

CITY OF ATCHISON, KANSAS
SUBDIVISION REGULATIONS

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SUBDIVISION REGULATIONS
ATCHISON, KANSAS

ARTICLE I
GENERAL

SECTIONS

100 PURPOSE - To provide for the harmonious development of the community within the city limits of the City of Atchison and within an area three miles of the nearest point on the city limits, including the proper location and width of streets and alleys, and for building lines, open spaces, safety and recreational facilities, flood protection and floodplain regulations, and for the avoidance of congestion of population, including minimum width, depth and area of lots and compatibility of design; the provision for the reservation or dedication of land for open space for either public recreational use or for the future use of the residents of the residential subdivisions in order to insure the proper balance of use and design of urban areas (such reservation or dedication shall not exceed ten percent (10%) of the tract being subdivided, exclusive of streets, alleys, easements or other public ways). These regulations further provide for the manner and extend of required improvements on streets, water, sewers, drainage and other utility installations or other physical improvements and that there may be, in lieu of the completion of required improvements, a corporate surety bond, cashiers check, escrow account, or other like security in an amount to be fixed by the governing body to assure completion of required improvements, and such sureties may be enforced by the Governing Body by all equitable remedies.

101 AUTHORITY AND JURISDICTION

101.1 Authority - These regulations are authorized and enforced under authority granted in Sections 12-705, 12-705(a), 12-705(b), and 12-705(c) of the General Statutes of Kansas 1949 and all pertinent amendments thereto.

101.2 Jurisdiction - The regulations contained herein shall apply to the subdividing of land, or lands, into two (2) 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, park or other property intended for public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto, except that a lot, or tract, or parcel that has been subdivided may be divided into not more than two (2) tracts upon filing a minor subdivision. The division of land, being used for agricultural purposes, into parcels of five acres or more and involving no dedications, nor access streets, are exempt from these regulations.

102 DEFINITIONS

- 102.1 ALLEY - A dedicated right-of-way for public use giving secondary vehicular access to properties otherwise abutting a street.
- 102.2 BLOCK - A series of lots entirely surrounded by public right-of-way, railroad right-of-way, parks, greenstrips, or open land.
- 102.3 CITY - City of Atchison, Kansas.
- 102.4 CITY COMMISSION - The Board of City Commissioners of the City of Atchison, Kansas.
- 102.5 COMMON SEWAGE DISPOSAL SYSTEM - As used herein shall mean a sewage vault, septic tank and lateral field, sewage treatment plant, sewage lagoon or other sanitary means of disposing of waste materials, with the right of unrestricted use by two (2) or more occupants of separate lots.
- 102.6 COMMON WATER SUPPLY - As used herein shall mean a well or other sanitary source of water for human consumption, with the right of unrestricted use by two (2) or more occupants of separate lots.
- 102.7 COUNTY - Atchison County, Kansas.
- 102.8 DESIGN - The designation of, and the location of streets, alignment of streets, grades and widths of streets, alignment and width of alleys, alignment and widths of easements and right-of-ways for utilities, designation of open spaces and parks, designation of public facilities and private facilities, alignment, size and area of building lots and parcels.
- 102.9 DEVELOPER - See subdivider.
- 102.10 EASEMENT - A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific uses.
- 102.11 IMPROVEMENT - Street work and utilities that are to be installed, or agreed to be installed by the subdivider on the land to be used for public or private streets, highways, ways and easements, as are necessary for the general 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 the final map or filing of the record of the survey map thereof.
- 102.12 LOT - A subdivision of a parcel of land intended for development or transfer of ownership, whether immediate or future.
- 102.13 LOT, CORNER - A lot located at the intersection of land abutting on two (2) or more streets.

