

BARTON COUNTY

SUBDIVISION REGULATIONS



TABLE OF CONTENTS

<u>Article</u>	<u>Title</u>	
I	<u>GENERAL PROVISIONS</u>	I-1
	Part 1 Purpose of These Regulations	I-1
	Part 2 Authority	I-2
	Part 3 Jurisdiction	I-2
	Part 4 Applicability	I-2
	Part 5 Exemptions	I-2
	Part 6 Fees	I-3
	Part 7 Administration	I-3
	Part 8 Agenda	I-4
II	<u>PLAT APPROVAL PROCEDURE</u>	II-1
	Part 1 Pre Application Plans and Data	II-1
	Part 2 Plat	II-1
III	<u>PLAT REQUIREMENTS AND CONTENT</u>	III-1
	Part 1 Plat Requirements	III-1
IV	<u>LOT SPLITS</u>	IV-1
	Part 1 Lot Splits	IV-1

Barton County Subdivision Regulations

Table of Contents

V SUBDIVISION DESIGN STANDARDS V-1

Part 1 Scope, Access and Dedications V-1

Part 2 Land in Floodway Fringe and Floodway Zoning Districts..... V-1

Part 3 Streets; layout, Design..... V-1

Part 4 Utilities and Easements V-3

Part 5 Lots and Blocks..... V-3

Part 6 Business Commercial, industrial Subdivisions V-4

VI PUBLIC IMPROVEMENTS VI-1

Part 1 Method of Insuring Completion of Public improvements..... VI-1

VII VARIANCES..... VII-1

Part 1 Variances..... VII-1

VIII DEFINITIONS VIII-1

Part 1 Definitions VIII-1

IX INTERPRETATION, CONSTRUCTION, AMENDMENT AND ENFORCEMENT..... IX-1

Part 1 Interpretation and Construction..... IX-1

Part 2 Amendment Procedure IX-1

Part 3 Penalty IX-2

X ADDENDUM.....X-1

Article X Addendum.....X-1

Resolution 2000-02.....X-2

Proof of Publication.....X-3

ARTICLE I. GENERAL PROVISIONS

PART 1. PURPOSE OF THESE REGULATIONS

- 1-101 The purpose of these Subdivision Regulations is to assure that the subdivision of land will be in the public interest and for the general welfare.
- 1-102 These regulations are designed, intended and should be administered in a manner to:
- (A) Insure that the development of Barton County shall conform substantially with the comprehensive plans of the County, the zoning regulations enacted in accordance with those plans and any adopted major streets and road plans.
 - (B) Provide for the conservation of existing neighborhoods.
 - (C) Coordinate the development of each parcel of land with the existing community, and to facilitate the proper development of adjoining land.
 - (D) Encourage the best possible use of each parcel of land through the application of design principles.
 - (E) Provide adequate and accurate records of all land subdivision.
 - (F) Provide that the cost of improvements which benefit primarily the tract of land being developed be borne primarily by the owners or developers of the tract, and that the cost of improvements which benefit primarily the whole community be shared by the developer and the community.
 - (G) Provide efficient and orderly location of streets.
 - (H) Encourage the reduction of vehicular congestion.
 - (I) Provide for the reservation or dedication of lands for open spaces.
 - (J) Provide off-site and on-site public improvements.
 - (K) Provide for recreational facilities which may include the dedication of land area for park purposes.
 - (L) Insure compatibility of design.
 - (M) Provide for any other services, facilities and improvements deemed appropriate.

Barton County Subdivision Regulations

General Provisions

PART 2 AUTHORITY.

1-201. Subdivision regulations and minimum standards for land development are adopted by the Barton County Planning Commission and approved by the Board of County Commissioners of Barton under powers conferred by K.S.A. 12-744 and 12-745.

PART 3 JURISDICTION.

1-301. The regulations in this chapter shall apply to all land within the unincorporated area of Barton County.

PART 4 APPLICABILITY.

1-401 After the effective date of these regulations, any owner (or owners) subdividing land or establishing any road, street, or other property intended for public use or for the use of purchasers or owners of lots, tracts, or parcels of land fronting on or adjacent thereto, in the unincorporated area of Barton County shall cause a subdivision plat to be made in accordance with these regulations unless exempted under Section 1-501 of this article.

1-402 The Register of Deeds of Barton County shall not record any plat of a subdivision until such plat bears the endorsement of the Planning Commission.

PART 5 EXEMPTIONS.

1-501 Notwithstanding the requirements of Part 4 of this article, these regulations shall not apply to the following:

- (A) A division of a tract of land for agricultural purposes, when such division does not involve the creation of any new public streets, roads, or easements.
- (B) A division of a tract of land for residential purposes, when said tract is within the A Agricultural zoning district, provided that such division does not involve the creation of any new public streets, roads, or easements and does not result in any tract of land containing less than 20 acres, and provided further that such division does not create more than three private access points within any one quarter mile length of road.
- (C) Any transfer by testamentary disposition.
- (D) The subdividing of any land used exclusively for cemetery purposes and accessory uses associated therewith.
- (E) The vacation of land impressed with a public use.

