

# CITY OF LINN VALLEY SUBDIVISION REGULATIONS

APPROVED BY THE PLANNING COMMISSION JUNE 16, 2008

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ORDINANCE # 114

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## ARTICLE 1

### TITLE

**SECTION 1-1.** This Ordinance shall be known and may be cited as the SUBDIVISION REGULATIONS for the City of Linn Valley, Kansas.

## ARTICLE 2

### GENERAL

**SECTION 2-1.** JURISDICTION: These regulations shall apply to all land located in the incorporated area of the City Linn Valley, Kansas.

**SECTION 2-2.** 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, and the manner in 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.

**SECTION 2-3.** 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 subdivisions, suburban lots, building lots, tracts or parcels or any owner of any land establishing any street, alley, par or other property intended for public use or for the use or 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 4.

**SECTION 2-4.** EXEMPTIONS: These regulations shall not apply in the following instances:

1. The division of land for agricultural purposes into parcels or tracts of ten (10) acres or more, and not involving any new streets or easements or access and not affecting major streets.
2. A change in the boundary between adjoining lands which does not create an additional or a substandard lot.
3. Land use for street or railroad right-of-way, a drainage easements or other public utilities subject to local, state or federal regulations, where no new street or easement of access is involved.
4. Whenever any lot, parcel or tract of land located within the area governed by these regulations has been subdivided, re-subdivided or re-platted prior to the enactment of the

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regulation. However, any further re-subdivision of lots, parcels or tracts must be done in accordance with these regulations.

5. Any transfer by operation of law.
6. Any parcel, lot, tract or block of land zoned for Industrial use may be divided into two or more tracts without re-platting such lot, provided that any such re-platting shall not place any lot, tract or parcel so created in violation of the Zoning Regulations governing said Industrial use.

**SECTION 2-5. RESTRICTIVE COVENANTS:** The Planning Commission of the City of Linn Valley, Kansas shall have the right to confer with the sub-divider regarding the type and character of development that will be permitted in the subdivision, and may require the certain minimum regulations be incorporated in the subdivision and/or deed restrictions. Such regulations shall protect the character and the value of the development within the subdivisions and the value of surrounding property.

**SECTION 2-6. PLAT PREPARATION:** All plats shall be prepared and certified by a professional engineer or surveyor licensed in the State of Kansas.

### **ARTICLE 3**

#### **APPROVALS NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS**

**SECTION 3-1. APPROVALS:**

- A. All plans, plats or re-plats of land laid out in building lots and the streets, alleys or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto shall be submitted to the City of Linn Valley Planning Commission for their consideration. If the subdivision is approved, the City of Linn Valley Planning Commission shall submit the Final Plat to the Governing Body for their official consideration and action.
- B. The Register of Deeds SHALL NOT record any plat until such plat is approved by the City of Linn Valley Planning Commission and Governing Body and is signed by the Chairman and Secretary of the Planning Commission and by the Mayor and City Clerk of the City of Linn Valley, Kansas.

## ARTICLE 4

### DEFINITIONS

#### SECTION 4-1. RULES OF INTERPRETATION

1. The language set forth in these regulations shall be interpreted in accordance with the following rules of construction:
  - a. The singular member includes the plural and the plural the singular.
  - b. The present tense includes the past and the future tenses and the future tense the present tense.
  - c. The word “shall” is mandatory while the word “may” is permissive.
  - d. The words “Building Official” means the officially appointed building official for the City of Linn Valley, Kansas.
  - e. The words “adopted” referencing a regulation, ordinance or plan legally enforced.
  - f. The words “subdivision jurisdiction” means the area as described in Section 2-1 of these regulations.
2. Any word or phrase which is defined in this Article or elsewhere in these regulations shall have the meaning as so defined whenever used in these regulations, unless such definition is expressly limited in its meaning or scope.
3. Terms used in these regulations and not defined in this Article or elsewhere in these regulations but defined in the City of Linn Valley Zoning Regulations shall have the definition set forth in such Zoning Regulations for such terms.
4. Words or terms not herein defined shall have their ordinary meaning in relation to the context as defined in a dictionary or by statute.

#### SECTION 4-2. DEFINITIONS: The following definitions shall be used in the interpretation and construction of these regulations:

**Access.** The right to cross between public and private, or private and private, property allowing pedestrians and vehicles to enter and leave property.

**Agriculture.** The use of a tract of land ten (10) contiguous acres or more in area under one ownership for growing crops, pasturage, horticulture, nurseries, truck farms, dairying or the raising of poultry or cattle and other livestock, except feedlots, and including the structures necessary for carrying out farming operations and the dwelling(s) of those owning and/or operating the premises.

**Alley.** A public thoroughfare which provides only a secondary means of access to abutting property, the right-of-way of which is not less than twenty feet (20') in width.

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**Approved public sanitary sewer system.** A sewage disposal plant, main sanitary sewer lines and other lines approved by the City of Linn Valley, Kansas and by the Kansas Department of Health and Environment.

**Approved public water system.** The water treatment plant and service lines approved by the City of Linn Valley, Kansas and by the Kansas Department of Health and Environment.

**Benchmark.** Surveying mark made in some object which is permanently fixed in the ground showing the height of that point in relation to sea level. See *Monument*.

**Block.** A piece of or parcel of land entirely surrounded by public highway, streets, streams, railroad rights-of-way or parks or a combination thereof.

**Bond.** See *Performance Bond* or *Guarantee*.

**Comprehensive Plan.** The adopted Comprehensive Plan for the City of Linn Valley.

**Cul-de-sac.** A vehicular turnaround, which is located at the closed end of a dead end street or alley.

**Dedication.** A gift or donation of property by the owner to the City. The transfer is conveyed by a plat or a written separate instrument. The act of dedicating is completed with a formal acceptance by the Governing Body.

**Drainage.** The process and course by which surface water moves across the land surface or is conveyed through channels, waterways, pipes, culverts, ducts or other means.

**Easement.** An interest in land that is held by someone other than the owner that entitles the holder a specific limited use or right.