- 102.14 PLANNING COMMISSION - The City Planning Commission of the City of Atchison (in the case of the three mile area - the appointed committee).
- 102.15 PLAT, PRELIMINARY - A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.
- 102.16 PLAT, FINAL - A map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, alleys, public areas and other dimensions of land.
- 102.17 SETBACK LINE OR BUILDING LINE - A line on a plot generally parallel to the street right-of-way, indicating the limit beyond which building or structure may not be erected or altered except as otherwise provided in the Zoning Ordinance of the City of Atchison.
- 102.18 STREET - Any public right-of-way which affords the primary means of access to abutting property.
- 102.19 STREET, ARTERIAL - Any major street or highway which is designated on the major street and/or highway plan.
- 102.20 STREET, CUL-DE-SAC - A minor street having one (1) end open to vehicular traffic and having one (1) closed and terminated by a turn-around.
- 102.21 STREET, LIMITED ACCESS - A minor street auxiliary to and located on the side of a major or arterial street for service to abutting properties and adjacent areas and for control of access.
- 102.22 STREET, PRIVATE - Any street not dedicated to the City or County as a public thoroughfare.
- 102.23 SUBDIVIDER - Any person, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.
- 102.24 SUBDIVISION - The subdivision of a lot, tract or parcel of land into two or more lots, tracts or subdivisions of land for the purpose of sale and/or development, whether immediate or in the future, including the resubdivision or replatting of land or lots previously platted.

- 102.25 SUBDIVISION, MINOR - Any subdivision governed under these regulations, not more than five (5) lots of less than five (5) acres, fronting on an existing street or road and not involving any new street or other required or provided public dedications of lands.
- 102.26 SUBDIVISION, MAJOR - Any subdivision, governed under these regulations, not classified as a Minor Subdivision.
- 103 APPROVAL REQUIRED - All plans, plats or replats of land laid out in building lots, and the streets, alleys or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, shall be submitted to the City Planning Commission and/or Committee for its consideration, and its recommendation shall be submitted to the City Commission of the City of Atchison for its official consideration and action, except for certain Minor Subdivisions.

ARTICLE II
PROCEDURES AND FEES

200 PROCEDURE

201 PRE-APPLICATION PROCEDURE - Prior to the filing of an application for approval of a preliminary plat, the subdivider shall submit to the Zoning Officer plans and data showing his ideas and intentions in the platting of the proposed subdivision.

201.1 Plans and Data

201.1.1 He shall outline and describe the existing conditions of the site and the proposed development to supplement the drawings and sketches required in this section.

201.1.2 A general location map shall be prepared and submitted and shall show the proposed subdivision and its relationship to existing community facilities. Such location map shall show the location and name of the subdivision, existing main traffic arteries, public transportation lines, schools, parks, playgrounds, existing sanitary and storm sewer lines, gas lines, power lines and any other significant physical features.

201.1.3 A sketch plan shall be prepared and submitted showing the proposed layout of streets, lots, and other features in relation to existing utilities and other conditions. This plan may be submitted in the form of a freehand pencil sketch.

202 PROCEDURE FOR CONDITIONAL APPROVAL OF PRELIMINARY PLAT - On reaching conclusions, informally as recommended above, regarding his general program and objectives, the subdivider shall cause to be prepared a preliminary plat, together with improvement plans and other supplementary materials as specified in Article III of this Ordinance. All preliminary plats and supplementary material specified shall be submitted at least fifteen (15) days prior to the regular meeting of the Planning Commission, at which time it is to be considered.

202.1 Four (4) copies shall be submitted to the Planning Commission.

202.2 Following review of the preliminary plat and other material submitted for conformity thereof to these regulations, the Planning Commission shall, within sixty (60) days of the date of the first regular commission meeting that plat was considered, act upon the submitted preliminary plat, and if approved, the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Planning Commission. If

approval or disapproval is not expressed within sixty (60) days, the plat shall be considered as approved.

The action of the Planning Commission shall be noted on two (2) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider and the other one (1) retained by the Planning Commission.

202.3 Conditional approval of a preliminary plat shall not constitute approval of the final plat, but rather it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat which will be submitted for approval of the Planning Commission and the respective governing body, and for recording upon fulfillment of the requirements of this Ordinance and the conditions of the conditional approval, if any.

202.4 Prior to the approval of the preliminary plat, the Planning Commission may require due consideration by the subdivider for the dedication or reservation of suitable sites for schools, parks, playgrounds, or other public recreational areas or open spaces. Any areas so dedicated or reserved shall conform as nearly as possible to the recommendations of the Planning Commission in its Plan of the City.

203 PROCEDURE FOR APPROVAL OF FINAL PLAT - The final plat shall conform to the preliminary plat as approved, and if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided that such portion conforms with all the requirements and design standards specified in Articles III, IV, V of this Ordinance. Such final plat shall be prepared by a registered professional engineer or licensed surveyor in the State of Kansas.