Barton County Subdivision Regulations

General Provisions

PART 6 FEES.

1-601 The subdivider shall pay the following fees or costs to the Barton County Zoning Administrator:

- (A) A subdivision review fee must be paid prior to any consideration by the Planning Commission of a plat or lot split. No fee shall be refunded after publication of the legal notice for the meeting.
- (B) The fee shall be as follows:
 - (1) A subdivision into five or fewer lots, tracts, or parcels shall be charged a fee of \$50.00;
 - (2) A subdivision into more than five lots, tracts, or parcels shall be charged a fee of \$200.00.
 - (3) A lot split shall be charged a fee of \$25.00.

PART 7 ADMINISTRATION.

1-701 The administration of this article is vested in the Barton County Zoning Administrator, the Barton County Planning Commission and the Board of County Commissioners of Barton County.

1-702 The Zoning Administrator shall:

- (A) Maintain permanent and current records with respect to these regulations, including amendments thereto;
- (B) Receive and file, on behalf of the Planning Commission, all plats, plans, and other necessary information;
- (C) Distribute copies of plats to other appropriate governmental agencies and departments for their review and recommendations;
- (D) Review all pre-application plans for compliance with these regulations;
- (E) Review plats for compliance with the provisions of these regulations;
- (F) Present plats together with staff recommendations to the Planning Commission;
- (G) File approved final plats with the Register of Deeds of Barton County, Kansas;

1-703 The Planning Commission shall:

- (A) Review and approve, conditionally approve, or disapprove plats, and unless disapproved, transmit the same to the governing body for acceptance of dedication of streets, roads, and other public ways and sites;

Barton County Subdivision Regulations

General Provisions

- (B) Make such other determinations and decisions as may from time to time be required by these regulations, or by applicable sections of the Kansas Statutes Annotated.

PART 8 AGENDA.

- 1-801 A plat shall be placed on the agenda of the Planning Commission within 60 days of a complete submittal.

ARTICLE II. PLAT APPROVAL PROCEDURE

PART 1 PRE-APPLICATION PLANS AND DATA.

2-101 Within a reasonable time prior to filing a plat, the subdivider shall present to the Zoning Administrator 8 copies of the following information:

- (A) A general description of the existing conditions of the site and the suitability of the site for the proposed development. This information should include data on existing land and soil characteristics, existing covenants and agreements, availability of utilities and other public facilities, proposed use of each portion of the subdivision, proposed lot sizes and building sizes and other pertinent data as may be needed to supplement the sketches required in subsections (B) and (C) of this section.
- (B) A general location map drawn to an appropriate scale showing the proposed subdivision and its relationship to existing utilities, schools, parks, traffic arteries, and other features (such as hospitals, churches, airports, railroad, shopping centers or other business areas) located on land adjacent to the subdivision that might affect and influence the subdivision.
- (C) A drawing prepared to an appropriate scale, showing approximate topography, natural features, proposed street layout, lots and other planning features.
- (D) The relationship of the proposed subdivision to surrounding developed and undeveloped land when such information is considered relevant by the Zoning Administrator.

2-102 The Zoning Administrator shall provide to all utilities serving the area, the County Engineer, and all cities and townships within 1,000 feet of the proposed subdivision, review copies of the information submitted pursuant to Section 2-101 of these Regulations. The Zoning Administrator shall, within 20 days of the submittal of said materials, provide review comments to the subdivider.

PART 2 PLAT.

2-201 The subdivider shall file a plat with the Planning Commission in accordance with the following procedures:

- (A) The subdivider shall submit the original drawing on linen, mylar, vellum, or equivalent, and a minimum of 20 reproductions thereof, together with all supplementary data specified by these regulations, to the Zoning Administrator at least 35 days prior to a regularly scheduled Planning Commission meeting.