**Engineering design.** The location (horizontally and vertically) and configuration of streets, alignments of all streets, storm sewers and public utilities, existing or proposed, in public rights-of-way and easements. Minimum elements of design included shall be: alignment, grades and widths of streets; alignment, sizes, grades and depths of all underground storm drainage systems and utilities, including associated fixtures (valves, curb inlets, junction boxes, manholes, hydrants, etc.); alignments, grades and widths of all existing and proposed easements; and the minimum lot area, width and length.

**Final plat.** A formal document constituted of drawing and writing representing a subdivision, which is prepared in accordance with these regulations to be placed on record with the Linn County Register of Deeds.

### **Frontage.**

- a. **Street frontage:** All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

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- b. **Lot frontage:** That portion of a lot extending along a street right-of-way line.
- c. **Lot, Double frontage:** A lot having a frontage on two (2) non-intersecting streets.

**Governing Body.** The City Council of the City of Linn Valley, Kansas.

**Impact Fee.** A fee imposed by the City on new development pursuant to these regulations in order to mitigate the impacts on community facilities created by the demand for capital improvements by the new development. Impact fees do not include the dedication of rights-of-way or easements for such facilities or the construction of such improvements.

**Improvements.** Streets, utilities and other facilities that are to be installed or agreed to be installed to current City specifications by the subdivider on the land to be used for public or private use of the lot owners in the subdivision and local neighborhood traffic and drainage needs, as a condition precedent to the approval and acceptance of a final plat or lot split.

**Improvement district.** An area deemed by the Governing Body to be benefited by a public improvement and subject to a special assessment for all or a portion of the cost of the improvement.

**Land surveyor or registered land surveyor.** A licensed land surveyor registered in the State of Kansas or licensed to practice in the State of Kansas who is responsible for the survey and preparation of the final plat.

**Local street.** A street intended primarily for access to abutting properties and of limited continuity within a neighborhood.

**Lot.** A parcel or tract of land (legally described or platted), which is on record in the office of the Linn County Register of Deeds. For the purpose of these regulations, a lot shall have a frontage upon a public street.

**Lot, corner.** A lot abutting on two (2) or more streets at their intersection.

**Lot coverage.** That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, including projecting roof eaves.

**Lot depth.** The mean horizontal distance between the front and rear lot lines.

**Lot, interior.** A lot other than a corner lot, which abuts on one street only.

**Lot line.** The boundary line of a lot.

**Lot of record.** A lot, which is part of a recorded subdivision or a parcel of land, which has been recorded in the office of the Linn Valley Register of Deeds.

**Lot split.** The dividing of a lot in a recorded plat or replat of a subdivision into not more than two (2) parcels which creates an additional lot and meets the criteria established within these regulations.

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**Lot width.** Generally the distance between the side lot lines at right angles at the building setback line. For lots that are not rectangular in shape, lot width is determined by measuring the distance across the width of the lot at the setback line.

**Major thoroughfare.** A street, highway or roadway designated as a major street in the approved Comprehensive Plan.

**Marginal access streets or frontage roads.** A minor street which is parallel and adjacent to a major street, highway or railroad right-of-way and provides access to abutting properties.

**Monuments.** A device used to mark and identify the corners in the boundaries of subdivisions, blocks and lots and the points of curves in the street rights-of-way, and bearing the identification cap of the surveyor. These regulations create three categories of monuments, as follows, with each monument conforming to the standards for placement of boundary surveys as established by the Kansas Board of Technical Professions and further meeting the following requirements applicable to the category of monument:

- a. **Monument.** A 24” long ½” diameter solid bar to identify the corner boundaries of subdivision blocks. Monument locations shall be marked by a steel fence post. Exterior monuments shall be encased in concrete using a 12” long 4” diameter section of PVC pipe.
- b. **Lot pin.** A solid bar to mark the corners, points of curvature and points of tangent of lots.
- c. **Control Marker.** A pipe to mark the points of curvature, tangent and intersection of the centerline of street right-of-way. Control markers for point of intersection shall be 24” long ½” diameter pipe.

**Open space.** An area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas, or required front, rear or side yards.

**Pedestrian way.** A right-of-way or easement dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

**Performance bond or guarantee.** Any form of guarantee acceptable by the Governing Body, most frequently a surety bond, cash deposit or letter of credit, made out to the Governing Body in an amount equal to 100% of the full cost of the improvements which are required by these regulations, with that cost being estimated by the Project Engineer, and the surety bond or cash deposit being legally sufficient to secure to the Governing Body that the required improvements will be constructed in accordance with these regulations.

**Planning area.** The City of Linn Valley, Kansas and all land in Linn County lying outside the City, but within the Growth Area shown on the adopted City Comprehensive Plan.

**Planning Commission.** The City of Linn Valley Planning Commission.



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**Preliminary Plat.** A tentative map or plan of a proposed subdivision of land showing the character and general details of the proposed development.

**Replat.** A new plat or a revision to a subdivision or portion thereof for which a final plat has previously been recorded. The approval of a replat is processed in the same manner as a final plat.

**Right-of-way.** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission or distribution line, oil or gas pipeline, water main, sanitary or storm sewer main or for any other special use.

**Roadway.** That portion of a street, alley or highway right-of-way which has been graded, surfaced or otherwise improved for use by vehicular traffic, exclusive of sidewalks, driveways and related uses.

**Secretary.** Secretary of the City of Linn Valley Planning Commission.

**Setback line or building line.** A line shown on a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected or altered, except as otherwise provided in these regulations.

**Street.** A right-of-way, other than an alley, dedicated to public use, or a private right-of-way serving more than one ownership, which provides principal vehicular and pedestrian access to adjacent properties.

**Structure.** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures do not include fences but do include, but are not limited to, buildings, sheds and towers.

**Subdivider.** A person, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself/herself or for others.

**Subdivider's agreement.** A contractual agreement signed and notarized by the subdivider and the Governing Body which is conditioned upon acceptance of the final plat for the dedications thereon with primary concern for the design, installation, inspection and financing or guarantees for public improvements.

**Subdivision.** The division of a tract of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or if a new street is involved, any division of a parcel of land. The term "subdivision" includes "re-subdivision" and the term "re-subdivision" shall include any further subdivision of a lot or parcel of land previously subdivided, for sale, use or other purposes, which varies from the latest, approved plat of the same.