203.1 One (1) original final plat, which shall be clearly and legibly drafted in ink upon tracing cloth or Mylar, and three (3) prints thereof on Mylar of similar material shall be submitted to the Planning Commission at least ten (10) days prior to the meeting at which it is to be considered for final approval.

203.2 The final plat shall be drawn at a scale no smaller than one inch (1") equals two hundred feet (200'), on sheets which shall be at least 24 inches by 36 inches and not larger than 42 inches by 72 inches, unless previously agreed by the City.

203.3 The submission of the final plat (or any part thereof as approved) shall be within a period of not more than twelve (12) months from the time of approval of the preliminary plat. If not so submitted, the approval shall automatically expire.

204 PROCEDURES FOR MINOR SUBDIVISIONS - A minor subdivision is any subdivision of not more than five (5) lots, of less than five (5) acres total in size, fronting on an existing

public street or road or highway and not involving any new street or other required or provided public dedication of lands.

204.1 Pre-application and conditional approval of preliminary plat shall be conducted by the Director of Public Works of the City to assure that all requirements of the Zoning and Subdivision Regulations are met.

204.2 Final Plats of minor subdivisions shall be approved by the Planning Commission.

205 FEES For purposes of wholly or partially defraying the costs of the administrative and enforcement provisions described in this subdivision ordinance including the cost of engineering and inspection services and recording legal documents, the applicant upon filing an application for a minor subdivision, preliminary or final plat, or vacation, shall pay the City Clerk fees according to the fee schedule approved by resolution of the Governing Body.

ARTICLE III
PLAT SUBMISSION REQUIREMENTS

300 PLAT SUBMISSION INFORMATION

301 PRELIMINARY PLAT - The following information shall be submitted on Preliminary Plats.

- 301.1 Name of proposed subdivision.
- 301.2 Name and address of property owner, subdivider and registered professional engineer or licensed surveyor platting the tract and laying out the boundaries.
- 301.3 Date, scale (one inch (1") equals two hundred feet (200') or larger), and north point.
- 301.4 Boundary lines, with bearing and distances and names of adjacent subdivisions.
- 301.5 Name, location, purpose, and dimensions of all proposed streets, alleys, sidewalks, easements, reserves, rights-of-way existing or proposed on or adjacent to the tract, whether public or private, and the conditions of such dedications, if any.
- 301.6 Ground elevation with contours at verticals not exceeding five feet (5') in areas of fifteen percent (15%) grade or more, and two feet (2') in all other areas of lesser grade, or as determined by the City Engineer. Elevation marked on such contours shall be based on data approved by the City Engineer.
- 301.7 Location of existing bodies of water, waterway courses and other such physical structures.
- 301.8 Preliminary plan of storm and sanitary sewer improvements and utilities.
- 301.9 Proposed lot layout, building setback lines and their approximate dimensions.
- 301.10 Any proposed restrictions or covenants, anticipated by and between the subdivider and prospective land owners (such covenants are not enforced by the City).
- 301.11 Preliminary plat shall include all land contemplated for the entire eventual subdivision.
- 301.12 A Vicinity Sketch map showing the location of the proposed subdivision.
- 301.13 The subdivider, land owner or developer of any subdivision touching or adjoining the corporate boundaries of the City of Atchison or an approved subdivision which touches or adjoins the corporate boundaries of the City of Atchison shall submit a petition for annexation of the subdivision to the City of Atchison with the preliminary plat.

301.14 Submit with preliminary plat a letter from the Director of Public Works stating availability of public water and sewer to the subdivision.

In the event public sewage systems are not available, indicate on the plat the type of sewage disposal to be used. Submit with preliminary plat a report and recommendation of lot size and design parameters from the Health Department. The above procedures must be completed prior to filing the preliminary plat. Lots shall be sized to support the proposed sewage disposal system.

301.15 The subdivider shall cause to have submitted to the Zoning Officer a letter from each utility company stating that the proposed plat has been reviewed by these utility companies and have found the proposed plat satisfactory.