Barton County Subdivision Regulations

Plat Approval Procedure

- (B) The subdivision fee required by section 1-601 of these Regulations, shall be paid by the subdivider before the plat is accepted for Zoning Administrator review and Planning Commission consideration.
- (C) The contents of the plat shall be as set forth in Article III of these Regulations.
- (E) The Planning Commission shall review the plat and other material submitted with it to determine conformity with the comprehensive plan and these Regulations and it shall act upon the plat within 60 days after submission, stating its approval, conditional approval or disapproval (stating reasons), unless the subdivider shall waive or consent to an extension of the 60 day period. In the event the subdivider shall waive or consent to an extension of the 60 day period, the Planning Commission may continue its action on the plat to a future meeting to afford the subdivider an opportunity to correct defects.
- (F) A final plat that has been approved by the Planning Commission shall be submitted to the Barton County Board of Commissioners for its acceptance of the dedication of streets and other public ways, service, and utility easements and any land dedicated for public use. The Board of Commissioners shall accept or refuse the dedication of land for public purposes within 30 days after the first meeting of the Board following the date of the submission of the plat to the clerk thereof. The Board of Commissioners may defer action for an additional 30 days for the purpose of allowing for modifications to comply with the requirements established by the Board. No additional filing fees shall be assessed during that period. If the Board of Commissioners defers or refuses such dedication, it shall advise the Planning Commission for the reasons thereof.
- (G) Upon approval and acceptance of all final plats that create new roads in the unincorporated portions of Barton County, Kansas, detailed road plans shall be submitted to the County Engineer for approval prior to filing of the plat, and shall include the following:
 - (1) Plan, profile, ditch grades, and cross-sections of all streets, roads, alleys and other public ways; and,
 - (2) Drainage areas and size and length of cross-road drainage structures.
- (H) After approval, the original of any plat shall be filed with the Register of Deeds by the Zoning Administrator. Such plat shall bear the endorsement hereinbefore provided including the endorsement by the governing body accepting land dedicated for public purposes.
- (I) Prior to the original drawing of the final plat being recorded with the Register of Deeds, a digital version of the plat shall be submitted to the Office of the County Appraiser in a format approved by same. The digital

Barton County Subdivision Regulations

Plat Approval Procedure

file shall be registered to the State Plane coordinate grid used by the County. Any final plat not submitted in a digital format will be converted by the County and the cost will be paid by the subdivider prior to recording the plat.

ARTICLE III PLAT REQUIREMENTS AND CONTENT

PART 1 PLAT REQUIREMENTS.

The plat shall be prepared by a licensed professional engineer or licensed land surveyor on linen, mylar, vellum, or other permanent reproducible material. All drawings and signatures of certification shall be in waterproof ink. The overall sheet size shall be 24 inches by 36 inches. The scale shall be one inch equals 100 feet or less.

3-101 Requirements. The plat shall show:

- (A) Name under which the subdivision is to be recorded;
- (B) Names and addresses of the subdivider, the land planner or subdivision designer (if any) and the licensed land surveyor;
- (C) Date of preparation, north arrow and graphic scale;
- (D) A legal description of the proposed subdivision complete with section, township, range, principal meridian, county, and acreage. Show the location of the nearest section and/or quarter-section corner on the plat, with a description tying it to the point of beginning for the subdivision.
- (E) Names of adjoining subdivisions or, in the case of unplatted land, the names of the owner or owners of adjoining property;
- (F) Easements, showing dimensions and general purpose;
- (G) Sites proposed for dedication as drainageway, park, school, or other public purposes;
- (H) Location of any area zoned FF, (Floodway Fringe) or FW (Floodway).
- (I) Proposed streets (including location and names), and their relation to platted streets or roads or to proposed streets or roads as shown on any adopted general development plan of adjacent property.
- (J) Block and lot numbers and dimensions of blocks and lots.
- (K) Accurate dimensions for all lines, angles, and curves used to describe boundaries, streets, alleys, easements and areas to be reserved for public use. Boundary survey of the subdivision shall have an error of closure of not greater than one (1) in five thousand (5,000). Data for all curves shall include radius, arc length, chord length, and central angle;

Barton County Subdivision Regulations

Plat Requirements and Content

- (L) The minimum area and associated minimum elevation for the building on each lot planned as a building site for all areas in floodplains;
 - (M) A letter from the County Engineer stating his or her opinion or recommendation of the plat;
 - (N) A certificate signed, sealed and dated by the licensed engineer or licensed land surveyor responsible for the survey and plat;
 - (O) A certificate signed by all parties having any record, title or interest of record in the land subdivided, showing their consent to the preparation and recording of the plat;
 - (P) A certificate, signed by the owner or owners, dedicating all parcels of land which are intended for public use;
 - (Q) The endorsement of the Planning Commission as evidenced by the signature of its chairperson;
 - (R) Acceptance of dedication by the Barton County Board of Commissioners;
 - (S) A certificate that all taxes and special assessments due and payable have been paid.
- 3-102 Lot Pinning. A plat of one, two, three or four lots shall be pinned before the plat is filed and recorded at the Register of Deeds. A plat of five or more lots can be pinned or staked in phases that are coincident with:
- (A) The street construction and development phase;
 - (B) The placement of utilities within the designated utility easements phase; and
 - (C) The pouring of building foundations or slabs for building construction.
- 3-103 Before the filing of a plat with the Register of Deeds, the developer or owner shall provide certification to the Zoning Administrator that the subdivision's boundaries are pinned and there is a contract with a licensed engineer or land surveyor to pin the lots after completion of street and public improvements.
- 3-104 At the time the street plans are submitted to the public works department for approval, the center lines of right(s)-of-way shall be identified by establishing the following control points:
- (A) Points of Intersection (PI);
 - (B) Points of Tangency (PT); and,

