

CARBONDALE PLANNING COMMISSION

SUBDIVISION REGULATIONS

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SUBDIVISION REGULATIONS
of the
CITY OF CARBONDALE, KANSAS
SECTION 1

TITLE, PURPOSE, AUTHORITY, JURISDICTION, APPLICABILITY AND EXEMPTIONS

100. Title. These regulations shall be known and may be cited as the "Subdivision Regulations of the City of Carbondale, Kansas", and shall hereinafter be referred to as "these regulations."

101. Purpose. Responsible land subdivision is the initial step in the process of orderly community development. Once land has been divided into streets, lots and blocks and publicly recorded, the correction of defects is difficult and costly. These regulations are designed and intended to serve the following purposes:

- A. To provide for the harmonious development of the City of Carbondale; To provide for (1) desirable lot layouts, (2) efficient and orderly location of streets and the extent and manner in which they shall be improved, and (3) storm water drainage;
- B. To provide for adequate water supply, sewage disposal, various utility services and other improvements to protect public health, safety and general welfare;
- C. To provide for and secure to the proper governmental agencies the actual construction of all such necessary on-site and off-site public improvements including the reservation or dedication of land for park and recreational purposes;
- D. To provide protection from periodic flooding conditions; To reserve or dedicate land for open space to preserve natural areas for watercourses, drainage ways, woodland, rugged topography, wildlife habitat, and for water quality and quantity, and to protect land from soil erosion;
- E. To avoid water and air pollution and the congestion of population and traffic;
- F. To facilitate safety by adequate access for fire fighting equipment and police protection;
- G. To coordinate the subdividing of land with applicable zoning regulations, various construction codes and other City regulations which also affect the development of the land;
- H. To establish administrative procedures necessary to assure a fair and uniform basis for a working relationship with sub-dividers, utility providers and various governmental agencies, all of whom are contributing to the development of the community: and
- I. To realize the goals, policies and planning proposals as contained in the adopted Comprehensive Development Plan.

102. Authority. These regulations are adopted under authority established by K.S.A., 12-741 et seq. as amended, 12-742, 12-749, 12-751 and 12-752, 12-760 and 12-761, 12-764, 12-766, 12-3009 through 12-3012, and 12-3301 and 12-3302.

103. Jurisdiction. These regulations shall apply to all subdivisions of land within the corporate limits of the City of Carbondale in Osage County, Kansas as presently exists or are hereinafter established by annexation. All such land is included in the Planning Area for the Comprehensive Development Plan.

104. Applicability. The owner(s) of any land within the jurisdiction of these regulations desiring to vacate rights-of-way, easements, other public reservations or recorded plats or to:

- a. Divide or further divide land into two or more lots or parcels; or
- b. Otherwise alter the boundaries of lots or parcels of land; or
- c. Establish land for use as streets, alleys or other property intended for public use or for the use of a purchaser or owner(s) of lots or parcels;

shall cause a plat to be made in accordance with the provisions of these regulations, unless exempted under Section 1-105

105. Exemptions. Notwithstanding the requirements of Section 1-103 and 104 these regulations shall not apply in the following instances or transactions:

A. Whenever any lot, parcel or tract of land located within the area governed by these regulations has been legally subdivided, re-subdivided or re-platted and recorded prior to the effective date of these regulations.

B. A transaction between owners of adjoining land which involves only a change in the boundary between the land owned by such persons and which does not create an additional lot or which does not result in the creation of a substandard lot by either owner according to any applicable zoning regulations.

C. A conveyance or dedication of land or interest therein for use as a street, highway, road or railroad right-of-way, a drainage easement or public utilities subject to local, state or federal regulation, where no new street or easement of access is created.

D. The layout of burial lots in cemeteries; however, the actual cemetery tract is not exempt.

E. Any lot split in industrially zoned areas divided in accordance with the provisions of Section 9-102 of these regulations.

F. Any transfer by operation of law.

Any request made in writing for a determination as to qualifications for being exempt from these regulations shall be answered by the Zoning Administrator either in the affirmative or negative within 30 days of filing such a request containing all relevant information.

SECTION 2
INTERPRETATION, CONSTRUCTION AND DEFINITIONS

100. Rules of Interpretation.

A. Overlapping or Contradictory Regulations. Where the conditions imposed by the provisions of these regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provision 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.

B. Private Agreements. The provisions of these regulations are not intended to abrogate any lawful and valid easement, deed restriction, covenant or other private agreement of legal relationship; provided, that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such private agreements, the requirements of these regulations shall govern. The City does not have the responsibility to enforce such private agreements.

C. Cumulative Limitations. The provisions of these regulations are cumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter set forth in the provisions of these regulations.

D. Unlawful Subdivisions. A subdivision of land which wasn't lawfully existing at the time of the adoption of these regulations shall not become or be made lawful solely by reason of the adoption of these regulations.

E. Vesting of Development Rights. For the purpose of single-family residential developments according to K.S.A. 12-764, as amended, development rights in such land use shall vest upon recording of a final plat of such land after February 3, 2010. If construction of a principle structure is not commenced on such land within five years of recording a final plat, the development rights in such land shall expire and, thus, all revisions to zoning or subdivision regulations becoming effective during the period vested shall thereafter apply to such platted land.

101. Rules of Construction.

A. The language set forth in these regulations shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and the plural the singular.
2. The present tense includes the past and future tenses and the future the present.
3. The word "shall" is mandatory while the word "may" is permissive.
4. The word "City" means the City of Carbondale, Kansas.
5. The word "County" means Osage County, Kansas.
6. The word "Clerk" means the City Clerk of the City of Carbondale, Kansas.
7. The words "Planning Commission" mean the Carbondale City Planning Commission.

8. The words "Governing Body" mean the Mayor and City Council of the City of Carbondale, Kansas.

9. The words "Planning Area" mean the City of Carbondale.

10. The words "Comprehensive Plan" mean the Comprehensive Development Plan for the Carbondale Planning Area of Osage County, Kansas, which has been adopted by the Planning Commission, approved by the Governing Body and includes, among other elements, plans for land use, transportation, utilities and community facilities.

11. The words "subdivision jurisdiction" means the area as described in Section 1-103 for which the jurisdiction of these regulations is applicable for purposes of subdividing land. Such jurisdiction cannot exceed the boundary of the Planning Area.

