES permit application date or permit number unless waived by the planning staff.
- g. A notation, if applicable, indicating the Book & Page for conditions, covenants and restrictions.

13. Required Certificates

- a. The Owner's Certificate.
- b. The Notary Certificate with Seal attesting Owner's Signature;
- c. Certificate of the County Commission to Accept Dedications;
- d. County Clerk's Attest and Seal.
- e. Pottawatomie County Planning Board Endorsement for Chairperson and Board Secretary;
- f. Certificate of the Register of Deeds;
- g. Surveyor's Certificate and Seal;
- h. Review Certificate of the County Surveyor;

## ARTICLE 4

i. Staff review & approval for Zoning Administrator; Sanitarian; Director of Public Works; Emergency Services Director; Planning Director.

j. Special Certificates as required.

k. A separate 'Certificate of Ownership' prepared by a Licensed Abstractor submitted at the same time a final mylar® copy of the plat is given to the Office of Planning & Development.

### 106. Conflicting Requirements

A. Standards that appear on a plat (such as building setbacks), that are greater than those imposed by this ordinance, are assumed valid and shall be duly noted and enforced by building permits.

B. Restrictive covenants are private instruments between buyer & sellers. The Office of Planning and Development does not enforce restrictive covenants unless such restrictions are part of a Planned Unit Development that specifies certain contractual obligations through a developer agreement, or unless the County itself, as a condition of platting is a party to such agreements.

### 107. Instruments of Financial Assurance

A. All developers are required to install infrastructure subject to approval after county inspection, and provide other services to all lots as they appear on the final plat prior to receiving a building permit from the Zoning Administrator.

1. Before the final plat can be filed, unless otherwise waived by the Director of Public Works, infrastructure must be *assured* by an approved or special benefit district & and developer agreement. Financial assurances must be made in a form and amount acceptable and approved by the Director of Public Works, The County Administrator, and the County Counselor. The value assigned to the financial assurance shall be drawn for an amount, for a time period specified by current county policy. If substantial progress to install the infrastructure is not evident within a reasonable time, as specified in writing by the County

B. Exceptions to pre-installation of facilities and financial assurances.

## ARTICLE 4

1. The Zoning Administrator **may not issue a building** permit to lots in new and on-going development until all public roads and utilities are inspected and accepted, unless waived by the Director of Public Works.,

### 108. Dedications

#### A. Dedication of Rights-of-Way

Applicants for land subdivision are required to dedicate right-of-way land to the County for public street improvement. Public streets that abut the proposed development shall dedicate land in accordance with the following schedule.

1. One half (1/2) the distance on the abutting side of the development necessary to make the total right-of-way 80', unless otherwise indicated by the Director of Public Works.

### 109. Required Contribution and Facilities Standard

*Statement of Road Policy - All standards, designs, plan preparation and reviews are guided by policies and standards available from the Pottawatomie County Director of Public Works and are hereby adopted by reference.*

A. Unless specifically exempted by the Planning Commission, with final approval by the BOCC, all new subdivisions (residential, commercial or mixed use), single and multi-proprietor commercial/office developments, institutional, facility, service and similar developments requiring a plat must provide the following capital facilities:

1. All internal roads – all roads shall be constructed with an impervious surface per specifications provided by the Director of Public Works. Exemptions from the impervious surface may be granted by the BOCC within the guidelines and policies specified by the County Land Use Plan amendments in 2011 and subsequent policies of the County Planning Commission.

2. All developments/facilities, shall provide barrier free pedestrian access on sidewalks (and walking trails), *cross-overs and other facilities that are* connected (or can be connected in the future) to adjoining properties;

3. In order to reduce traffic levels on county roads, all developments/facilities, including those discussed above, shall

## ARTICLE 4

provide strategically located internal roads connecting to adjacent properties.

4. All new subdivisions shall have a continuous connection (TO ALL ENTRANCES OF THE SUBDIVISION) to a paved county road. The first two dwellings in an original quarter of a quarter section of land do not require a subdivision plat, but all subsequent dwellings in the same quarter of a quarter section shall be zoned, platted and located on a paved road. Exceptions may be granted by the County Planning Commission for rural, large lot subdivisions that were zoned residential and platted (preliminary or final plat) before the effective date of the County Land Use plan amendments of 2011. An exception shall also be granted for a third dwelling in an original quarter of a quarter section that was zoned residential before January 1, 2012.