**Subdivision Regulations.** The adopted City of Linn Valley Subdivision Regulations.

**Zoning Regulations.** The adopted City of Linn Valley Zoning Regulations.

## ARTICLE 5

### MINIMUM DESIGN STANDARDS

#### SECTION 5-1. BLOCKS:

1. Length: Intersecting streets, which determine block lengths, shall be provided at such intervals as to serve cross traffic and to meet existing streets in the neighborhood. In residential districts, where no existing plats are recorded, the blocks shall not exceed 1,200 feet in length, except that a greater length may be permitted where topography or other conditions justify a departure from this maximum. In blocks longer than 1,000 feet, pedestrian ways and/or easements through the block may be required by the Planning Commission near the center of the block. Such pedestrian ways or easements shall have a minimum width of 10 feet. Blocks for business uses should normally not exceed 600 feet in length.
2. Width: In residential subdivisions, the block width shall normally be sufficient to allow two tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width and depth as may be considered most suitable for the prospective use.

#### SECTION 5-2. STREETS, ALLEYS AND PUBLIC WAYS:

1. Relations to Adjoining Street System: The arrangement of streets in new subdivision shall make provisions for the continuation of the existing streets in adjoining additions (or their projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. Alleys, when required, and streets shall be arranged to permit owners of adjoining unsubdivided property to extend streets into the unsubdivided property. Whenever there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted and dedicated.
2. Street Names: Streets that are obviously in alignment with existing streets shall bear the names of the existing streets.
3. Major and Collector Streets: Major and collector streets shall be so designated by the Planning Commission to provide for the basic street system for the City.
4. Minor Streets: Minor streets shall be so designed as to discourage through or non-local traffic.
5. Cul-de-sacs: Cul-de-sacs shall be permitted when topography or ownership prevents normal subdivision of a tract or plat of ground. Said cul-de-sacs shall normally be no longer than 600 feet, including an adequate turnaround which shall be provided at the closed ends.

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The length of the cul-de-sac shall be taken from the right-of-way line of the connecting street along the center line of the right-of-way to the right-of-way line of the turnaround.

6. 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, it may be permitted by the Planning Commission. The minimum allowable angle shall be 60 degrees.
  
7. Streets Adjacent to a Railroad Right-of-Way, Limited Access Freeway, or Principal Highway: Where lots front or side, but do not back, on railroad right-of-ways, major streets or highways, a marginal access street or frontage road shall be provided, parallel and adjacent to the boundary of such right-of-way. The distance off the street from said right-of-way shall be determined with due consideration given to minimum distance required for approach connections to future grade separations or intersections.
  
8. Half Streets: Dedication of half-streets will not be approved, except where it is essential to the reasonable development for the subdivision and is in conformity with the approved major street plan and other requirements of these regulations.
  
9. Alleys: Alleys shall be provided in commercial and industrial districts, except where other definite and assured provisions are made for service access to off-street loading and unloading areas and to off-street parking areas, consistent with and adequate for the uses proposed. Dead end alleys shall be avoided. Alleys may be required in certain residential areas.
  
10. Minimum Requirements: All streets, alleys and public ways included in any subdivision hereafter dedicated and accepted, shall not be less than the minimum dimensions for each classification as follows:

<u>Classification</u>	<u>Width</u>
Major Streets	100 feet
Collector Streets	
Primary	80 feet
Secondary	70 feet
Minor Streets	60 feet
Cul-de-sacs	60 feet and the turnaround shall have a radius of 60 feet
Marginal Access Streets	
On Frontage Roads:	
One-Way	50 feet
Two-Way	60 feet
Alleys	20 feet
Pedestrian Ways	10 feet

11. Additional Requirements: When existing or anticipated traffic on arterial and/or collector streets warrants greater right-of-way width, the additional right-of-way shall be provided.

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12. Drainage Easements: Drainage easements shall be required, in addition to street right-of-ways, where the street or streets adjoin or are parallel with streams or drainage areas or where lots back on said drainage areas or drainage ways flow through lots. The width of such drainage easement shall be determined by the City.
13. Street Grades: The grades of streets, alleys and other public ways included in any subdivision shall not be greater than 8 percent or less than 0.6 percent. Variations from these standards may be made when warranted by topographic conditions. Such changes shall be approved only upon the recommendation of the Planning Commission.
14. Street Alignment: Minimum horizontal and vertical alignment on all streets, except in unusual cases, shall be as follows:
  - a. Horizontal Alignment: Radii at the centerline.  
Major Streets ----- 500 feet  
Collector Streets ----- 200 feet  
Local Streets ----- 150 feet

A tangent shall be provided between all reversed curves to provide for a smooth flow of traffic.

  - b. Vertical Alignment: All changes in street grade shall be connected by vertical curves of such length as to provide for desired sight distance.

### SECTION 5-3. LOTS

1. The lot width shall be measured at the building setback line. Lot widths shall be determined by the requirements established in the City of Linn Valley Zoning Ordinance, provided corner lots shall be at least 20 feet wider than is required by the Zoning Regulations for the district in which the lot is located.
2. The minimum lot depth shall be 100 feet. Said measurements shall be measured through the center of the lot and shall be perpendicular to the property line or radial to the property line on curved streets.
3. Minimum lots area shall be subject to the zoning district regulations in which the subdivision is located; provided, however, if a zoning lot contained two or more principal residential structures prior to the enactment of these regulations separate substandard lots may be created, according to these regulations, to accommodate these existing residences, provided that side yard requirements are met.
4. All side lots shall bear 60 to 90 degrees from the street right-of-way line on a straight street or from the tangent of a curved street.
5. Double frontage lots shall be avoided unless, in the opinion of the Planning Commission, a variation to this rule will give better street alignment and lot arrangement.

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6. Every lot shall abut on a street other than an alley.
7. Building or setback lines shall be shown on the preliminary plat and the final plat for all lots in the subdivision and shall not be less than the setback required by the Zoning Ordinance.
8. The subdivision or re-subdivision of a tract or lot shall not be permitted where said subdivision or re-subdivision places an existing permanent structure in violation of these subdivision regulations and/or the requirements of the Zoning Ordinance.