B. Any word or phrase which is defined in this Section or elsewhere in these regulations shall have the meaning as so defined whenever used in these regulations, unless such definition is expressly limited in its meaning or scope.

C. Words or terms not herein defined shall have their ordinary meaning in relation to the context as defined in a dictionary or by state statute.

102. Definitions. The following definitions shall be used in the interpretation and construction of these regulations:

ACCESS CONTROL: The limitation of public access rights to and from properties abutting streets or highways. Access control is used on major streets and highways, when necessary, to preserve high-quality traffic service and to improve safety.

ALLEY: A permanent service way dedicated to public use and which normally provides a secondary means of access to adjoining property.

APPLICANT: A person submitting an application for approval of a preliminary and/or final plat or a lot split.

BENCH MARK: Surveying mark made in some object which is permanently fixed in the ground showing the height of that point in relation to sea level.

BLOCK: A series of lots or tract of land bounded by streets, public parks, cemeteries, railway rights-of-ways, waterways, city limits or a combination thereof.

BUILDING SETBACK LINE: A line on a lot or other parcel of land indicating the limit beyond which buildings or structures may not be erected or altered and establishing the minimum open space to be provided. Such line may be more, but not less restrictive than applicable zoning or other regulations.

CROSSWALKS: A right-of-way across a block or providing access within a block to be used primarily by pedestrians.

CURB CUT: The opening along a curb line at which point vehicles may enter or leave a roadway.

DEDICATION: A gift or donation of property by the owner to a governmental unit. The transfer is conveyed by a plat or a written separate instrument. The act of dedicating is completed with a formal acceptance by the governing

body.

DESIGN STANDARDS: The basic land planning principles established as guides or requirements for the design and layout of subdivisions as described in these regulations.

EASEMENT: A permanent or temporary grant of right by a landowner to the public, a corporation or other persons, of the use of a portion of a lot or tract of land for specified purposes where title to said portion of the lot or tract of land remains with the landowner.

ENGINEER: A professional engineer licensed by the State of Kansas or licensed to practice in the State of Kansas who designs or engineers and inspects public improvements in connection with the approval of plats and construction of related improvements. (See LAND PLANNER and LAND SURVEYOR.)

FRONTAGE: The property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street; or with a dead-end street, all property abutting one side of such street measured from the nearest intersecting street and the end of the dead-end street.

IMPROVEMENTS, PUBLIC: Any street, roadway, alley, sidewalk, planting strip, cross walkway, off-street parking area, sanitary sewer, storm sewer, drainage ditch, water main or other facility for which a governing body may ultimately assume the responsibility for maintenance and/or operation.

LAND PLANNER: A professional architect, engineer, landscape architect or surveyor licensed by the State of Kansas or licensed to practice in the State of Kansas who is responsible for the design and preparation of a preliminary plat. (See ENGINEER and LAND SURVEYOR.)

LAND SURVEYOR: A licensed land surveyor registered in the State of Kansas or licensed to practice in the State of Kansas who is responsible for the survey and preparation of the final plat. (See ENGINEER and LAND PLANNER.)

LOT: A portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future; of transfer of ownership or for development.

LOT, DOUBLE FRONTAGE: A lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

LOT, REVERSE FRONTAGE: A lot whose rear lot line also serves as the street line for a limited access highway or street.

LOT DEPTH: The distance between the midpoint of the front lot line and the midpoint of the rear lot line.

LOT LINE: The boundary line of a lot.

LOT SPLIT: The dividing of a lot in a recorded plat or re-plat of a subdivision into not more than two parcels which creates an additional lot and meets the criteria established within these regulations. A lot split is not created by the transfer or sale of a lot plus a portion of an adjacent lot or the combining of portions of two lots to form a lot which is equal to or larger than the other platted lots in the block so long as an additional lot is not created. (See Section 9 for Procedure for Approval of Lot Splits.)

LOT WIDTH: The distance on a horizontal plane between the side lot lines of a lot, measured at right angles to the line establishing the lot depth at the

established building setback line.

MINIMUM PAD ELEVATION: The lowest ground elevation completely surrounding a structure or the lowest flood proofed opening into a structure. This elevation is expressed in city datum or mean sea level.

MONUMENT: A device used to mark and identify the corners in the boundaries of subdivisions, blocks and lots and the points of curves in the street rights-of-way. Usually such devices are made of a metallic bar or tube and may or may not be in concrete.

OWNER: Any individual, firm, association, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

PARKING STRIP: That portion of street right-of-way that is unpaved and which is located between the back of a curb and the street right-of-way line. Such strip provides right-of-way for the installation of public utilities (typically gas and water lines), street signs, street lights, sidewalks, driveways, traffic control devices, fire hydrants, street furniture, street trees and other ancillary uses. The parking strip should not be confused with parking lanes that are often provided for as part of street pavement.

PETITION: A legal instrument, which serves as the basis for initiation of a public improvement project. A petition is frequently used during the platting process to guarantee the construction of certain improvements. e.g., street paving, water and sewer lines, drainage, etc. A petition is valid if its signatures are more than 50% either by area within the benefit district or by ownerships. Petitions are also used to initiate the vacation of streets, alleys, easements, other public reservations and plats. (See Section 7-103A for improvement petitions and Section 10-103 for vacation petitions.)

PLAT: A map or drawing on which the sub-divider's plan of the subdivision is presented and which he or she submits for approval and intends to record in final form.

1. SKETCH PLAN: A map or plan of a proposed subdivision made prior to the preparation of the preliminary plan to enable the sub-divider to save time and expense in reaching tentative general agreements by a discussion of the form and objectives of their regulations. NO fee is to be charged for a Sketch Plan.
2. PRELIMINARY PLAT: A tentative map or plan of a proposed subdivision of land showing the character and general details of the proposed development.
3. FINAL PLAT: A formal document by drawing and writing representing a subdivision which is prepared in accordance with these regulations to be placed on record with the County Register of Deeds.
4. REPLAT: A new plat or a revision to a subdivision or portion thereof for which a final plat has previously been recorded. The approval of a re-plat is processed in the same manner as a final plat.