302 FINAL PLAT REQUIREMENTS - The following information shall be submitted on Final Plats.

302.1 The final plat shall be clearly and legible drawn at a scale no smaller than one inch (1") equals two hundred feet (200'), on sheets of tracing cloth or Mylar (or similar) in ink; which sheets shall be no smaller than 24" x 36" nor larger than 42" x 72". All information required with submission of the preliminary plat, plus the following information, shall be included on the final plat.

302.2 The lines and names of all proposed streets or other ways, easements and other open spaces intended to be dedicated for public use or granted for use of inhabitants of the subdivision; also lines of all adjoining streets.

302.3 The length of all straight lines, deflection angles, and radii, arcs and central angles of all curves, along the centerline and the property lines of each street. All dimensions along the lines of each lot with the true bearings and angles of the intersection which they make with each other and also any other data necessary for the location of any lot line in the field; also, the location of all building setback lines on all lots and other sites. If more convenient, calculated bearings may be used instead of angles.

302.4 Suitable primary control points, approved by the City Engineer, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data given on the plat shall be referred. All dimensions shall be shown in feet and decimals of a foot.

302.5 Location and elevation of a permanent bench mark.

302.6 The location of all permanent monuments with the distance between them and sufficient curve data plainly marked. These monuments shall be located at all block corners.

- 302.7 Date of preparation, title, north point and scale shall be included. The title shall include the name of the subdivision under which it is to be recorded; the north point may indicate either the magnetic or true north and shall be so designated on the plat.
- 302.8 The boundary of the subdivided tract with courses and distances marked thereon which shall be determined by survey in the field, which shall be balanced and closed, made by a qualified registered professional engineer or licensed surveyor.
- 302.9 An identification system for all lots and blocks.
- 302.10 The certification of the registered engineer or professional licensed surveyor making the plat, his seal and signature.
- 302.11 The acknowledgement of a notary.
- 302.12 A certificate of the Planning Commission showing its approval to the Plat.
- 302.13 The approval of the Governing Body of the City as recommended by the Planning Commission, and the Board of County Commissioners.
- 302.14 The certificate of the Register of Deeds of Atchison County.
- 302.15 A certificate of title prepared by a competent attorney showing that the proposed subdivider owns all the property within the plat in fee and that it is free from encumbrances and liens, but if encumbered, the mortgagee shall be required to consent to the plat.
- 302.16 Statement by the owner dedicating streets, rights-of-way and any site for public use.
- 302.17 Such other certificates, affidavits, endorsements or dedications as may be required by the Planning Commission in the enforcement of this Regulation.
- 302.18 Purpose for which sites, other than residential lots, are dedicated or reserved.
- 302.19 Marginal lines encircling the sheet. All lettering, signatures and seals shall be within this margin.
- 302.20 Legal description of the subdivision.
- 302.21 In addition to the final plat, cross sections and profiles of streets and drainage, showing grades approved by the City Engineer, shall be submitted to supplement the plat. The profiles shall be drawn to city standard scales and elevations and shall be based on a datum plane approved by the City Engineer.

303 SUPPLEMENTARY DATA FOR FILING

- 303.1 Two (2) three-line profile prints of streets to be dedicated with grades, when required by the City.
- 303.2 Certificate from both the City and the County stating that all taxes and encumbrances have been satisfied of record on the land to be dedicated as streets, alleys or other public purposes.
- 303.3 If private restrictions are to be filed affecting the subdivision or any part thereof, two (2) copies shall be filed with the final plat.
- 303.4 If on-site sewage disposal systems are to be used, submit an affidavit by a person licensed to design on-site sewage disposal systems, stating that the lot layout will support the proposed on-site sewage disposal system.