### SECTION 5-4. EASEMENTS:

1. Where alleys are not provided, permanent easements of not less than 10 feet in width shall be provided on all rear lot lines, and on side lot lines where necessary for utility poles, wire and conduits: sanitary sewers: gas, water, storm sewers, drainage ways; and other public utilities. These easements shall provide for a continuous right-of-way at least 20 feet in width.
2. A 12 foot temporary construction easements shall be provided on each side of the permanent easement required in paragraph 1 above for initial construction of water, sewer and other utility lines.
3. Where a lot or group of lots side or back on an existing high pressure oil line or existing high pressure gas line, a 75 foot easement shall be provided on each side of said oil line or gas line. The 75 foot easement shall be provided on that part of the lot which abuts the oil line or gas line, and no building or structure shall be located or constructed within said 75 foot easement.

### SECTION 5-5. LAND SUBJECT TO FLOODING:

1. All land subject to intermediate regional flood shall not be subdivided for residential use or any other use, which would be incompatible with such flooding. An intermediate regional flood is a flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year or even in successive years. It is based on statistical analyses of stream flow records available for the watershed and analyses of rainfall and runoff characteristics in the general region of the watershed. Data on the flood characteristics for the planning area may be obtained from the Kansas Water Resources Board and/or the Corps of Engineers, U.S. Army, Kansas City District.
2. Subdivision proposals shall include regulatory flood elevation data in areas floodways or floodplains shown on the Linn Valley Flood Insurance Map.
3. Adequate drainage shall be provided so as to reduce exposure to flood hazards.
4. All public utilities and facilities shall be located so as to minimize or eliminate flood damage.

5. All proposed development shall be consistent with the need to minimize flood damage. All structures shall be located outside of the 100 year flood area boundary and have minimum floor and/or opening elevation one foot above the 100 year flood elevation.

## ARTICLE 6

### DEDICATION OR RESERVATION OF PUBLIC SITES AND OPEN SPACES

**SECTION 6-1.** DEDICATIONS AND RESERVATIONS: In subdividing land, due consideration shall be given by the subdivider to the dedication or reservation of sites for schools, parks, playgrounds and other public recreational areas or open spaces. Any areas so dedicated or reserved shall conform with the recommendation in the approved Comprehensive Plan and to the recommendations of the Board of Education. All areas to be reserved for or dedicated to public use shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency.

## ARTICLE 7

### LOT SPLITS

**SECTION 7-1.** LOT SPLITS: The intent of this section is to provide for the issuance of building permits on lots divided into not more than two (2) tracts without having to replat said lot, provided that the resulting lots shall not again be divided without replatting. The Planning Commission may approve or disapprove lots splits in accordance with the following regulations:

1. Application Procedure: Requests for lot split approval shall be made by the owner of the land to the City Clerk. Four (4) copies of a scale drawing of lots involved, if there are no structures thereon, or, if structures are located on any part of the lot being split, four (4) copies of a survey of the lot(s) and the location of the structure(s) thereon together with the precise nature, location and dimensions of the proposed lot split shall accompany the application. The application shall be accompanied by a list of the names and addresses of all persons to receive notices. Written notices shall be given to all owners of land within 200 feet of the property proposed to be split. Such owners shall have ten (10) days from the date of notification to notify the Planning Commission of any protests they may have concerning the lot split. The ten (10) day waiting period may be waived upon submission in writing of statements from those to be notified that they have no objection to the proposed lot split.

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2. Approval Guidelines: Approval or disapproval of lot splits shall be made based on the following guidelines:
- a. No lot split shall be approved if:
    - (1) A new street or alley is needed or proposed.
    - (2) A vacation of streets, alleys, setback lines, access control or easements is required or proposed.
    - (3) If such action will result in significant increases in service requirements, e.g. utilities, schools, traffic control, streets, etc.; or will interfere with maintaining existing service levels, e.g. additional curb cuts, repaving, etc.
    - (4) There is less street right-of-way than required by these regulations or the Comprehensive Plan unless such dedication can be made by separate instrument.
    - (5) All easement requirements have not been satisfied.
    - (6) If such split will result in a tract without direct access to a street.
    - (7) If a substandard sized lot or parcel will be created.
    - (8) If the lot has been previously split in accordance with these regulations
  - b. The Planning Commission may make such additional requirements as deemed necessary to carry out the intent and purpose of existing land development regulations and Governing Body policy. Requirements may include, but not be limited to, installation of public facilities, dedication of right-of-way and easements, and submission of covenants for the protection of other landowners in the original subdivision.
  - c. The Planning Commission shall, in writing, either approve with or without conditions or disapprove the lot split within 30 days of application. If approved, and after all conditions have been met, the Planning Commission shall sign and furnish a certificate of approval to be affixed to the lot split survey; a certified copy thereof shall be filed with the Register of Deeds and the official designated to issue building or occupancy permits, and a copy shall be furnished to the applicant.
3. Filing Fee:
- a. The filing fee for lot splits shall be \$25.00
  - b. Cost of recording documents, publications and writs are payable in addition to filing fees. These costs will be billed to the applicant.

## ARTICLE 8

### PREAPPLICATION FOR SUBDIVISIONS

**SECTION 8-1.** PROCEDURE FOR PREAPPLICATION: Prior to filing for the preapplication plat, the subdivider shall contact the City to determine:

1. Subdivision requirements.
2. Procedure for filing his plat.
3. Availability of an approved public sewer system and public water system.
4. Comprehensive city plan requirements for streets, land use, parks, easements, schools and public open space.
5. Zoning requirements for the property being subdivided and adjacent properties.

Prior to submitting a preliminary plat, the subdivider will meet with the City Planning Commission to discuss the type and character of development that will be permitted. The subdivider will submit a tentative sketch of the proposed subdivision at this time. Upon the approval and recommendation of the Planning Commission, the subdivider may proceed to develop the preliminary plat according to these regulations.

## ARTICLE 9

### PRELIMINARY PLAT

After reaching the preliminary conclusions regarding the requirements for the proposed subdivision, the subdivider shall submit a preliminary plat, together with supplementary information, to the Secretary of the Planning Commission.

**SECTION 9-1.** SUBMISSION OF PRELIMINARY PLAT

1. Filing fee: A filing fee of \$50.00 shall accompany the filing of each preliminary plat.
2. Number of copies: The subdivider shall submit ten (10) copies of the preliminary plat, showing the location of the proposed subdivision (see attached sample plat). These plans shall be filed with the Secretary at least twenty (20) days prior to the regular Planning Commission meeting at which the preliminary plat is to be considered.