110. Reserved for future amendments

111. Procedures for Plat Approval

- A. The applicant must schedule a pre-development conference with the Director of Planning and then a "sketch plan" - unless waived in writing by the Director of Planning.
  - 1. Sketch plan contains data required by Article 4 -105 A.
  - 2. If the applicant is in agreement with the Planning Director's and county staff members' change/modification to the sketch plan, he/she may proceed to the preliminary plat stage. If the applicant does not agree with the changes/modifications by the Director of Planning and county staff members, the Planning Director prepares a report and schedules an agenda item for the Planning Commission to make a final decision regarding the changes and/or modifications to the sketch plan.
- B. When the Planning Director and staff determine that the preliminary plat contains sufficient information and in the proper form, the applicant may request a public hearing. If the applicant disagrees with the decisions of the Planning Director and staff, the matter shall be sent to the Planning Commission for a final determination. If the Commission votes for sufficiency, then a hearing may be conducted. A preliminary plat deemed insufficient may be reviewed again at a subsequent hearing, but if again found insufficient, must be retained by the developer for at least 90 days following the last scheduled hearing before it can be resubmitted

## ARTICLE 4

1. The Planning Commission must review the preliminary plat in accordance with the guidelines and criteria set forth in this Unified Development Ordinance. The Planning Commission may also review the plat, using reasonable criteria, to assure proper Plan conformance, environmental and agricultural land impact, service requirements, developer agreements and financial assurance. Cooperating utility companies, such as telephone, gas, and electricity, must validate the review by returning their certificate of review within a time specified by the planning staff.

2. If the preliminary plat is found to conform in all respects to the Unified Development Resolutions and other County requirements, the Planning Commission must approve (by majority vote) and sign the plat.

3. If the preliminary plat does not conform in all respects with the Unified Development Resolutions the Planning Commission must either vote to disapprove the plat, or grant the applicant a period of 60 days to correct the plat deficiencies. If the developer does not return a plat for approval within the 60 days time period, the preliminary shall be considered null and void.

4. When a corrected preliminary plat is returned by the applicant for review, the Planning Commission must vote to accept or deny the plat. If denied, the applicant who continues to pursue approval must reapply for a first hearing.

C. If a preliminary plat is approved by the Planning Commission, the applicant must submit a final plat to the Planning Commission for review.

1. The question of final approval will be placed on a consent agenda at the next regularly scheduled meeting of the Planning Commission. Unless the Commission moves to amend the agenda and require an examination for conformance, the final plat shall be signed pro forma. Alternatively, a majority of the Planning Commission may authorize the Planning Commission Chair and Secretary to sign all final plats at a time and place designated by the planning staff.

2. After the Planning Commission approves the final plat, the BOCC shall examine the plat to ensure conformance with all county road standards, offers of dedication, and financial assurances. Within 30 days the Governing Body must either resolve to accept the plat, require modifications to conform to County standards and polices, return the plat to the Planning Commission for modification, or refuse its acceptance. If returned to the Planning Commission or refused, the reasons must be set forth in writing. If the BOCC does

## ARTICLE 4

not sign the plat within 30 days, or move to delay final review for a time certain, the plat shall be deemed to be denied

3. If a final plat is refused because of failure to adhere to County road standards, if offers of dedication would be contrary to public policy, or if financial assurances are insufficient, the matter has reached closure, and the plat may not be filed.

4. After both Commissions sign the final plat, the applicant has 180 days in which to secure all staff signatures (which denote "complies with all requirements"), a certificate of title, proof of financial assurance, and file the instrument with the Register of Deeds unless extended by the Planning Commission. Otherwise, the plat shall be considered void and expired and the process of approval must start again.