RESERVE: An area of property within a subdivision which is platted for specific uses, e.g., open space, landscaping, entry monuments, recreational facilities, utilities, drainage, floodway, etc. Typically, future ownership and maintenance responsibilities for a reserve is set forth by a restrictive covenant which provides that a homeowners or lot owners association will hold title to the reserve and therefore be responsible for the reserve's maintenance. The restrictive covenant may provide for ownership and maintenance to be tied to the ownership of an adjacent lot. Ownership and

maintenance is not assigned to an individual, partnership or corporation except in the case of a reserve platted for possible future sale to a public body for a public facility. (See Section 6-102 for Land for Public Facility Sites and Section 6-103 for Land for Open Space.)

RESTRICTIVE COVENANTS: Contracts entered into between private parties which constitute a restriction on the use of private property within a subdivision for the benefit of property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values. Such restrictions may be set forth in a deed. Restrictions are also placed of record by separate instruments including homeowner association agreements. Restrictive covenants usually run with the land. (See Section 2-100B for Private Agreements.)

RESUBDIVISION: The subdivision of a tract of land, which has previously been lawfully subdivided and a plat of such prior subdivision duly recorded. Sometime referred to as a "re-plat."

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street, alley, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer, or for another special use.

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

SCREENING: Fencing or evergreen vegetation maintained, for the purpose of concealing from view the area behind such fencing or vegetation. When fencing is used for screening, it shall be not less than six nor more than eight feet in height, unless otherwise provided. (See Section 12)

SIDEWALK: That portion of a street or crosswalk, paved or otherwise surfaced, intended for pedestrian use only. (See CROSSWALK)

SITE TRIANGLE: An area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2-1/2 feet and 8 feet above the grades of the outside edge of the street surface of the intersecting streets, measured from the point of intersection of the centerline of the streets, 90 feet in each direction along the centerline of the streets. The City Engineer shall establish sight distance triangles based upon standards in the policy manual published by the American Association of State Highway and Transportation Officials (AASHTO).
(See Section 6-111C for site triangle easement, City Zoning Regulations for definition of SITE TRIANGLE.)

STREET: The entire right-of-way width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic, and the placement of utilities and including the term "road", "highway", "lane", "place", "avenue", "alley" or other similar designation.

1. ALLEY: A right-of-way along the side of or in the rear of lots, which affords a secondary means of access to and from streets and such lots.
2. CUL-DE-SAC: A short street with one end open to traffic and being permanently terminated by a vehicular turnaround at the other end.
3. DEAD END: A street having only one outlet for traffic.
4. HALF-STREET: A portion of the right-of-way of a street, usually a long the edge of a subdivision where the remaining portion of the street is intended to be provided in another subdivision.

5. LOCAL: A street intended primarily for access to abutting properties and of limited continuity within a neighborhood.

6. MARGINAL ACCESS OR FRONTAGE ROAD: A local street which is parallel with and adjacent to a limited access highway or arterial street and which provides access to abutting properties and protection from fast through traffic on the parallel streets.

STREET WIDTH: The shortest distance between lines delineating the right-of-way of a street

SUBDIVIDE LAND: To partition a parcel of land into two or more parcels, tracts, lots or sites for the purpose of transfer of ownership or development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership.

SUB-DIVIDER: The owner, or any other person, firm or corporation authorized by the owner, undertaking proceedings under the provisions of these regulations to subdivide land.

SUB-DIVIDER'S AGREEMENT: A contractual agreement signed and notarized by the sub-divider and the governing body which is conditioned upon acceptance of the final plat for the dedications thereon with primary concern for the design, installation, inspection and financing or guarantees for public improvements. (See Section 7-103A for Agreement and Guarantees for Installation of Required Improvements.)

SUBDIVISION: Either an act of subdividing land as defined in this section or a tract of land subdivided.

TURNAROUND: An area at the closed end of a street with a single common ingress and egress within which vehicles may reverse their direction.

ZONING ADMINISTRATOR: The person appointed by the Mayor with the consent of the City Council to administer these regulations. (See Section 3-101 for Duties of Zoning Administrator.)

WATERCOURSE: A stream of water having a course, current and cross-section.

SECTION 3.
ADMINISTRATION, PERMITS, ENFORCEMENT, VIOLATIONS AND FEES

100. Division of Administrative Responsibility. The administration of these regulations is vested in the following governmental branches of the City:

- a. Zoning Administrator.
- b. City Clerk.
- c. Planning Commission.
- d. Governing Body.

Each of the above named governmental branches shall have the responsibilities hereinafter set forth.

101. Duties of the Zoning Administrator. The Zoning Administrator or designee shall administer the provisions of these regulations and in furtherance of such authority, shall:

- a. Serve as an assistant to the Planning Commission on (1) the review of sketch plans, plats and lot splits; and (2) the vacation of plats, rights-of-way, easements and other public reservations.
- b. Inform applicants of procedures required for subdivision approval and vacations, provide application forms and other administrative forms to facilitate the process, and convey to sub-dividers the decisions of the Planning Commission.
- c. Receive and establish files for all sketch plans, preliminary and final plats, re-plats, final plats for small tracts, lot splits and vacations together with applications therefore.
- d. After determining the adequacy of the information submitted as suitable for distribution, forward copies of the preliminary plat and final plats for small tracts, when deemed necessary, to other appropriate governmental agencies and public and private utilities providers for their comments and recommendations.
- e. Review and compile a list of comments on all preliminary plats to determine whether such plats comply with these regulations and similarly review and compile a list on all final plats to determine whether they comply with the preliminary plat, if any, and these regulations.
- f. Forward sketch plans, preliminary and final plats and lot splits to the Planning Commission for their consideration, together with the list of comments and recommendations.
- g. Following approval by the Planning Commission and recommendations on vacations forward to the Governing Body all final plats, re-plats, final plats for small tracts as well as vacations after having checked and assembled all pertinent data and drawings.
- h. Make such other determinations and decisions as may be required by these regulations.

102. Duties of the City Clerk. The City Clerk shall:

- a. File at least three copies of these model regulations marked by the Clerk as "Official Copy as Incorporated by Ordinance No. 444-2010", (i.e., the ordinance approved by the Governing Body) and all sections or portions thereof intended to be omitted clearly marked to show any

such omissions or showing the sections, articles, parts or portions that are incorporated and to which shall be appended a copy of the incorporating ordinance. Such copies maintained by the Clerk shall be open to inspection and available to the public at all reasonable business hours.

b. Distribute at cost to the City, official copies of these regulations similarly marked as described in Section 3-102A to the Zoning Administrator, Building Inspector, City Attorney and all administrative departments of the City charged with the enforcement of these regulations. Subsequent amendments to these regulations shall be appended to such copies.

c. Process the required fees. (See fee schedule on page 2)

d. Provide clerical assistance to the Governing Body so as to facilitate and record their actions in the exercise of their duties relating to these regulations.