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### SECTION 9-2. DATA TO BE SHOWN ON THE PRELIMINARY PLAT

1. The proposed name of the subdivision. The name shall not duplicate or too closely resemble the name or names of any existing subdivision.
2. The location of the boundary lines of the subdivision and reference to the section lines and/or existing subdivisions.
3. The name and address of the developer, owner and the name of the engineer, surveyor, landscape architect or architect who prepared the plat.
4. Scale of the plat, one (1) inch = 100 feet or larger.
5. Date of preparation and North point.
6. Vicinity map.
7. Existing Conditions:
  - a. Location, width and name of platted streets or other public ways, railroad and utility right-of-ways, parks and other open spaces and permanent buildings within or adjacent to the proposed subdivision shall be shown on the preliminary plat.
  - b. All existing sewers, water mains, gas mains, culverts or other underground installations within the proposed subdivision or adjacent thereto with pipe sizes, manholes, grades and locations, shall be shown.
  - c. Names of adjacent subdivisions, together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land shall be shown.
  - d. Topography with contour intervals of not more than five (5) feet, referred to City of U.S.G.S. datum, shall be shown; also location of water courses, bridges, wooded areas, lakes, ravines and such other features as may be pertinent to the subdivision shall be shown.
8. The general arrangement of lots and their approximate size.
9. Location and width of proposed streets, alleys, pedestrian ways and easements.
10. The general plan of sewage disposal and water supply in areas where approved public sewer and/or water systems are proposed to serve the subdivision. In other cases, a notation shall be made on the plat indicating type of sewage disposal and/or waste system proposed.
11. Location and size of proposed parks, playgrounds, churches, school sites or other special uses of land to be considered for reservation for public use.

12. General layout of adjacent unsubdivided property to show how streets and other public facilities in the proposed subdivision relate to the unsubdivided property.

**SECTION 9-3.** APPROVAL OR DISAPPROVAL OF THE PRELIMINARY PLAT: Action by the Planning Commission shall be conveyed to the subdivider in writing within fifteen (15) days after the official Planning Commission meeting at which the plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Planning Commission. The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the final plat. The approval of the preliminary plat shall only be effective for a period of three (3) years unless, an extension is granted by the Planning Commission. If the final plat has not been submitted for approval within the specified period, the preliminary plat shall be null and void and a new preliminary plat must be submitted again to the Planning Commission for approval.

## **ARTICLE 10**

### **FINAL PLAT**

#### **SECTION 10-1. SUBMISION REQUIREMENTS**

1. After approval of the preliminary plat, the subdivider shall submit engineering designs/construction plans and documents for approval prior to submission of a final plat, along with the plat recording fee established by Ordinance adopted by the City Governing Body.
2. The original (on mylar or similar material) and ten (10) prints thereof shall be submitted to the Secretary of the Planning Commission at least twenty (20) days prior to the Planning Commission consideration.
3. The final plat, prepared for recording purposes, shall be drawn at a scale of at least one (1) inch equals 100 feet or larger. The size of the sheet on which such final plat is prepared shall be 24 inches by 36 inches.
4. No building permit will be issued nor shall any lot, tract or parcel of land as described on the final plat be sold or offered for sale until the final plat has been properly filed and recorded with the Register of Deeds. The final plat shall be registered within one (1) year from date of approval by the City Planning Commission and the City Council. Failure to file a final plat within the time period specified will render said plat null and void.

**SECTION 10-2.** FILING FEE: A filing fee of \$50.00 shall accompany the final plat.

## CITY OF LINN VALLEY, KANSAS – SUBDIVISION REGULATIONS

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**SECTION 10-3.** INFORMATION: The final plat shall show and contain the following information:

1. Name of subdivision, which shall not duplicate or too closely approximate the name of any existing subdivision.
2. Location of section, township, range, County and State, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error of closing on any portion of the plat shall be one (1) foot in 10,000 feet. Total acreage of the subdivision shall be provided.
3. The location of existing monuments and benchmarks shall be shown and described on the final plat. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including the true angles and distance of such reference points or monuments.
4. The location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet with the length of radii on all curves and other information necessary to reproduce the plat on the ground.
5. Lots shall be numbered clearly. Blocks shall be numbered or lettered clearly in the center of the block. All lots, however designated, shall be numbered in progressive numbers or by blocks in which they are situated, and their precise length and width shall be stated on the map or plat.
6. The exact locations, width and names of all streets, easements, alleys or other rights-of-way to be dedicated.
7. Boundary lines and description of the boundary lines of any area other than streets and alleys, which are to be dedicated or reserved for public use.
8. Building setback lines on the front and side streets with dimensions.
9. Scale of the plat (scale to be shown graphically and in feet per plat scale inch), date of preparation and North arrow.
10. Statement expressing the property owner's intent to dedicate for public use all easements, streets, alleys and all other public areas previously dedicated.
11. The following certificates:
  - a. A notarized 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 and expressing the property owner's intent to dedicate or reserve all parcels of land shown on the final plat and intended for any public or private uses including those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants and servants.

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DEDICATION

Be it known to all men that we, the undersigned owner(s) of the above described tract of land, have caused for the same to be surveyed and platted under the name of \_\_\_\_\_ and have caused the same to be subdivided into lots and tracts as shown and fully defined on this plat. An easement is hereby granted to the City of Linn Valley and public utility companies to enter upon, construct and maintain utilities upon, over and under those areas outlined on this plat as "utility easement" or "U/E".

\_\_\_\_\_  
Landowner(s) Date

The acknowledgement of a notary in the following form:

State of \_\_\_\_\_, County of \_\_\_\_\_, SS.

Be it remembered on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a notary public in and for said County and State, came \_\_\_\_\_, to me personally known to be the same person(s) who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In witness whereof, I have hereunto set my hand and affixed my seal the day and year above written.

(SEAL)

\_\_\_\_\_  
Notary Public My Commission Expires

- b. A Certificate signed and sealed by the registered surveyor preparing the plat in accordance with the Land Survey Act, K.S.A. 58-2007 et seq.