ARTICLE IV
MINIMUM DESIGN STANDARDS

- 400 MINIMUM STANDARDS - The following shall be considered as minimum requirements and will ordinarily be varied by the Planning Commission only under the conditions and circumstances set forth in this Ordinance.
- 400.1 Land shall be suited to the purpose for which it is to be subdivided and its proposed use shall be in accordance with the requirements of any zoning ordinance. Land subject to hazards to life, health or property shall not be subdivided for residential purposes until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plan.
- 400.2 Proposed subdivisions shall be coordinated with City and County Future Development Plans so that the area as a whole may develop harmoniously.
- 401 STREETS - The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to proposed uses of the land served by such streets. The arrangement and design standards of streets shall conform to the provisions found herein.
- 401.1 The arrangement of streets in a subdivision shall either provide for the continuation or appropriate projection of existing principal streets in surrounding areas, or conform to a plan for the residential area approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuation or conformance to existing streets impractical.
- 401.2 When a new subdivision adjoins unsubdivided land susceptible of being subdivided, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided.
- 401.3 Streets that are obviously in alignment with others already existing and names shall bear the name of the existing streets. No street name shall be used which will duplicate or be confused with the name of an existing street in the City or County. Street names will be subject to the approval of the Planning Commission.
- 401.4 Minor streets shall be so laid out that their use by through traffic will be discouraged.
- 401.5 Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be

determined with due regard for the requirements of approach grades and future grade separations.

- 401.6 All streets shall be platted in such a manner that all resulting lots may conform to the applicable zoning regulations.
 - 401.7 Streets should be laid out so as to intersect as nearly as possible at right angles and no street should intersect any other street at any angle of thirty degrees (30°) more or less from ninety degrees (90°).
 - 401.8 There shall be no reserve strips controlling access to streets. The subdividing of the land shall be such as to provide each lot, by means of either a public street or way or permanent easement, with satisfactory access to an existing public highway or to a thoroughfare as shown on an official map.
 - 401.9 Street jogs with centerline offsets of less than one hundred twenty-five feet (125') shall be avoided.
 - 401.10 Clear visibility, measured along the centerline of a street, shall be provided for at least two hundred feet (200') on all streets, unless topographically impossible.
 - 401.11 No street grade shall be greater than ten percent (10%) nor less than five-tenths of one percent (0.5%).
 - 401.12 Street right-of-way and paved width shall conform with City of Atchison street standards.
 - 401.13 Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these Regulations and where the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
 - 401.14 Dead-end streets (cul-de-sacs) designed to be so permanently, shall not be longer than five hundred feet (500') and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least sixty feet (60') with no on-street parking or of at least eighty feet (80') with on-street parking.
 - 401.15 Except where land use shall justify same or in other unusual cases, no dead-end streets, other than cul-de-sac treatment, shall be approved unless such dead-end streets are provided to connect with future streets in adjacent land.
 - 401.16 There shall be no private streets platted in any subdivision.
- 402 ALLEYS

- 402.1 Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provisions are made for service access, such as off-street loading, unloading and parking, consistent with and adequate for the uses proposed.
- 402.2 The minimum width of an alley shall be twenty feet (20') in residential blocks and thirty feet (30') in all commercial blocks.

403 EASEMENTS

- 403.1 Easements with a right-of-way width of eight feet (8') shall be provided on each side of all rear lot lines where alleys are not provided and along certain side lot lines where necessary for utilities and drainage, but in no case shall any easement be less than sixteen feet (16').
- 403.2 Easements of greater width may be required along or across lots where necessary for the extension of main storm and sanitary sewers and other utilities.
- 403.3 Whenever any stream or important surface drainage course is located in an area that is being subdivided, the subdivider shall dedicate an adequate easement as specified by the City Engineer along each side of the stream for the purpose of future widening, deepening, sloping, improving or protecting the stream; or for drainage, parkway or recreational use.

404 BLOCKS

- 404.1 Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by the Zoning Ordinance and to provide for convenient access, circulation control and safety of street traffic.
- 404.2 Block dimensions may be subject to adjustment by the Planning Commission where topography, character of the proposed use, or similar conditions justify lesser lengths or widths. In general, block length shall be one thousand two hundred feet (1,200'); provided, however, that where site conditions make longer blocks necessary or desirable, such blocks may be as long as one thousand six hundred feet (1,600').
- 404.3 Pedestrian crosswalks, no less than ten feet (10') wide, shall be required where deemed essential by the Planning Commission and shall be provided near the center of every block which exceeds one thousand feet (1,000') in length. Crosswalks shall be provided for circulation, or access to schools, playgrounds, shopping centers, transportation, and other facilities.