103. Duties of the Planning Commission. The Planning Commission shall:

a. Review the sketch plans, when submitted, and forward comments to the potential sub-divider.

b. Review and approve, approve conditionally or disapprove preliminary plats and lot splits.

c. Review and approve, approve conditionally or disapprove final plats and transmit the same to the Governing Body for their acceptance of dedications of streets, alleys and other public ways and sites.

d. Make recommendations to the Governing Body on vacations of recorded plats, rights-of-way, easements and other public reservations.

e. Make such other determinations and decisions as may be required of the Commission from time to time by these regulations or applicable sections of the Kansas Statutes Annotated.

104. Duties of the Governing Body. The Governing Body shall:

a. Accept or not accept dedications of streets, alleys and other public ways and sites shown on final plats and, in cases of disapproval or modification, inform the sub-divider in writing of the reasons.

b. Approve or not approve vacations of recorded plats, rights-of-way, easements and other public reservations.

105. Building and Zoning Permits.

a. No building or zoning permit or occupancy certificate except those involving repairs, maintenance, continuation of an existing use or occupancy or accessory structures, shall be issued for a principal building or structure or use on any lot, tract or parcel of any subdivision that is subject to the provisions of these regulations until a copy of the recorded plat is available for examination by the applicable official charged with issuing such permits or certificates.

b. Furthermore, no such building or zoning occupancy certificates shall be

issued for the use of any building or structure within a subdivision approved for platting, re-platting or lot splitting until required utility facilities have been installed and made ready to service the property; roadways providing access to the subject lot or lots have been constructed or are in the course of construction; or guarantees have been provided to ensure the installation of such utilities and roadways.

c. If platting is not required, dedications in lieu of platting may be required to obtain easements and access control and to widen rights-of-way as well as to provide necessary public improvements during the process of issuing permits. (See Section 2-100E for Vesting of Development Rights and Section 1-105 for exemptions from platting.)

106. Enforcement.

No plat shall be approved which does not comply with the provisions of these regulations or be entitled to record at the County Register of Deeds or have any validity until it shall have been approved in the manner prescribed in these regulations. It shall be the duty of the Zoning Administrator and the applicable official charged with issuing building and zoning permits and occupancy certificates in conjunction with the City Attorney or their designees to enforce these regulations. The following actions are specifically prohibited:

a. The transfer or sale by metes and bounds description of any land subject to the applicability of Section 1-104, which is not otherwise exempted by Section 1-105.

b. Approval of a plat by the Planning Commission, which does not comply with the provisions of these regulations.

c. The transfer or sales of any lot, tract or parcel of land located in a plat accepted for dedications by the Governing Body which has not been recorded with the Register of Deeds.

d. The recording of any plats or re-plats of land laid out with building lots, streets, alleys, utility or other easements and dedications to the public unless the plat or re-plat bears the signatures of the Planning Commission and the Governing Body.

107. Violations.

a. Penalties. Pursuant to K.S.A. 12-761, as amended, any violations of these regulations shall be deemed to be a misdemeanor. Any person, firm, association, partnership, or corporation convicted thereof, shall be punished by a fine not to exceed \$500 or by imprisonment for not more than six months for each offense or by both such fine and imprisonment. Each day's violation shall constitute a separate offense.

b. Remedies. The City shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of these regulations and to abate nuisances maintained in violation thereof; and in addition to other remedies, the appropriate authorities of the City of Carbondale may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of such buildings, structures or land.

c. Floodplain Violations. Any person, company, corporation, institution, municipality or agency of the state that violates any

provision of the floodplain provisions of these regulations shall be subject to the penalties and remedies as provided in Sections 3-107A and B above. Such remedies may also be instituted by the Attorney General and the Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture. (SEE FLOOD PLAIN ORDINANCE)

108. Fees.

For purposes of wholly or partially defraying the costs of the administrative and enforcement provisions described in these regulations, including the cost of engineering and inspection services and recording legal documents, the applicant upon filing an application for a preliminary or final plat, plat for small tracts, lot split or vacation, shall pay the Clerk a fee according to the fee schedule on page 2, approved by the Governing Body. No part of such fee shall thereafter be refunded.

109. Reports.

The Zoning Administrator shall periodically report verbally or in writing to the Governing Body and the Planning Commission a summary of all subdivisions and the number of lots recorded on final plats during the preceding period, giving details of any permitted variations, as well as the current status of all applications in process for sketch plans, preliminary and final plats, lot splits and vacations. Such a report shall include comments on any problems encountered in the administration or enforcement of these regulations, which may especially be of use at the annual review established by Section 14-101.

SECTION 4
PROCEDURE FOR APPROVAL OF PRELIMINARY AND FINAL PLATS

100. Submittal of Sketch Plan.

The sub-divider may, submit a sketch plan in order to receive the pre-plat comments of the Planning Commission which may prove helpful in designing the preliminary plat. Ten copies of the sketch plan should be submitted to the Zoning Administrator in a simple format sufficient to convey the location of proposed streets and utilities, the general layout of lots, and to note any particular design situations, which could benefit from an early discussion of the problems. One copy of the sketch plan shall be returned to the sub-divider with notations marked as to the comments resulting from such a review process. No fee shall be charged for the sketch plan review.

101. Filing of Preliminary Plat.

An application shall be filed with the Zoning Administrator at least 30 days prior to the next regular meeting of the Planning Commission along with 6 copies of the Preliminary Plat together with such supplementary information as will be of assistance in review said plat to the Administrator (one copy to the City Attorney). Said plats shall be filed at least twelve (12) days prior to the meeting of the Planning Commission. Such plat shall not be accepted for filing until the fee as provided for in (Fee schedule on page 2) has been paid by the sub-divider to the Clerk. The preliminary plat shall contain the information as set out in Section 5-100 of these regulations.