SURVEYOR'S CERTIFICATION

I hereby certify that the platted area and the location map shown hereon are the true and accurate results, to the best of my professional knowledge, of a field survey occurring on or before \_\_\_\_\_, \_\_\_\_\_ and the plat is a closed traverse.

(SEAL)

\_\_\_\_\_  
Surveyor Date

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- c. A Certificate of approval by the Planning Commission in the following form:

State of Kansas  
Linn County

Approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary

- d. A Certificate of acceptance of easements, rights-of-way and other public dedications by the Governing Body in the following form:

State of Kansas  
Linn County

The dedications shown on this plat have been accepted by the City of Linn Valley, Kansas this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

- e. The Certificate of the County Clerk in the following form:

State of Kansas  
Linn County

I do hereby certify that there are no delinquent general taxes, no unpaid current general taxes, no unpaid forfeited taxes and no redeemable tax sales against any of the land included in the plat. I further certify that I have received all statutory fees in connection with this plat.

Given under my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
County Clerk

(SEAL)

- f. The Certificate as to Special Assessments in the following form:

State of Kansas  
Linn County

I do hereby certify that there are no delinquent or unpaid or forfeited special assessments or any deferred installments thereof that have not been apportioned against the tract of land included in the plat.

Given under my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
County Clerk

(SEAL)

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- g. The Certificate of the County Treasurer in the following form:

State of Kansas  
Linn County

I do hereby certify that all the taxes due and owed are paid to date on land included in this plat.

Given under my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Linn County Treasurer (SEAL)

- h. The Filing Record in the following form:

State of Kansas  
Linn County

This is to certify that this instrument was filed for record in the Linn County Register of Deeds on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at AM/PM and is duly recorded at Slide No. \_\_\_\_\_, Instrument No. \_\_\_\_\_.

\_\_\_\_\_  
Linn County Register of Deeds (SEAL)

- i. The Survey Review Certification in the following form:

This survey has been reviewed and approved for filing, pursuant to K.S.A. 58-2005, for content and is in compliance with this act. No other warranties are extended or implied.

(SEAL)

Approved by \_\_\_\_\_ Date \_\_\_\_\_

**SECTION 10-4. FINAL PLAT ACTION:** Within 60 days, unless the subdivider shall have consented to an extension or waiver of the 60 day period, after the submission of a final plat, the Planning Commission shall approved or disapprove the final plat. The action of the Planning Commission shall be conveyed to the subdivider in writing within ten (10) days of the meeting of the Planning Commission at which the plat was considered. If the final plat has been disapproved, the notice shall state the ways in which the final plat fails to conform with these regulations.

In case of approval, the Chairman of the Planning Commission shall date and endorse the original final plat. A final plat that has been approved by the Planning Commission shall be submitted to the Governing Body for its acceptance of the dedication of streets and other public ways, service and utility easements and any land dedicated for public use. The Governing body shall approve or disapprove the dedication of land for public purposes within the 30 days of receipt of the approved final plat. The Governing Body may defer action for an additional 30 days for the purpose of allowing for modifications to comply with the requirements of the Governing Body. If the Governing Body defers or disapproves such dedication, it shall

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advised the Planning Commission of the reasons therefore. Failure of the Governing Body to execute an acceptance of dedication shown on the plat shall be deemed to be a refusal of the proposed dedication.

**SECTION 10-5. FILING THE PLAT:** The original of any final plat shall be filed with the Register of Deeds only after approval by the Planning Commission, acceptance of dedications or easements by the Governing Body, execution of an agreement regarding construction or financial guarantees for completion of public improvements and approval of engineering drawings as required by these regulations and other City Ordinances. Until such time as each of the above stated requirements has been met, the final plat shall remain in the Office of the City Clerk.

**SECTION 10-6. CONCURRENT SUBMISSION OF PRELIMINARY AND FINAL PLATS:** Nothing in these regulations shall be construed to prohibit the concurrent submission of preliminary and final plats, so long as they contain all the information that would be required by these regulations, if such preliminary and final plats were submitted separately.

**ARTICLE 11**

**EXTENT AND MANNER OF CONSTRUCTING  
OR INSTALLING PHYSICAL IMPROVEMENTS**

**SECTION 11-1. PHYSICAL IMPROVEMENTS:** As a condition to the approval of a subdivision, the subdivider or developer shall agree to install the following improvements in conjunction with the final plat of the subdivision:

1. **Streets and Storm Drainage:** Streets shall be surfaced with concrete, asphaltic concrete or materials approved by the City. The City may require the subdivider to install curb and gutter in areas where new streets are linking up to streets that already have curb and gutter, or where the size and location of the subdivision warrants curb and gutter. Storm drainage system shall also be provided and storm sewer may be required by the City.

Pavements shall be designed based on the following minimum standard:

<u>Street</u>	<u>Pavement Type</u>	<u>and</u>	<u>Thickness</u>
	<u>Bituminous</u>		<u>Portland Cement Concrete</u>
Local Residential	6"		6"
Collector	8"		7"
Major	11"		8"

Widths of pavement shall be in agreement with adopted Street Standards in the Comprehensive Plan and Article 5, Section 10 of these Regulations.

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Variations of the above pavement types and thickness shall be permitted by the Planning Commission if approved by the City.

2. Water: Where an approved public water system is proposed to serve the subdivision, said water lines shall be installed in proper easements or within the limits of the street and alley right-of-way and shall be of size and type approved by the City.

Utility sleeves shall be provided at the time of street construction for extensions of water mains and other utilities if such improvements are to be installed following initial construction of a street. The location and design of utility sleeves shall be approved by the City.

3. Sewers: Where an approved public sanitary sewer system is proposed to serve the subdivision, the sewer system shall be constructed to provide service to each lot within the subdivision. Any such system shall be designed by a registered engineer in accordance with the standards established by the Kansas Department of Health and Environment and the City of Linn Valley.

Where the installation of public sewer is not available and where lots are three (3) acres or larger, the developer may install individual on-site sanitation systems for each lot at the time improvements are constructed thereon. All such individual sanitation systems shall be subject to the minimum standards established by the Kansas Department of Health and Environmental and the City of Linn Valley.