405 LOTS

- 405.1 All lots shall have a full frontage on a street.
- 405.2 Lot dimensions and areas shall conform to the requirements of the Zoning Ordinance of the City.
- 405.3 All side lot lines shall be at right angles to straight street lines and radial to curved street lines where practicable.
- 405.4 Building or setback lines shall be shown on the preliminary and final plats for all lots in the subdivision and shall not be less than the building or setback lines required by the Zoning Ordinance.
- 405.5 Corner lots shall have such extra widths as will permit the establishment of building lines on both streets.
- 405.6 If the proposed subdivision is serviced with City water and City sewer or a community type sewage treatment plant, approval of the plat shall be subject to the minimum requirements set forth herein.
- 405.7 If the proposed subdivision is serviced with City water but not with City sewer system, a preliminary plat will be submitted on the basis of the report and recommendation of the Health Department required in Paragraph 301.14. The plat will be so proportioned as to permit future replatting consistent with good subdivision design.
- 405.8 If the proposed subdivision is serviced with City sewer system and not with water, and the developer will use a private water supply, a preliminary plat will be submitted on the basis of one (1) acre lots, and be so proportioned that future platting will be consistent with good subdivision design. The optimum proportion being one hundred sixty foot (160') frontage by two hundred seventy foot (270') depth.
- 405.9 If the proposed subdivision is not serviced with either City water or City sewer and the developer will be using a private water supply with a septic tank sewage disposal system, the subdivider shall submit a preliminary plat on the basis of two and one-half (2½) acre lots. The plat will be so proportioned as to permit future replatting consistent with good subdivision design.

406 ACRE SUBDIVISIONS

- 406.1 When the proposed subdivision involves lots of one (1) acre or more in area, consideration should be given to any resubdividing that might take place with proper provisions being made for such street extension as may be necessary.

407 PUBLIC SITES AND OPEN SPACES

- 407.1 Where deemed essential by the Planning Commission, upon consideration of the particular type of development proposed in the subdivision, and especially in large scale development, the Planning Commission may require the dedication or reservation of such other areas or sites of a character, extent, and location suitable to the needs created by such development for schools, parks and other residential areas associated purposes. Such dedication shall not exceed ten percent (10%) of the area within the subdivision exclusive of streets, alleys and other public ways.
- 407.2 The requiring of the dedication of public spaces, as provided above, shall not constitute an acceptance of the dedication by the City.

408 PLANNED UNIT DEVELOPMENT

- 408.1 Whenever a subdivision is developed under the "PD" District regulation, wherein adequate park or recreational area is provided, through traffic is adequately controlled, and the majority of streets are of the cul-de-sac type, the Planning Commission may vary the requirements of this regulation in order to allow the subdivider more freedom in the arrangement of streets and lots, but at the same time protect the convenience, health, safety and welfare of the probable future residents of the subdivision, as well as the character of the surrounding property and the general welfare of the entire community.

409 MODULAR HOMES, PREFORMED HOMES, PERMANENT MOBIL HOME SUBDIVISION

- 409.1 Because of the necessity, in many cases, of providing economic housing for all citizens, it is felt to be in the public interest to provide, within the Zoning and Subdivision laws of Atchison, Kansas, regulations concerning the subdividing of land into lots for permanent placement of mobile homes, pre-fabricated housing, modular housing and other similar housing methods for sale or lease purposes.
- 409.2 The owner or owners of at least five (5) acres of ground may submit an application for the subdivision of such land, under this section, for development in one or more of these housing methods listed above; and similar type housing, if approved by the Planning Commission.
- 409.3 The procedures for filing subdivisions and requirements shall be adhered to in this section with the following exceptions:
- 409.3.1 Lot sizes in subdivision approved under this section shall conform to the following criteria and documented with approved legal deed restrictions recorded with the County Register of Deeds at the time of recording plat.