102. Distribution and Review of Preliminary Plat.

After the filing of the preliminary plat, the Zoning Administrator shall distribute copies to affected and interested governmental and public and private organizations as appropriate. Organizations receiving copies shall have 15 days to review the preliminary plat and to make their comments and recommendations to the Planning Commission. A lack of response in 15 days shall, at the discretion of the Commission, signify approval, unless during this period a written request for an extension of one time only not to exceed 15 days is submitted to the Commission.

103. Action by the Planning Commission on Preliminary Plat.

The Planning Commission shall review the preliminary plat and consider the comments and recommendations of the organizations to whom the preliminary plat had been submitted for review. If deemed desirable, the Commission may mail notices or copies of agendas to interested parties and conduct a public hearing for the purpose of receiving information supporting or opposing the preliminary plat.

a. The Planning Commission shall determine whether the preliminary plat generally meets the design standards and requirements of these regulations, the Comprehensive Plan, the applicable zoning regulations and other applicable provisions of the ordinances of the City.

b. If satisfied, the Planning Commission shall approve the preliminary plat with or without conditions by a majority vote of the members present and voting, and so notify the sub-divider in writing.

c. If the Planning Commission determines that the preliminary plat does not satisfy the foregoing conditions, it may suggest modifications so as to satisfy such conditions and in such event:

1. The sub-divider may amend the preliminary plat so as to incorporate such modifications and resubmit the plat to the Commission, which shall then grant its approval if such amendments satisfactorily incorporate the suggested modifications; or

2. The sub-divider may reject the suggested modifications or, within the time allowed for Commission action, may refrain from taking any action thereon. In either event, the preliminary plat shall be deemed to have been disapproved and the Commission shall thereupon furnish the sub-divider with a written statement setting forth the reasons for disapproval of the preliminary plat.

d. If the Planning Commission determines that the preliminary plat does not satisfy the conditions of these regulations and that modifications would be too extensive or impractical, it shall disapprove the preliminary plat and immediately notify the sub-divider in writing of its action, all within 60 days.

104. Failure of Planning Commission to Act on Preliminary Plat.

If the Planning Commission fails to approve or disapprove a preliminary plat within 60 days after the date such plat is filed with the Zoning Administrator or from the date the sub-divider has filed the last item of required data, whichever date is later, then such preliminary plat shall be deemed to have been approved, unless the sub-divider shall have consented in writing to extend or waive such time limitation.

105. Effect of Approval of Preliminary Plat.

a. Approval of the preliminary plat shall not constitute approval of the subdivision by the Planning Commission, but shall signify in general the acceptability of the proposed subdivision.

b. Such approval shall be considered permission to submit the final plat accompanied by the information required by Section 5-101R.

c. Such approval shall be effective for no more than 12 months from the date approval was granted, unless, upon application from the sub-divider, the Planning Commission grants an extension of time beyond such period. If a final plat for the entire subdivision or a unit thereof has not been filed with the Zoning Administrator within such period, or any extensions granted thereto, the preliminary plat must be resubmitted to the Commission as if such plat had never been approved, except that no additional fee shall be charged for such re-submittal if there are no substantive changes from the previous preliminary plat approval.

106. Filing of Final Plat.

An application for final plat approval, together with 6 copies shall be filed with the Administrator (one copy to the City Attorney) at least 20 days prior to the next regular meeting of the Commission and within 12 months after the date that the preliminary plat has been approved. The Administrator shall transmit the final plat to the Commission and to other affected and interested governmental and public and private organizations as desirable for any further recommendations. The final plat shall contain the information as set out in Section 5-101 of these regulations. An application for a re-plat approval is processed in the same manner as a final plat. (See Section 2-102

for definition of a REPLAT under the heading of PLAT.)

107. Planning Commission Action on the Final Plat.

a. The Planning Commission shall, within 60 days after the first meeting of the Commission following the date that the plat with all required data is filed with the Zoning Administrator, review and approve the final plat by a majority vote of the member's present and voting if:

b. It is substantially the same as the approved preliminary plat: or There has been compliance with all conditions, which may have been attached to the approval of the preliminary plat: and

c. It complies with all of the provisions contained in these regulations and of other applicable regulations or laws.

108. Failure of Planning Commission to Act on Final Plat.

If the Planning Commission fails to approve or disapprove the final plat within the 60 days designated by state law for its consideration as stated in Section 4-107, it shall be deemed to have been approved and a certificate shall be issued by the Secretary upon demand, unless the sub-divider shall have consented in writing to extend or waive such time limitation. (See K.S.A. 12-752(b).)

109. Submittal to Governing Body of Final Plat.

Before a final plat is recorded, it shall be submitted to the Governing Body for its acceptance of dedications for street rights-of-way and other public ways, drainage and utility easements, and any land dedicated for public use and accompanied by guarantees for the installation of required improvements according to Section 7-103.

110. Governing Body Action on Final Plat.

The Governing Body shall either accept or not accept the dedication of any land for public purposes by a majority vote within 30 days after the first meeting of the Governing Body following the date of the submission of the plat to the Clerk. The Governing Body may defer action for an additional 30 days for the purpose of allowing for modifications to comply with the requirements established by the Governing Body. If the Governing Body defers action on the plat or declines to accept the dedications thereto, it shall advise the Planning Commission and the sub-divider in writing of the reasons therefore. Acceptance of the dedications on the plat shall be shown over the signature of the Mayor and attested to by the Clerk.

111. Recording of Final Plat.

The final plat with all required signatures and in the exact form as accepted by the Governing Body shall be recorded by the sub-divider with the County Register of Deeds. The sub-divider shall pay the recording fee and any outstanding real estate taxes and special assessments. Approval of the final plat by the Planning Commission and acceptance by the Governing Body shall be null and void if the plat is not acceptable for recording in the office of the Register of Deeds or is not recorded within 60 days after final approval by the Governing Body. The sub-divider shall submit to the Zoning Administrator such number of copies of the recorded plat as is necessary for record keeping purposes of the City and other affected governmental agencies. (See Section 5-101R1 for title report and Section 10-100C for Vacation of Unrecorded Plat.)