Barton County Subdivision Regulations

Plat Requirements and Content

- (C) Points of Curvature (PC).
- 3-105 Prior to the time utility lines are laid, staking or pinning of the subdivision boundary corners and key points along the easement(s) shall be completed to provide the following information:
- (A) The intersection of four or more lots;
 - (B) Points of curvature; and
 - (C) Points of intersection with other easements.
- 3-106 At the time of application for a building permit, the developer or builder of the lot shall present certification (letter stamped by a licensed engineer or surveyor) to the Zoning Administrator to assure lot corners are pinned.

ARTICLE IV LOT SPLITS

PART 1 LOT SPLITS.

4-101 An existing lot may be divided into not more than two parts which singularly or combined with an adjoining lot results in two lots which meet the minimum size and area requirements of the zoning district in which the lots are located. The new lots cannot, thereafter, be further subdivided without platting.

4-102 Application. A written application for a lot split shall be made to the Zoning Administrator. Each application shall be submitted with 10 copies of a plot plan, certified by a licensed land surveyor or engineer, and shall contain the following information:

- (A) Location of the existing lot within the subdivision (if any) as related to the nearest existing streets;
- (B) Location of existing easements and utilities;
- (C) Dimensions of the divided portions;
- (D) Location and width of accessways;
- (E) Dimensions of all existing structures and their locations with respect to the existing lot lines;
- (F) Signature of the owner(s);
- (G) Legal description(s) of the property(ies); and,
- (H) A certificate that all taxes and special assessments due and payable have been paid.

4-103 Zoning Administrator Review. Upon receipt of the application, the Zoning Administrator shall review it for compliance with these regulations. If the application and the plot plan comply with all applicable regulations, the lot split shall be approved by, and bear the signature of the Zoning Administrator. The applicant shall file the approved lot split with the Barton County Register of Deeds. A copy of the filed lot split shall be returned to the Zoning Administrator, who shall distribute additional copies to the County Clerk and County Engineer.

4-104 Requirements. The division of lots pursuant to this chapter shall comply with the comprehensive plans, any major street and road plans, applicable zoning laws, these regulations and all other applicable regulations. No lot split shall be approved if:

- (A) A new road or street is needed or proposed;

Barton County Subdivision Regulations

Lot Splits

- (B) Any easement requirements have not been satisfied;
- (C) The lot split will result in a tract without direct access to a street or road;
- (D) A lot or parcel of substandard size will be created.
- (E) The lot split will result in a substantial increase in service requirements (e.g. utilities, schools, traffic control, street, etc.) and will constitute a significant deviation from the criteria upon which ratification of any original plat was granted.

4-105

Building Permit. No building permit shall be issued for any division of a platted lot of record, unless such division has been approved in the manner provided by this chapter.

ARTICLE V SUBDIVISION DESIGN STANDARDS

PART 1 SCOPE, ACCESS AND DEDICATIONS

5-101 All subdivision of land shall conform to the design standards of this article. Subdivisions shall be designed so that they comply with the Barton County Comprehensive Plan.

5-102 All lots within a subdivision shall have at least one boundary adjacent to a public or private street or road or an access easement which has been recorded in the Office of the Barton County Register of Deeds

5-103 The Planning Commission may require the reservation or dedication of sites for parks, playgrounds, schools, open space and other public facilities.

PART 2 LAND IN FLOODWAY FRINGE AND FLOODWAY ZONING DISTRICTS.

5-201 Land to be subdivided and developed within the FF (Floodway Fringe) and FW (Floodway) zoning districts shall be required to meet the following standards:

- (A) Subdivision proposals shall be consistent with the need to minimize flood damage.
- (B) Subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located, designed, and constructed to minimize flood damage.
- (C) Subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (D) Regulatory flood elevations shall be provided by the applicant where they are not provided by the Federal Insurance Administration for subdivisions and development proposals.

PART 3 STREETS; LAYOUT, DESIGN.

- 5-301
- (A) The arrangement of arterial and collector streets shall conform to any adopted major streets and road plans of the county.
 - (B) The street layout shall conform to the street layout and design standards of this article.
 - (C) Any existing or platted street that terminates at the boundary line of a proposed subdivision shall be continued into the subdivision in such a manner as to provide reasonable vehicular movement.