- 409.3.2 For homes with living area of eight hundred square feet (800 sq. ft.) and under, lot size minimum shall be four thousand square feet (4,000 sq. ft.) with forty foot (40') minimum lot width.
- 409.3.3 For homes with living area of not more than one thousand two hundred square feet (1,200 sq. ft.) or less than eight hundred square feet (800 sq. ft.), lot size minimum shall be six thousand square feet (6,000 sq. ft.) with fifty foot (50') minimum lot width.
- 409.3.4 For homes more than one thousand two hundred square feet (1,200 sq. ft.), lot size shall be a minimum of seven thousand five hundred square feet (7,500 sq. ft.) with fifty feet (50') minimum lot width.
- 409.3.5 Side lot lines may be at less than right angles with street lines for ease in placement of homes.
- 409.4 All residential uses in these districts shall be of a permanent nature, with permanent attachment to the surface, attachment to utilities and other similar construction activities of a permanent nature.
- 409.5 Street rights-of-way, within the subdivision, shall be a minimum of sixty feet (60'), with a minimum paved width of thirty feet (30').
- 409.6 Every residential structure placed in this area shall be of the self-contained type with private bath facilities, washing facilities and other self-contained equipment.
- 409.6.1 No mobile home, camping trailer or other similar type housing used for permanent living quarters may be placed on any lot in the subdivision on a temporary basis exceeding thirty (30) days.

ARTICLE V
REQUIRED IMPROVEMENTS

500 REQUIRED IMPROVEMENTS INSTALLATION

500.1 The improvements listed in this section shall be installed prior to the issuance of any building permits for the subdivided area in the City and water permits in the County, except as hereinafter provided. In lieu of actual completion of such improvements, the subdivider may file with the governing body a surety bond to secure to the governing body the actual construction of such improvements in a manner satisfactory to the governing body, and within a period specified by the governing body, but such period shall not exceed two (2) years. Such bond shall be in the amount and with surety and conditions satisfactory to the governing body and shall be accompanied by signed statements from the City Engineer that the amount of bond is adequate to cover the cost of the improvements. Provided, however, that in lieu of actual completion of such improvements or posting of a bond as provided for, the Planning Commission may require the subdivider to file with the respective governing body a letter stating his intentions to complete the improvements as required herein as development takes place on his building sites.

500.2 Whenever no lots have been sold, the subdivider may request the vacation of the plat prior to the time that the improvements covered by the bond are installed, and when the plat is vacated, the bond shall be returned to the subdivider.

500.3 The owner of the tract shall prepare and secure tentative approval of a final subdivision plat of the entire area and may install the above improvements only in a portion of such area, but the improvements must be installed in any portion of the area for which a final plat is approved for recording, or the bond actually posted, and the owner may sell or lease or offer for sale or lease lots only in the approved portion of said property; provided, however, the trunk sewers and sewage treatment plants shall be designed and built to serve the entire area or designed and built in such a manner that they can be easily expanded, or extended, as the case may be, to serve the entire area.

500.4 The subdivider shall furnish the City Engineer with plans and profiles of all streets, sanitary sewers and storm drainage in detail.

501 MONUMENTS - Monuments shall be placed at all block corners, angle points of curves in streets, and at intermediate points as shall be required by the City Engineer. The monuments shall be of such material, size and length as may be approved by the City Engineer.

502 STREETS

- 502.1 All streets shall be surfaced in accordance with applicable specifications set up by the City or County Engineering Department. Such construction shall be subject to inspection and approved by the City Engineer.
- 502.2 Curbs, gutters, drainage and drainage structures shall be provided in accordance with standard specifications prepared by the City Engineering Department. Such construction shall be subject to the inspection and approval of the City Engineer.
- 502.3 Concrete sidewalks, with a minimum width of four feet (4'), may be required along at least one side of every minor street shown on the plat in accordance with applicable standard specifications of the City Engineering Department, and concrete sidewalks may be required along both sides of all major and secondary streets.

503 SANITARY SEWER SYSTEM

- 503.1 Where the sanitary sewer system of the City is reasonably accessible, and within the City limits, each lot within the subdivided area shall be provided with a connection thereto. The City Engineer will determine if sewer system is reasonably accessible.
- 503.2 In subdivisions in or beyond the City limits, in which the lots are less than one (1) acre in area, and where plans for the installation of sanitary sewers in the vicinity of a subdivision have been prepared by the City Engineer, the subdivider may be required to install sanitary sewers in conformity with such plans. In such cases, until a connection can be made with the public sanitary sewer system, the use of a sewage treatment plant will be permitted, provided such disposal facilities are approved by the City and the State. Where the installation of sanitary sewers is not required, and meet the recommendations of the Health Department, the subdivider may install individual disposal devices for each lot at the time improvements are erected thereon. All such individual sewage disposal systems shall be subject to the approval of the City and the State, including percolation tests.
- 503.3 All sanitary sewer plans and profiles shall be subject to the approval of the Kansas State Board of Health.