112. Unit Developments.

The foregoing provisions of these regulations to the contrary notwithstanding, an approved preliminary plat may be submitted for final approval in separate geographic units rather than as a whole, provided the following conditions are met:

- a. Each unit of a plat of subdivision shall contain an area of sufficient size based on physical conditions and ability to install improvements economically.
- b. The approval of the Planning Commission as to the feasibility of such development, in separate units, including the feasibility of the proposed sequence of development, shall be secured.
- c. A final plat of at least one unit shall be filed within 12 months from the date of approval of the preliminary plat, and final plats of all such units shall be filed within five years from the date that the preliminary plat was approved. The Planning Commission on application of the sub-divider, may, from time to time, grant extensions of time within which to submit such final plats, provided that each such extension shall be for no more than one year.
- d. All steps required for the approval of final plats, including the recording thereof, shall be adhered to with respect to each unit so submitted.
- e. A re-plat of all or a portion of a recorded final plat may be submitted at any time.

113. Approval of Plats for Small Tracts.

A. Authorization. Any other provision of these regulations to the contrary notwithstanding, if a proposed plat of subdivision or re-subdivision complies with the requirements of Section 4-113B, then the Planning Commission may approve a final plat of such subdivision or re-subdivision when neither a sketch plan nor a preliminary plat has been filed by the sub-divider and a preliminary plat has not been approved by the Planning Commission.

B. Requirements. In order to qualify for approval in the manner provided in Section 4-113A, a proposed plat of subdivision shall comply with the following requirements:

1. The proposed plat of subdivision shall include not more than one acres if a residential plat, nor more than 20,000 square feet for any other type of plat, unless approved for a larger acreage by the Planning Commission.
2. The proposed plat of subdivision shall create not more than four lots, tracts or parcels of land, unless approved for a larger number by the Planning Commission.
3. No public street or easement of access, e.g., a utility or drainage easement, is sought to be dedicated or is contemplated or projected through (as opposed to adjacent to) the lot, tract or parcel, proposed to be subdivided or re-subdivided.
4. The proposed plat of subdivision shall be in the form required by Section 5-101 and shall contain all the data, information and certificates required on final plats as well as the supplemental information.

5. Submission of the fees as required by Section 3-108. (see fee schedule on page 2)

Procedures.

a. Final plats filed for approval pursuant to Section 4-113 shall be filed with the Zoning Administrator who may submit such plat for review and recommendations to affected and interested governmental agencies and public and private utility providers as deemed desirable. The Administrator may require the sub-divider to submit topographic information whenever the property proposed to be subdivided or re-subdivided is traversed by or is adjacent to a known watercourse, including intermittent streams or is subject to flooding as defined in Section 6-104.

b. The approval of final plats by the Planning Commission pursuant to Section 4-113 shall be subject to the same procedural provisions of a final plat, except insofar as the said sections require prior approval of, or compliance with, an approved preliminary plat.

SECTION 5
CONTENTS OF PRELIMINARY AND FINAL PLAT

100. Contents of Preliminary Plat.

The preliminary plat shall be drawn at a scale of not less than one inch equals 100 feet; however, areas over 100 acres may be at a scale of one inch equals 200 feet.

A. General Information. The following general information shall be shown on the preliminary plat:

1. Proposed name of the subdivision not duplicating or resembling the name of any plat heretofore recorded within the area of jurisdiction of these regulations. The use of the word "Addition" should be used for a plat, which has just been or is in the process of being annexed and not for the subdivision of land already in the City.
2. Date of preparation, north point and scale of drawing.
3. An identification clearly stating that the drawing is a preliminary plat.
4. Location of the subdivision by quarter-section, section, township and range and by measured distances to a section corner to further define the location and boundary of the tract.
5. Names of adjacent subdivisions or, in the case of un-platted land, the name of the owner or owners of adjacent property.
6. The name and address of the landowner, the sub-divider and the name and seal of the land planner who prepared the plat and surveyor who did the topographic survey.

B. Existing Conditions. The following existing conditions shall be shown on the preliminary plat:

1. The location, right-of-way, width and names of all existing public or private streets within or adjacent to the tract, together with easements, railroad rights-of-way and other important features such as section lines and corners, city and township boundary lines and monuments.
2. The horizontal location within the subdivision and the adjoining streets and property of existing sanitary and storm water sewers including flow lines, water mains, culverts, catch basins, manholes, fire hydrants, underground wiring, pipe lines and gas lines proposed to serve the subdivision.
3. Contour lines or spot elevations based on U.S. Geological Survey datum having the following intervals:
 - a. Two-foot contour intervals for ground slopes less than 10%.
 - b. Five-foot contour intervals for ground slopes exceeding 10%.
 - c. Spot elevations where the ground is too flat for contours.

The date of the topographic survey shall be shown including the location, elevation and description of the benchmark controlling the vertical survey.

4. Locations of existing monuments or survey markers used in preparation of the survey.

5. The location and direction of all watercourses and areas subject to flooding as determined by Section 6-104.

6. Significant natural features including, but not limited to rock outcroppings, lakes and wooded areas.

7. Existing use of the property including the location of all existing structures showing those that will be removed and those that will remain on the property after the final plat is recorded.

8. Boundary line of proposed subdivision clearly indicated and total acreage therein.

9. Zoning district classifications on and adjacent to the tract, if any.

C. Proposed Subdivision Plat. The following information with respect to the manner in which the tract is to be subdivided and developed shall be included on the preliminary plat:

1. Streets showing the location, right-of-way, width and approximate grades thereof. The preliminary plat shall show the relationship of all streets to any projected streets shown or to any related Comprehensive Plan proposal or, if none proposed, then as determined by the Planning Commission.

2. Street names which do not duplicate any streets in the City or its environs, unless the street is an extension of or in line with an already named street, in which event that name shall be used. Appropriate prefixes and suffixes, which provide relative direction and type of street, should accompany such names. Street names shall be subject to the approval of the Planning Commission and follow the City's Street Naming and Property Numbering Policy, if adopted property numbers are assigned by the City.

3. Easements showing width and purpose such as for utilities, drainage, screening, open space, crosswalks and alleys.

4. Location and type of utilities to be installed including provisions for storm water drainage.

5. Lots showing approximate dimensions, minimum lot sizes and proposed lot numbers and block letters or numbers.

6. Sites, if any, to be allocated for development with other than single-family dwellings or to be dedicated or reserved for park, recreation area, open space or other public or private purposes. (See Section 2-102 for definition of RESERVE.)