Barton County Subdivision Regulations

Subdivision Design Standards

- (D) The subdivision shall provide a logical street layout in relation to topographical conditions, public convenience, safety and the proposed use of the land to be served by such streets.
- (E) The local street layout shall be such that it will discourage use by non-local traffic.
- (F) Streets shall intersect as nearly as possible at right angles.
- (G) Streets shall provide for street openings to adjacent undeveloped land as required, in the opinion of the Planning Commission, to avoid landlocked property.
- (H) All cul-de-sacs shall have a minimum right-of-way radius of 50 feet.
- (I) Not more than two streets shall intersect at any one point.
- (J) Street rights-of-way shall be dedicated as follows:

Minimum Right-of-Way
for Street

Arterial	100 feet;
Collector.....	80 feet;
Local street or road.....	70 feet.

- (K) The grades of streets shall not exceed the following:

Grade

Arterials.....	5%;
Collector.....	10%;
Marginal access.....	10%;
Local	10%;

- (L) The finished grade for all streets and roads designated to provide for ingress, egress and circulation within a subdivision located in the floodplain shall be such that the flood depth for the 100 year flood (if known) will not exceed the following:

Depth

Arterials.....	1.0 feet;
Collector.....	2.0 feet;
Marginal access.....	2.0 feet;
Local	2.0 feet.

Barton County Subdivision Regulations

Subdivision Design Standards

(M) The radius of curvature of the centerline of all street rights-of-way shall be not less than the following, except that in the case of unusual physical conditions the governing body may approve a variance:

Radius, Minimum

Arterial	500 feet;
Collector.....	300 feet;
Local	100 feet.

Any reverse curve on primary arterials shall be joined by a tangent of at least 100 feet in length.

(N) Half-streets are prohibited, except where essential to the reasonable development of the subdivision in conformity with the other provisions of these regulations.

(O) No street or road names shall be used which will duplicate or be confused with the names of existing streets or roads. Existing names shall be used where the street or road to be named is, or would be, a logical extension of an existing street or road even though separated by undeveloped land, natural physical barriers or man-made obstructions. Street and road names shall be proposed by the subdivider and approved by the governing body.

(P) Residential subdivision streets shall be illuminated pursuant to a lighting plan which shall be submitted with the plat and approved by the County Engineer.

PART 4 UTILITIES AND EASEMENTS.

5-401 (A) Utility easements shall be provided where necessary to serve the subdivision. They shall be centered on rear or side lot lines and shall be at least 15 feet and 10 feet wide respectively.

(B) Drainage easements for water courses, drainage channels or streams which traverse a subdivision may be required by the County Engineer.

(C) Lots located within the A Agricultural Zoning District shall be provided with a public access easement 50 feet in width, along a side lot line as designated by the County Engineer.

(D) All subdivisions in Residential Zoning Districts and all subdivisions containing more than three lots in the Agricultural Zoning District shall be served by underground utilities.

PART 5 BLOCKS AND LOTS.

5-501 (A) The lengths, widths, and shapes of blocks shall be determined with due regard to:

- (1) Limitations of topography;

Barton County Subdivision Regulations

Subdivision Design Standards

- (2) Provision of building sites adequate for the special needs of the type of use contemplated;
 - (3) Zoning requirements as to lot sizes and dimensions;
 - (4) Need for convenient access, circulation, and control of street traffic for safety.
- (B) Blocks planned for residential purposes should be of sufficient width to allow for two tiers of lots of appropriate depth.
 - (C) The size, width, depth, shape, and orientation of each lot in a subdivision should take into consideration location, topography, physical features, type of use contemplated and the appropriate zoning ordinance, as well as effect on adjacent lots.
 - (D) Lots for commercial and industrial use should be of appropriate size and arrangement to allow for adequate off-street parking and loading facilities.
 - (E) Corner lots should be wider than interior lots to allow for appropriate building setbacks and sufficient yard space.

PART 6 BUSINESS, COMMERCIAL, INDUSTRIAL SUBDIVISIONS.

- (A) Streets. Notwithstanding the other provisions of these regulations, the minimum right-of-way width of streets adjacent to an area designed, proposed or zoned for business, commercial, or industrial use may be increased by the Planning Commission to such extent as the commission may deem necessary to assure the free flow of through traffic without interference from parked or parking vehicles.
- (B) Blocks. Blocks intended for business, commercial, or industrial use shall be designed specifically for such purpose, with adequate space set aside for off-street parking and loading.
- (C) Marginal Street Access. When blocks or lots in a proposed business, commercial or industrial subdivision front on any limited access highway or arterial street, the subdivider may be required to dedicate a marginal access street to provide ingress and egress to and from such blocks or lots.

ARTICLE VI PUBLIC IMPROVEMENTS

PART 1 METHOD OF INSURING COMPLETION OF PUBLIC IMPROVEMENTS.

6-101 The subdivider shall install or provide for the installation of all or a portion of the following facilities and improvements if required by policies of Barton County or the provisions of this article: curbs and gutters, streets, alleys, water systems, sanitary and storm sewer facilities, pedestrian-ways and sidewalks.