### 112. Required Certificates - Examples

#### A. Table of lot areas

#### EXAMPLE

LOT#	SQ. FT	ACRES	Area Incl. r/w	LOT#	SQ. FT.	ACRES	Area Incl. r/w
1	59,542	1.367	1.531	8	67,729	1.761	1.863
2	73,808	1.694	1.916	9	73,938	1.697	2.102
3	95,653	2.196	2.280	10	71,794	1.648	1.829
4	200,215	4.596	4.676				
5	85,191	1.956	2.038				
6	79,903	1.834	1.922				
7	80,699	1.853	1.974				

1. Reserved

2. Sample of Required Certificates to Appear on All Final Plats

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**ARTICLE 4**

a. BOCC

CERTIFICATE OF THE BOARD OF COUNTY COMMISSIONERS	
STATE OF KANSAS	} SS
County of Pottawatomie, Kansas	
Approved this _____ day of _____, _____	
By the Pottawatomie BOCC	
_____	
Chairperson	
_____	
Member	
_____	
Member	ATTEST
Seal	County Clerk _____

b. Planning Commission

POTTAWATOMIE COUNTY PLANNING BOARD	
STATE OF KANSAS	}
COUNTY OF POTTAWATOMIE	}
Approved this _____ day of _____, 20 _____	
_____	Chairperson
_____	Secretary

c. County Officials

CERTIFICATE OF COUNTY OFFICIALS	
_____	_____
Zoning Administrator	Director of Planning
_____	_____
Director of Public Works	County Sanitarian

**ARTICLE 4**

_____	_____
County Counselor	Emergency Services Director

d. Owner's Certificate

<b>OWNER'S CERTIFICATE</b>			
STATE OF KANSAS	}		
		SS	
COUNTY OF POTTAWATOMIE	}		
<p>This is to certify that the undersigned is (are) the owner(s) of the land hereon described on this plat, and that he/she has caused the same to be surveyed and subdivided as indicated hereon, for the causes and purposes herein set forth, and does hereby acknowledge and adopt the same under the style and title indicated.</p> <p>All street rights-of-way as shown on this plat are hereby dedicated to the public. An easement or license to the public to locate, construct and maintain or authorize the location, construction and maintenance of poles, wires, conduits, gas, water, sewer, drainage channels, or other such facilities upon the area marked for easements on this plat is hereby granted.</p> <p>Given under my hand at _____, Kansas  this _____ day of _____, 20 _____</p> <p>_____  _____  _____</p>			

e. Notary's Certificate

<b>NOTARY'S CERTIFICATE * NOTE: Other notary certificates may be required for corporations &amp; LLCs</b>			
STATE OF KANSAS	}		
		SS	
COUNTY OF POTTAWATOMIE	}		
<p>I _____, a Notary Public in a for said county in  the State of _____, do hereby certify that:  _____</p> <p>is personally known to me to be the same person(s) whose name(s) is (are) subscribed to the foregoing instrument as such owner(s), appeared before me this day in person and acknowledged the execution and delivery of this plat as a free and voluntary act for the uses and purposes set forth herein.</p> <p>Given under my hand and Notarial Seal this _____ day of _____, 20 _____</p> <p>My Commission Expires _____</p> <p>SEAL _____  Notary Public</p>			

## ARTICLE 4

### f. Register of Deeds

CERTIFICATE OF THE REGISTER OF DEEDS	
STATE OF KANSAS	)
	SS
COUNTY OF POTTAWATOMIE	)
This instrument was file for record on the _____ day of _____, 20 _____ at _____ o'clock _____ M and duly recorded in Book _____ at Page _____.	
_____ Register of Deeds	
By _____ Deputy	

### g. Surveyor

SURVEYOR'S CERTIFICATE	
STATE OF KANSAS	{
	SS
COUNTY OF POTTAWATOMIE	{
I, the undersigned do hereby certify that I am a Registered Land Surveyor in the State of Kansas with experience and proficiency in land surveying, that the heretofore described property was surveyed and subdivided my me, or under my supervision, that all subdivision regulations of the County of Pottawatomie, Kansas have been complied with in the execution of this plat, and that all monuments shown herein actually exist and that their positions are correctly shown to the best of my knowledge and belief.	
Given under my hand and Seal at _____, Kansas	
_____ this day of _____, 20 _____	
_____	SEAL
Land Surveyor name and signature	