7. Proposed building setback lines, if any, but not less than applicable zoning regulations. The setback, should be measured from the existing or proposed street right-of-way, whichever is a greater distance.

D. Additional Data and Information to be Submitted with the Preliminary

Plat. The following information shall be submitted in separate statements and/or drawings accompanying the preliminary plat, or, if practical, such information may be shown on the preliminary plat:

1. A vicinity map showing existing subdivisions, streets and undivided tracts adjacent to the proposed subdivision and showing the manner in which the proposed streets may be extended to connect with existing streets.
2. A statement as to the nature and type of improvements proposed for the subdivision and in what manner the sub-divider intends to finance and guarantee their installation, e.g., petition, actual construction, monetary guarantee, etc. (See Section 7-103 for guarantees for installation of improvements.)
3. When deemed necessary by the Zoning Administrator, a preliminary drainage plan based on standards and policies of the City.

101. Contents of Final Plat.

The final plat shall be prepared by a licensed land surveyor and drawn in waterproof black India ink on .004 inch Mylar material or as required by the Osage County Register of Deeds. The permitted page size shall be 24 inches by 36 inches. Larger or smaller sizes will not be accepted. The scale shall be not less than 100 feet to one inch except that a variation in scale may be allowed where the Planning Commission determines it is necessary for a proper exhibit of the subdivision. When more than one sheet is used for any plat, each such sheet shall be numbered consecutively and each such sheet shall contain a notation showing the whole number of sheets in the plat and its relation to other sheets (e.g., Sheet 1 of 3). Linear dimensions shall be given in feet and decimals of a foot. The final plat shall show on the face thereof:

- a. The name of the subdivision followed by a reference to its location by quarter-section, section, township and range.
- b. The date of preparation, scale, north point, legend and controlling physical features, such as highways, railroads, watercourses and areas subject to flooding as determined by Section 6-104
- c. Legal description of the tract boundaries. (See Section 5-101 Q 1 for land surveyor's certificate and descriptions.)
- d. Reference ties to previous surveys and plats, as follows: (See Section 7-101J for monuments as required improvements.)
 1. Distance and direction to the monuments used to locate the land described in the certificate of survey.
 2. The location of all other monuments required to be installed by these regulations.
- e. Location and elevation of permanent benchmark.
- f. Tract boundary, block boundary, street and other right-of-way lines with distances and angles (and/or bearings). Where these lines follow a curve (all curves must be circular), the central angle, the radius, points of curvature, length of curve and length of intermediate tangents shall be shown. Error of closure of the perimeter survey shall not exceed one foot for each 10,000 feet.
- g. Lot lines with dimensions. Side lot lines shall be at right angles

or radial to street lines unless otherwise shown. Rear lot lines shall be parallel to block or tract lines unless otherwise indicated. Points of deflection of rear lot lines shall be indicated by angles and distances.

h. Lot numbers beginning with number one and numbered consecutively in each block.

i. Block letters or numbers continuing consecutively without omission or duplication throughout the subdivision. Such identification shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure.

j. All, easements shall be denoted by fine dashed lines, clearly identified and, if already on record, the recorded reference of such easements. If an easement is not definitely located of record, a statement of such easement shall be included. The width of the easement with sufficient ties to locate it definitely with respect to the subdivision must be shown and its purpose such as for utilities, drainage, screening, open space, crosswalks or alleys. If the easement is being dedicated through the plat, it shall be properly referenced in the owner's certificate and dedication.

k. The width of street rights-of-way and any portion thereof being dedicated by the plat as well as the width of any existing right-of-way and the centerline of any adjacent perimeter streets.

l. The name of each street shown on the subdivision plat including appropriate prefixes and suffixes.

m. Minimum building setback lines, if any, but not less than applicable zoning regulations. The setback should be measured from the existing or proposed street right-of-way, whichever is a greater distance.

n. Land parcels to be dedicated or reserved for any purpose, public or private, to be distinguished from lots or tracts intended for sale. (See Section 2-102 for definition of RESERVE.)

o. When deemed desirable, the minimum pad elevation of each lot or parcel of land based on the design criteria of Section 6-104 so that each pad is elevated at least one foot above the base flood elevation. (See Section 2-102 for definition of MINIMUM PAD ELEVATION.)

p. Marginal lines encircling the sheet. All information shall be within this margin.

q. The following certificates, which may be combined where appropriate: (Certificates requiring a seal should be located near the edge of the plat to facilitate affixing the seal. All names on the plat must also be typed or clearly printed under the signature.)

1. LAND SURVEYOR'S CERTIFICATE AND DESCRIPTION: A certificate signed by a licensed land surveyor responsible for the survey and final plat. The surveyor shall not sign the-plat until all monuments, irons or benchmarks have been set as required by these regulations. Such signature shall be accompanied by the legal description of the land surveyed, the total acreage, the month and year such survey was made and the surveyor's seal. This certificate may be in the following form:
2. COUNTY SURVEYOR'S CERTIFICATE: According to K.S.A. 58-2005, all plats are to be reviewed by the designated County Surveyor who must be a licensed land surveyor to determine compliance with the survey

requirements of K.S.A. 58-2001 et seq. before the plat can be recorded. The following certificate may be amended from time to time to meet the policy of the County:

3. OWNER'S CERTIFICATE AND DEDICATION: According to K.S.A. 58-2005, all plats are to be reviewed by the designated County Surveyor who must be a licensed land surveyor to determine compliance with the survey requirements of K.S.A. 58-2001 et seq. before the plat can be recorded. The following certificate may be amended from time to time to meet the policy of the County:

4. NOTARY CERTIFICATE: The acknowledgment of a notary in the following form for an individual capacity or modified if a representative capacity:

5. CITY ATTORNEY'S CERTIFICATE: If the plat is an addition to the City, i.e., an annexation, a certificate signed by the City Attorney indicating that all conditions of K.S.A. 12-401 have been met: (See Section 5-100A1 for use of the Word "Addition.")

6. GOVERNING BODY CERTIFICATE: The acceptance of dedications by the Governing Body.

7. COUNTY TREASURER AND CITY CLERK CERTIFICATE: Plats are not entitled to record unless all current real estate taxes and special assessments are paid in full on the land being platted. (See Section 5-101R1 for title report.) A certificate in the following form stating that all such taxes and assessments due and payable under the respective jurisdiction of the County

Treasurer and the City Clerk have been satisfied. In addition, a place to note the transfer record date of the County Clerk and the recording certificate of the County Register of Deeds.