6-102 No plat shall be filed with the 'Barton County Register of Deeds until one of the following has been submitted to the Board of County Commissioners of Barton County.

- (A) A written certification from the County Engineer that all required public improvements in that portion of a subdivision authorized for development have been completed in accordance with applicable improvement standards;
- (B) A corporate surety performance bond from a corporation qualified to do business in Kansas, in a form satisfactory to the governing body, in an amount estimated by the County Engineer to be sufficient to assure the construction and installation of the uncompleted portion of required public improvements in accordance with applicable improvement standards;
- (C) A petition for construction and installation of all or a portion of the required public improvements using benefit district financing. However, property within the regulatory floodplain is not eligible for this option;
- (D) A cash escrow deposit in an amount estimated by the County Engineer to be sufficient to assure the construction and installation of the uncompleted portion of the required public improvements in accordance with applicable improvement standards;
- (E) An irrevocable letter of credit from a financial institution qualified to do business in Kansas, in a form satisfactory to the governing body, in an amount estimated by the County Engineer to be sufficient to assure the construction and installation of required public improvements in accordance with applicable improvement standards.
- (F) The governing body may, at its discretion, determine which of such methods for insuring completion of improvements shall be presented by the subdivider.

6-103 In the event that a corporate surety performance bond is posted to guarantee completion of public improvements in a subdivision, no occupancy permit shall be issued for any building in the subdivision prior to:

- (A) The completion of required public improvements in accordance with applicable improvement standards, and

Barton County Subdivision Regulations

Public Improvements

- (B) A finding by the County Engineer to the governing body that all required public improvements have been completed, and that they are undamaged.
- (C) Upon a finding by the County Engineer that all required public improvements have been completed in accordance with applicable improvement standards, the governing body shall release both the principal and surety from the performance bond. Upon a finding by the County Engineer that a portion of the required public improvements have been completed in accordance with applicable improvement standards, the governing body shall, if it finds the public improvements have been at least 50 percent completed, reduce the performance bond in the ratio that the public improvements completed bear to the total improvements required.
- (D) In the event the governing body finds that the completion of the required public improvements would impose an unnecessary hardship upon a subdivider, the governing body may, upon written application from the subdivider, release the performance bond, in whole or in part, as the governing body may in its discretion determine. (Ord. 5257)

6-104 Escrow Deposit. The amount of the cash escrow deposit determined in accordance with section 6-102 (D) shall be deposited by the body in a special escrow account in the commercial bank in which the funds of such governing body are then deposited. The interest from said escrow account shall be paid to the subdivider upon final release of such escrow deposit as hereinafter provided. Upon written certification from the County Engineer that the required improvements have been 30 percent completed, the governing body shall release 30 percent of such escrow deposit to the subdivider. Upon a like certification that the required public improvements have been 50 percent and thereafter, 75 percent completed, the governing body shall release 20 percent and 25 percent respectively, of the original escrow deposit to the subdivider. Upon written certification from the County Engineer that the required public improvements have been completed in accordance with applicable improvement standards, the balance of such escrow deposit, together with all earnings accrued thereon, shall be released to the subdivider.

6-105 Irrevocable Letter of Credit. The amount of an irrevocable letter of credit determined in accordance with section 6-102 (E) shall be submitted by the subdivider to the County Engineer. By the 10th of each month, the County Engineer will certify to an agent of the financial institution estimates of the amount of work completed by the contractor. The financial institution may submit a new letter of credit, which would reflect the balance of work remaining to be completed as determined by the County Engineer, to replace the previous letter of credit. Upon acceptance of all public improvements the letter of credit shall be released.

6-106 In the event the governing body finds, upon written application from the subdivider, that completion of the required public improvements would impose an unnecessary hardship upon a subdivider, the governing body shall direct staff to check with the clerk of the district court for liens or encumbrances against the public improvements; secure lien releases from all known prime contractors for the public

improvements; and then, may direct the agent of the financial institution to release the letter of credit, in whole or in part, as the governing body may in its discretion determine.