4. Street Signs: Street signs will be supplied and erected by the City. The developer shall be responsible for the cost of said signs.
5. Electricity: Poles, power lines, transformers and street lights shall be installed and paid for in accordance with policies established by the Power Company and Building Codes.
6. Sidewalks: Concrete sidewalks may be required to be installed on both sides of all streets and shall have a width up to five (5) feet and thickness of four (4) inches. Handicap ramps shall be provided at street intersections.
7. Permanent Monuments: Permanent monuments shall be placed at all lots and block corners, angle points, point of curve in streets and at intermediate points as required prior to the final acceptance of the plat by the City. Said permanent monuments shall be 5/8 inch iron bars, 24 inches long and shall be set with top of monument flush with existing ground line.
8. Other Improvements: If other improvements are required, such as tree planting, retaining walls, drainage structures, etc. such improvements shall be made in accordance with the recommendations of the Planning Commission and specifications of the City.
9. Construction Financing: In lieu of the completion of construction of the required improvements prior to the approval and filing of the final plat, the Governing Body of the City may accept a corporate surety bond, cashiers check, escrow account, letter of credit or



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other security acceptable to the City in an amount sufficient to cover all costs of said improvements. Any such fiscal surety shall be subject to the following:

- a. The estimated cost of all required improvements shall be prepared by a registered engineer and approved by the reviewing official designated by the City.
  - b. The subdivider or developer shall enter into a subdivision improvement agreement with the Governing Body under which the subdivider or developer agrees to install all required improvements. The agreement shall state a specified time frame for the completion of said improvements. The Governing body may enforce such bond or surety by all equitable remedies.
10. Maintenance Bond: The subdivider or developer shall furnish a surety bond conditioned that they shall maintain and make all necessary repairs to the improvements constructed by them, at their own expense for a period of two (2) years after the date of acceptance of the improvements, where repairs are necessary by reason of defective workmanship; imperfection in material used; improper/imperfect or defective preparation of the ground upon which the improvements shall be laid. The surety shall be for the benefit of the public and in an amount equal to ten (10) percent of the total improvement cost but in no case shall the amount be less than \$5,000.

### SECTION 11-2. IMPROVEMENT PROCEDURES

1. Final Improvement Plan: Upon approval of the preliminary plat, the subdivider or developer shall have prepared, by a licensed professional engineer, engineering drawings for proposed required improvements containing the date and information specified in paragraph 2 below. Such drawings shall be certified by a licensed professional engineer and shall be submitted in duplicate to the City.
2. Content of Engineering Drawings: Engineering drawings for required improvements shall contain the following data and information:
  - a. Plans, details, specifications and costs estimates for roadway and sidewalk construction, including plans, profiles indicating existing topography and elevation, including curb and sidewalk elevation, intersection control elevation and paving geometrics for each street with a typical cross section of the roadway. The profiles of grade lines shall be shown to a scale of one (1) inch equals 20 feet horizontal, and one (1) inch equals 10 feet vertical; or to a scale approved by the City. This information shall be shown on standard plan and profile sheets unless otherwise required by the City.
  - b. Plans, profiles, details, specifications and cost estimates of proposed storm drainage improvements.
  - c. Plans, details, specifications and cost estimates of proposed water distribution systems and proposed water supply facilities and fire hydrants, if any.

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- d. Plans, profiles, details, specifications and cost estimates of sewage systems and of sewage treatment plants, if any.
  - e. When unusual site conditions exist, the Planning Commission may require such additional plans, specifications and drawings as may be necessary for an adequate review of the improvements to be installed.
  - f. All plans shall be based on City datum or MSL (Mean Sea Level) as published by the U.S.G.S. for vertical control.
  - g. All plans for underground wiring shall be prepared by or at the direction of the utility involved.
3. Review of Plans: The City shall require a review of all engineering plans, including any cost estimates, in order to determine whether such drawings are consistent with the preliminary plat and if they comply with all of the required design standards. In the event that the plans do not so conform or comply, the reviewing official designated by the City shall notify the subdivision or developer of the specific manner in which such plans do not so conform or comply and the subdivider or developer shall then correct such plans.
4. Construction of Improvements: No improvements shall be constructed nor any work preliminary thereto be done until such time as a final plat and the engineering plans accompanying it shall have been approved and have been found to be in compliance with all of the requirements of these regulations.
5. Inspection: All improvements constructed or installed shall be subject to inspection by the City or Agency enforcing the applicable design and construction standards of the required improvement. The cost attributable to all inspections required by these regulations shall be charged to and paid by the subdivider. Before any required inspections take place, the subdivider may be required to post a deposit with such official or such agency entrusted to keep such security, to cover the cost of such inspections. The subdivider shall give at least two (2) working days written notification to such official or agency prior to the performance of any of the following work:
- a. All phases of roadway and sidewalk construction.
  - b. All phases of construction including, but not limited to, water lines, sanitary sewer lines, storm sewer, underground wiring and other required improvements.
6. Inspection Procedures: After notice is received as specified in Section 2, paragraph 5, the City may conduct on-site inspections to determine that the work complies with the approved engineering plans and specifications. If, in the opinion of said official or agency, such work does not comply with the final drawings, the official or agency shall have authority to order that all such work shall be determined terminated until such time as necessary steps are taken

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to correct any defects or deficiencies. Upon the correction of such defects or deficiencies, the subdivider shall again notify the City as provided above.

7. Final Inspection: Upon completion of all improvements within the area covered by the final plat, the subdivider shall notify the City, who shall thereupon conduct a final inspection of all improvements installed. If such final inspection indicates that there are any defects or deficiencies in such improvements as installed, or if there are any deviations in such improvements as installed from the final engineering plans and specifications, he shall notify the subdivider in writing of such defects, deficiencies or deviations and subdivider shall, at his sole cost and expense, correct such defects or deviations within thirty (30) days of the date of notification. When such defects or deficiencies or deviations have been corrected, the subdivider shall notify the official that the improvements are again ready for final inspections. After the final inspection is made and before acceptance of the improvements by the Governing Body, the subdivider shall file an affidavit with the City which is executed by the subdivider, certifying that all obligations incurred in the construction of the improvements involved have been properly paid and settled.
8. Report to Planning Commission 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 submission of the subdivider's certificate as required above, the official shall certify to the Planning Commission, the Governing Body and utility that all improvements have been installed in conformity with the engineering plans and specifications. The receipt of such notification by the Governing Body or utility shall constitute the date on which the bonding period specified in Section 1, paragraph 10, shall commence.
9. Acceptance of Improvements: Upon receipt by the Governing Body of the certificate of the City that all improvements have been installed in accordance with the engineering drawings, as approved, and in conformity with the requirements of this regulations and all other applicable statutes, ordinances and regulations, the Governing Body shall thereupon by resolution or utility company by letter formally accept such improvements. The improvements shall become the property of the Governing Body or utility company involved.