### h. County Surveyor

KSA 58-2005 SURVEYOR'S REVIEW CERTIFICATE
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**ARTICLE 4**

STATE OF KANSAS	{	SS
COUNTY OF POTTAWATOMIE	{	
I, the undersigned do hereby certify that I am a Registered Land Surveyor in the State of Kansas with experience and proficiency in land surveying and that this survey data has been reviewed and approved for filing pursuant to and in compliance with KSA 58-2005. No other warranties are extended or implied.		
Given under my hand and Seal at _____, Kansas		
_____ this day of _____, 20 _____		
Land Surveyor name and signature		SEAL

113. Resubdivision - Replats

A. Replatting.

1. Any previously subdivided tract(s) may be resubdivided after submission of a new or corrected plat. Resubdivided plats may be used for the following purposes:

- a. The division of any existing lot into two or more additional lots.
- b. The correction of any monument, distances, and/or bearing.
- c. The addition or removal of any easement.
- d. The vacation of a lot(s) from an existing subdivision
- e. The renaming of an existing plat

2. All resubdivision plats shall contain the title RESUBDIVISION or REPLAT followed by the original title of the plat and prepare the instrument per instructions from the zoning staff.

114. Utilities and Roads

A. Installation Requirements

1. See 114 B below.

2. Before a building permit is issued for any structure that requires connection to a potable water source, the applicant shall install the water system so that an adequate supply of potable water is available to every lot in the development.

3. Private wells may be used on lots of 5 acres or more, but must be disconnected from the principal structure when connecting to a public water supply.



## ARTICLE 4

4. Written verification is required by the public water service district before a building permit can be issued for a principal structure in a development. The verification shall be worded to assure the Zoning Administrator that all lines are in place to serve present and future structures.

Written verification by the public water service district shall also be required for the principal structure on a lot less than 5 acres in size. The verification shall assure the Zoning Administrator that the principal structure has applied for a water service meter and that the public water supply will be connected upon completion of construction.

B. When a subdivision/development is proposed to be located within a PWSB service area, the applicant shall be required to connect to the PWSB system. The "service area of a public water district" is defined as a distance no greater than 1,000 feet from the nearest connection point of the PWSB. An exemption from this distance requirement will be permitted when the public water district issues a "Letter of Inability to Serve."

C. When a proposed subdivision is located outside a public water district service area, lot size increases, as noted in these resolutions, in addition to sanitation feasibility studies, shall govern. In this case, the applicant shall submit well log or test water well drilling reports to the staff that indicates that potable water is present in sufficient quantities to serve the development.

D. When a proposed subdivision is located in a sewer benefit district, or if annexation to the sewer district is contemplated, the applicant must provide connection to the nearest interceptor or main, create utility easements which touch upon all lots, and install the collection system in all approved phases so that connection points touch upon each lot. No building permits may be issued until the collection system is completed, inspected, and approved.

E. All platted lots, lot splits and tracts/lots created by a permitted quarter/quarter sell off (a division of land less than 40 acres), that are not used for an agricultural purpose, shall have connection to a public road. For this purpose, "connection" shall mean that the lot(s) touches and/or lies upon a public/road right-of-way.

All new subdivision roads must be built to the current county roads standard and be dedicated on the plat for public use. All such roads must be paid for by the developer or a benefit district. No private roads shall be allowed,

## ARTICLE 4

Travel easements and/or private roads are prohibited as a "connection" unless unusual circumstances indicate that it would be in the public interest to allow access in the form of a surveyed, irrevocable travel easement rather than a public road. Approval of a travel easement is discretionary by the County and must meet, but is not limited to, the following criteria:

1. The travel easement's connection to the public road must be approved by the Director of Public Works.
  2. The easement must be 60' in width or wider.
  3. All travel easements created under the provision of these regulations shall appear on a survey instrument prepared by a Kansas Registered Land Surveyor and filed for record with the Register of Deeds.
  4. A travel easement shall serve a single lot; there shall be only one dominant tenement and one servient tenement.
- E. All developers shall install required public facilities, including public roads and other facilities/utilities, at his/her expense according to county specifications after the preparation of plans prepared by a registered professional engineer