- 6-107 Sidewalks. Sidewalks may be required to be installed in residential subdivision plats if the planning commission determines that the size and the proposed density of the subdivision will generate substantial pedestrian traffic. Sidewalks shall be installed according to specifications adopted by the County Engineer.
- 6-108 Sewage Disposal Systems. All subdivisions shall be served by approved sewage disposal facilities. Septic tanks are permitted on tracts of three acres or more platted under these regulations. In situations in which septic systems have been proposed, no final plat shall be approved until the subdivider has presented evidence that septic systems, as a method of sewage disposal for the subdivision, have been approved by the Barton County Health Department. Where septic tanks are allowed under these regulations, they must be approved by the county health officer. They shall be constructed in accordance with standards adopted by the Barton County Health Department.
- 6-109 Water Supply. Before approval of a final plat, the subdivider shall provide written documentation to the Barton County Health Department that a public water supply is provided for all lots. If a public water supply is not available to the subdivision, any alternate water supplies must be approved by the Barton County Health Department. Upon plat approval for land located within 1,000 feet of any approved public water supply, the subdivider must sign an agreement to connect to a public water system when public water lines are within 300 feet to planned improvements on the property. When water wells are constructed, they shall be constructed in accordance with the standards of the Barton County Health Department and the Kansas State Department of Health. Subdividers are required to consult with the appropriate Fire District and Rural Water District to determine if the provision of fire hydrants as part of the public water supply system is feasible. In those cases where the provision of fire hydrants as part of the public water supply system is determined to be feasible, it must be provided. Evidence shall be submitted with the plat showing compliance with the requirements of this section.
- 6-110 Other Public Improvements. All other public improvements, including but not limited to curbs, gutters, streets, roads, storm sewers and storm drainage, shall comply with the standards established by the County Engineer. Such standards are incorporated herein by reference.
- (A) Sufficient grade and alignment stakes shall be set by a licensed professional engineer or licensed land surveyor, engaged by the subdivider at a time of construction, to assure compliance with plan, profile and drainage of roads and streets and such other public improvements as proposed, and submitted with the final plat and approved by the county engineer. Compliance with the items listed above and use of appropriate construction methods shall be determined by the county engineer. A permit shall be issued by the county engineer for the construction of a public

Barton County Subdivision Regulations

Public Improvements

improvement prior to commencement of any work activity associated with the improvement. A fee in an amount determined by resolution of the Board of County Commissioners shall be charged for the permit.

ARTICLE VII VARIANCES

PART 1 VARIANCES.

7-101 In cases where there is hardship in carrying out the literal provisions of these regulations, the Planning Commission may grant a variance from such provisions.

7-102 An application for a variance shall be made to the Zoning Administrator. The Planning Commission shall give the applicant and any other interested persons an opportunity to be heard with respect to the proposed application for a variance from the provisions of the regulations.

7-103 A variance shall not be granted unless all of the following apply:

- (A) Strict application of these regulations will create an undue hardship upon the subdivider;
- (B) The proposed variance is in harmony with the intended purpose of these regulations; and,
- (C) The public health, safety and welfare will be protected.

ARTICLE VIII DEFINITIONS.

PART 1 DEFINITIONS

- 8-101 Any word or phrase which is defined in this section shall have the meaning assigned to it by this section whenever the word or phrase is used in this chapter.
- (A) Agricultural Purposes. The growing of crops and the raising of livestock and poultry for profit.
 - (B) Arterial Street. A street serving major traffic movements, designed primarily as a traffic carrier between, around, and across cities, and between various sections of the county and which forms part of the through-street network.
- 8-102
- (C) Block. A parcel of land used or intended to be used for urban purposes and entirely surrounded by public roads or streets.
 - (D) Collector Street. A street which is designed to serve traffic needs between arterial and local streets.
 - (E) Comprehensive Plan. The comprehensive development plan for the county.
 - (F) Cul-de-sac. A street that has one outlet and is permanently terminated by a vehicle turn-around at the other end.
- 8-103
- (G) Design Standards or Design Requirements. All requirements and regulations that relate to design and layout of subdivisions.
 - (H) Double Frontage Lot. A lot with two opposite lot lines abutting upon streets which are substantially parallel.
 - (I) Easement. A right or privilege for the use of land granted by the owner for a specific use or purpose to another or to the public, also, the tract of land covered by such authorization of right or privilege.
 - (J) Engineer. A professional engineer licensed by the State of Kansas or licensed to practice in the State of Kansas.
 - (K) Plat. A map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications, restrictions, and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, alleys, public areas and other dimensions of land.
 - (L) Floodplain or Floodplain District. That area designed by the governing body as susceptible to flooding including but not limited to the regulatory floodplain designated by the Federal Insurance Administrator.
 - (M) Governing Body. The Board of County Commissioners of Barton County.
- 8-104
- (N) Half-Street. A street bordering one or more property lines of a subdivision tract to which the subdivider has allocated only a portion of the required street width.
 - (O) Local Street. A street or road which provides primarily for direct access to adjoining properties and is designed to serve minor traffic needs.
 - (P) Lot. The smallest basic portion of a subdivision or other tract of land, normally intended to be developed and transferred individually.
 - (Q) Lot Depth. The mean horizontal distance between the front lot line and the rear lot line.
 - (R) Lot Width. The mean horizontal distance between the side lot lines.