504 WATER SUPPLY

- 504.1 Where an approved public water supply is reasonably accessible or procurable, the subdivider shall contract with the Water Department to make the water supply available for each lot within the subdivided area.
- 504.2 In a proposed subdivision, pending accessibility of a public water supply, the subdivider may be required to construct wells or a private water supply system in such a manner that an adequate supply of potable water will be available to every lot in the subdivision

at the time improvements are erected thereon. The adequacy, healthfulness, and potability of the water supply shall be subject to the approval of the City and the State.

504.3 The subdivider shall also contract with the Water Department for the installation, maintenance and operation of fire hydrants in accordance with the City requirements.

504.4 All water system plans and specifications, including pipe size, source, location, etc., shall be approved by the City.

505 STREET NAME SIGNS

505.1 Each street intersection shall be marked with two (2) sets of markers showing the name of each street. Markers shall be located on diagonally opposite corners. Name plats, posts, fittings, and methods of installation shall be approved by the City Engineer.

506 INSPECTION - All construction and installation within the City limits shall be inspected and approved or disapproved by the City Engineering Department. The owner of the subdivision shall pay for inspection personnel furnished by the City, under the supervision of the City Engineer, on all improvements constructed by such owner of such subdivision, as contractor or subcontractors. A schedule of fees shall be prepared by the City Engineer.

ARTICLE VI
ADMINISTRATION

600 FINAL PLATS

- 600.1 Submission to the Board of City Commissioners - After the review of the final plat by the Planning Commission, such final plat, together with the recommendations of the Planning Commission, shall be transmitted to the Board of City Commissioners and the Board of County Commissioners for their action. If approved, the plat shall be signed by the Planning Commission, the Mayor, the City Clerk, County Commission and others.
- 600.2 Recording Final Plats - Upon completion and signatures of all parties, proper deeds, etc., at least five (5) copies shall be forwarded to the County Register of Deeds for proper recording. No recording shall be considered proper unless all the requirements of these regulations and the zoning requirements have been met.
- 600.3 Recorded Plats - Three (3) copies of the recorded plat shall be submitted to the Secretary of the Planning Commission to be distributed to the City Engineering Department and the Building Inspector.

601 BUILDING PERMITS

- 601.1 No building permit shall be issued for any residence that is located in the City upon a lot in a subdivision, or within the County three mile area, unless approved in the manner as provided in this Act.

602 VARIATIONS AND EXCEPTIONS

602.1 Variances

602.1.1 When the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where because of topographical or other conditions peculiar to the site, in the opinion of the Planning Commission, departure may be made without destroying the intent of such Provisions, the Planning Commission may authorize a variance. Any variance thus authorized is to be stated in writing in the minutes of the Planning Commission with the reasoning on which the departure was justified set forth.

602.1.2 These variances shall never be authorized as a blanket variance for an entire subdivision.

- 602.2 Application - Application for a variance shall be submitted in writing by the subdivider at the time the preliminary plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application.
- 602.3 Conditions - In granting variances and modifications, the Planning Commission may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements so verified or modified.
- 602.4 Stage Construction - The developer may, after receiving approval of the preliminary plat, petition the Planning Commission to proceed with the subdivision of stages. The area may be subdivided into sections, and after the approval of the Planning Commission, the installation of improvements as required in Article V may be constructed.
- 603 CITY NOT OBLIGATED TO EXPEND FUNDS - The City may not be obligated for the expenditure of any funds whatsoever pursuant to the terms of these Subdivision Regulations, unless and until the respective Governing Body shall have approved such expenditure.
- 604 SEVERABILITY - If any section of this Ordinance is 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 provision of this Ordinance, said section to be completely severable from the remaining provisions of this Ordinance and the remaining provisions of this Ordinance shall remain in full force and effect.
- 605 EFFECTIVE DATE - This Ordinance shall take effect and be in force from and after its passage and publication in the official city newspaper.

Approved by the Atchison City Planning Commission this 22nd day of March, 1979.

Passed by the Atchison Governing Body this 9th day of April, 1979.

ATTEST:

Jean Gruber
City Clerk

David R. Laurie
Mayor

Publication Date: April 24, 1979