## ARTICLE 12

### VARIANCES AND EXCEPTIONS

**SECTION 12-1.** VARIANCES AND EXCEPTIONS: Whenever it is found that the land included in a subdivision plat presented for approval is of such size or shape, or is subject to or is affected by such topographical location or conditions, or is to be devoted to such usage, that full conformity to the provisions of these regulations is impossible or is impractical, the Planning Commission may recommend to the Governing Body, by letter, that said Governing Body authorize a variance or exception in the final plat so that substantial justice may be done and public interest secured. In recommending such variance or exception, the Planning Commission shall find the following:

1. That there are special circumstances or conditions affecting the property.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.

## **ARTICLE 13**

### **MISCELLANEOUS PROVISIONS**

**SECTION 13-1. BUILDING AND ZONING PERMITS:** After the date of the adoption of these subdivision regulations by the Planning Commission and Governing Body, no building permit or zoning permit shall be issued for any structure that is located upon a lot in an area that has not been subdivided, unless approved in the manner as provided for in these regulations. This shall not apply to subdivision or lots of record, which were platted prior to the adoption of these subdivision regulations.

**SECTION 13-2. RECORDING:** No plat or replat or dedication or deed of a street or public way shall be filed with the Register of Deeds, as provided by law, until such plat or replat or dedication or deed shall have endorsed on it the fact that it has been submitted and approved by the Planning Commission and by the Governing Body.

**SECTION 13-3. SUBDIVISION REGULATION AMENDMENTS:** Before adopting or amending any subdivision regulations, the Planning Commission shall call and hold a hearing on such regulations or amendments thereto. Notice of such hearing shall be published at least once in the official City newspaper. Such notice shall be published at least twenty (20) days prior to the hearing. Such notice shall fix the time and place for such hearing and shall describe such proposal in general terms. The hearing may be adjourned from time to time and at the conclusions of the same, the Planning Commission shall prepare its recommendations and, by an affirmative vote of a majority of a quorum of the Planning Commission, adopt the same in the form of proposed subdivision regulations and shall submit the same, together with the written summary of the hearing thereon, to the Governing Body.

The Governing Body either may:

1. Approve such recommendations by Ordinance;
2. Override the Planning Commission's recommendation by a 2/3 majority vote; or
3. May return the recommendation specifying the basis for the Governing Body's failure to approve or disapprove.

If the Governing Body returns the Planning Commission's recommendations, the Planning Commission, after considering the same, may resubmit its original recommendations giving the reasons therefore or

submit new and amended recommendations. Upon the receipt of such recommendations, the Governing Body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendations by the respective Ordinance or Resolution, or it need take no further action thereon. If the Planning Commission fails to deliver its recommendations to the Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendations and proceed accordingly. The proposed subdivision regulations and any amendments thereto shall become effective upon publication of the respective adopting Ordinance.

## **ARTICLE 14**

### **SUPPLEMENTARY DOCUMENTS AND INFORMATION TO ACCOMPANY THE FINAL PLAT**

#### **SECTION 14-1. FINAL PLAT SUPPLEMENTARY DOCUMENTS**

1. Two (2) prints of three line profiles of streets to be dedicated, indicating the grades thereon, may be required by the Planning Commission.
2. Certificate stating that all taxes and encumbrances have been paid shall be submitted with the final plat.
3. If private restrictions are to be filed affecting the subdivision or any part thereof, two (2) copies shall be submitted to the Planning Commission with the final plat.

## **ARTICLE 15**

### **SUBMISSION TO THE GOVERNING BODY**

#### **SECTION 15-1. SUBMISSION TO THE GOVERNING BODY**

1. After the final plat is approved and certified by the Planning Commission, the final plat, together with the recommendation of the Planning Commission, shall be transmitted to the City Governing Body for their review and action.
2. After acceptance of the public dedications and easements shown on the final plat and receipt of the engineered improvement plan, subdivision improvement agreement and bond or other surety guaranteeing the installation of said improvements, the Governing Body shall approve the final plat and authorize the Mayor to endorse the final plat for recordation.

**ARTICLE 16**

**SUBMISSION OF RECORDED PLAT**

**SECTION 16-1.** RECORDED COPIES OF THE FINAL PLAT: Eleven copies of the recorded plat shall be provided by the subdivider and shall be submitted to the Secretary of the Planning Commission for distribution as follows:

Planning Commission	2
County Clerk	1
City Clerk	2
Building Official	1
Superintendent of Water, Sewer and Gas	2
Telephone Company	1
Electrical Company	1

**ARTICLE 17**

**SEVERABILITY**

**SECTION 17-1.** SEVERABILITY: If any section of these subdivision regulations be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separately and apart from the remaining provisions of these regulations, said section to be completely severable from the remaining provisions of these regulations and the remaining provisions of these regulations shall remain in full force and effect.

**ARTICLE 18**

**PENALTY**

**SECTION 18-1.** PENALTIES FOR VIOLATION/ACTIONS FOR ENFORCEMENT:

1. Any person, company, corporation, institution, municipality or agency of the State of Kansas who violates any provision of the City of Linn Valley, Kansas Subdivision Regulations shall be guilty of a Class “B” Misdemeanor and upon conviction shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonments in the County Jail for a period not to exceed six (6) months or both.

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2. The City Attorney shall give written notice to any person, firm, association, partnership or corporation of any violation of the provisions of these regulations. Said notice shall cite the specific areas of violation. Violators shall have sixty (60) days in which to correct such violations.
3. The City Council or any person, the value or use of whose property is or may be affected by such violation, shall have the authority to maintain suits or actions in any court of competent jurisdiction to enforce these Regulations.