Barton County Subdivision Regulations

Definitions

- (S) Marginal Access Street (Frontage Road). A local street which is parallel with and adjacent to a limited access arterial street, road, or highway and is designated to provide direct access to adjacent property.
- 8-105 (T) Owner. Any person or persons, firm or firms, corporation or corporations, or any other legal entity having title to land.
- (U) Planning Commission. The Barton County Planning Commission.
- (V) Zoning Administrator. The Barton County Zoning Administrator.
- (W) Private Street or Road. A non-dedicated way which forms the principal vehicular access to a property.
- (X) Public Improvements. All public facilities constructed or erected by a subdivider within a subdivision to permit and facilitate the use of lots or blocks for a principal purpose.
- (Y) Public Water. Water supplied for domestic purposes approved by the Kansas State Department of Health.
- 8-106 (Z) Regulatory Flood. The flood determined by the Federal Insurance Administration as having a one percent chance of being equaled or exceeded in any given year.
- (AA) Regulatory Flood Elevation. The elevation at which the regulatory flood is determined to occur.
- (BB) Regulatory Floodplain. Land included within the regulatory floodway and floodway fringe areas as determined by the Federal Insurance Administration.
- (CC) Roadway. The paved or improved area of a road or street right-of-way, exclusive of sidewalks, driveways, or related uses.
- 8-107 (DD) Road or Street. The dedicated right-of-way or easement, whether public or private.
- (EE) Road or Street Width. The distance measured perpendicular to the centerline of the paved portion of the right-of-way; either to the back of the curb, where a curb exists, or to the edge of the pavement where no curb exists.
- (FF) Subdivider. A person, firm, corporation, partnership, company or association subdividing land.
- (GG) Subdivision. The voluntary division of a lot, parcel, or tract of land into two or more parts for the purpose, whether immediate or future, of sale or building development.
- (HH) Unincorporated Area. That portion of Barton County lying outside any incorporated city.

Barton County Subdivision Regulations

Interpretation, Construction, Amendment and Enforcement

ARTICLE IX INTERPRETATION, CONSTRUCTION, AMENDMENT AND ENFORCEMENT

PART 1 INTERPRETATION AND CONSTRUCTION.

9-101 Where the conditions imposed by the provisions of these regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of any other applicable law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

9-102 The provisions of these regulations are not intended to abrogate any easement, covenant, or other private agreement; provided, that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement, the requirements of these regulations shall govern.

9-103 A subdivision of land which was not lawful at the time of the adoption of these regulations shall not become or be made lawful solely by reason of adoption of these regulations.

9-104 The provisions of these regulations are cumulative and are additional limitations upon all other laws and regulations heretofore passed or which may be passed hereafter governing any subject matter in the provisions of these regulations.

PART 2 AMENDMENT PROCEDURE.

9-201 These regulations may be amended at any time after the Planning Commission has held a public hearing on the proposed amendment. Notice of such hearing shall be published at least once in the official county newspaper. Such notice shall be published at least 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 Planning Commission shall prepare its recommendations and by an affirmative vote of a majority of the entire commission adopt the same in the form of proposed subdivision regulations and shall submit the same, together with a written summary of the hearing to the governing body. The governing body either may:

- (A) Approve such recommendation by resolution;
- (B) Override the Planning Commission's recommendation by a 2/3 majority vote; or,
- (C) May return the same to the Planning Commission for further consideration, together with a statement specifying the basis for the governing body's failure to approve or disapprove.

9-202 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 therefor or submit new and amended recommendations. Upon the receipt of such recommendations, the governing body, by a simple majority, may adopt or

Barton County Subdivision Regulations

Interpretation, Construction, Amendment and Enforcement

may revise or amend and adopt such recommendations by the respective ordinance or resolution, or it need take no further action. 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 shall become effective upon publication of the respective adopting ordinance or resolution.

PART 3. PENALTY.

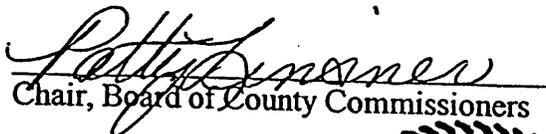
9-301 Any person violating any of the provisions of this resolution shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500 or by imprisonment for a period not to exceed 90 days, or by both such fine and imprisonment. Each transfer, or offer for sale, of a lot or parcel of land in violation of these regulations shall be considered a separate offense.

9-302 Enforcement. It shall be the duty of the zoning Administrator to enforce the provisions of this resolution, and to institute any appropriate action to remedy violations of this resolution.

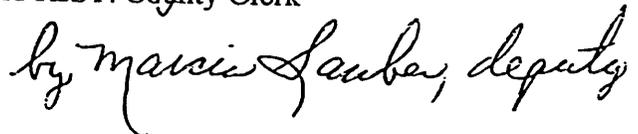
EFFECTIVE DATE

9-303 Effective Date. These Regulations shall take effect and be in force from and after the adoption of the incorporating Resolution and its publication in the official Barton County newspaper.

APPROVED by the Governing Body of Barton County, Kansas, this 26 day of June, 2000.


Chair, Board of County Commissioners


ATTEST: County Clerk

by , deputy