8. TRANSFER RECORDS Provision for all other certifications, approvals and acceptances which are now, or which may hereafter be, required by any statute, ordinance or regulation. The form of these certifications may be modified as necessary by the City's legal counsel to meet statutory or other requirements.

Whenever the sub-divider's agreement and any restrictive covenants are recorded prior to or concurrently with the final plat, the book and page numbers where they are recorded shall be noted on the plat for reference purposes.

City of Carbondale

234 Main Street ♦ P.O. Box 70
Carbondale, Kansas 66414-0070

Phone Number 785-836-7108

Fax Number 785-836-7942

LAND SURVEYOR'S CERTIFICATE AND DESCRIPTION

I, the undersigned, licensed land surveyor of the State of Kansas, do hereby certify that the following described tract of land was surveyed on 20 and the accompanying final plat prepared and that all the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief:

(Legal description, date of survey and acreage. If applicable, reference may be made to indicate that existing public easements and dedications are being vacated according to provisions of K.S.A. 12-512b. [See Section 10-101A1 for provisions of. K.S.A. 12-512b.]

Date _____, 20

(S E A L)

(Land Surveyor's name and license number)

COUNTY SURVEYOR'S CERTIFICATE
STATE OF KANSAS)
ss)
COUNTY OF OSAGE)

This plat has been reviewed and complies with the survey requirements of K.S.A. 58-2001, et seq.

Signed this _____ day of _____, 20

(S E A L)

(Land Surveyor's name and license number)

City of Carbondale

234 Main Street ♦ P.O. Box 70
Carbondale, Kansas 66414-0070

Phone Number 785-836-7108

Fax Number 785-836-7942

OWNER'S CERTIFICATE AND DEDICATION

STATE OF KANSAS)
) ss
COUNTY OF OSAGE)

This is to certify that the undersigned owner(s) of the land described in the Land Surveyor's Certificate; have caused the same to be surveyed and subdivided on the accompanying plat into lots, blocks, streets and other public ways under the name of; (an addition to) (located in) the City of Carbondale, Osage County, Kansas; that all highways, streets, alleys, easements and public sites as denoted on the plat are hereby dedicated to and for the use of the public for the purpose of constructing, operating, maintaining and repairing public improvements; and further that the land contained herein is held and shall be conveyed subject to any applicable restrictions, reservations and covenants now on file or hereafter filed in the Office of the Register of Deeds of Osage County, Kansas.

Date Signed: _____

Date Signed: _____

_____, Owner
(Print Name)

_____, Owner
(Print Name)

MORTGAGE HOLDER

We, (Name of institution and location), by (Name and title of officer), holders of a mortgage on the above described property do hereby consent to the plat of (Name of plat) , City of Carbondale, Osage County, Kansas.
(Name of institution and location)

(Name and title)

City of Carbondale

234 Main Street ♦ P.O. Box 70
Carbondale, Kansas 66414-0070

Phone Number 785-836-7108

Fax Number 785-836-7942

CITY ATTORNEY'S CERTIFICATE

STATE OF KANSAS)
) ss
CITY OF CARBONDALE)

This plat is approved pursuant to the provisions of K.S.A. 12-401.

Date: _____

City Attorney

(Print Name)

GOVERNING BODY CERTIFICATE

STATE OF KANSAS)
) ss
CITY OF CARBONDALE)

The dedications shown on this plat, if any, are hereby accepted by the
Governing Body of the City of Carbondale, Kansas on this ____ day of
_____, _____

Mayor

(Print Name)

(S E A L)

ATTEST:

City Clerk

(Print Name)

City of Carbondale

234 Main Street ♦ P.O. Box 70
Carbondale, Kansas 66414-0070

Phone Number 785-836-7108

Fax Number 785-836-7942

COUNTY TREASURER AND CITY CLERK CERTIFICATE

STATE OF KANSAS)
COUNTY OF OSAGE) ss
CITY OF CARBONDALE)

We, the undersigned, County Treasurer of Osage County, Kansas and City Clerk of the City of Carbondale, Kansas, within our respective jurisdictions, do hereby certify that, at the date of this certificate, all currently due and owing taxes and special assessments of any kind assessed against any of the land included in this plat, have been paid.

Date Signed _____ Date Signed _____

County Treasurer

City Clerk

Printed Name

Printed Name

SEAL

SEAL

City of Carbondale

234 Main Street ♦ P.O. Box 70
Carbondale, Kansas 66414-0070

Phone Number 785-836-7108

Fax Number 785-836-7942

TRANSFER RECORD

Entered on transfer record this _____ day of _____, 20__.

_____, County Clerk
(Print Name)

Signature

REGISTER OF DEED'S CERTIFICATE

STATE OF KANSAS)
) ss
COUNTY OF OSAGE)

This is to certify that this instrument was filed for record in the Register of Deeds Office at _____ : _____ (a.m.) (p.m.) on the _____ day of _____ 20____ and is duly recorded in

_____ (2-1/2 inch line) of the Register of Deeds office Osage County.

Deputy
(Print Name)

Signature

Whenever the sub-divider's agreement and any restrictive covenants are recorded prior to or concurrently with the final plat, the book and page numbers where they are recorded shall be noted on the plat for reference purposes.

blank

R. The following additional information shall be submitted with the final plat:

1. A title report by an abstract or a title insurance company, or an attorney's opinion of title, showing the owner of the land and all other persons who have an interest therein and describing any encumbrances on the plat, including such items as rights-of-way, easements, pipelines, leases, mineral rights, mortgages, real estate taxes, special assessments and other encumbrances affecting the ownership. (See Section 5-101 Q 7 on payment of real estate taxes and special assessments before recording.)

2. When deemed necessary by the Zoning Administrator, a final drainage plan based on the standards set by the City as determined by the designated City Engineer including a four-corner grading plan for each lot plus minimum pad elevations if located in a flood prone area. The plat shall also clearly note that a drainage plan has been developed for the subdivision which is on file with the City Zoning Administrator and that all drainage easements, rights-of-way or reserves shall remain at the established grades or as modified with the approval of the City Engineer and unobstructed to allow for the conveyance of storm water.

3. A copy, if any, of restrictive covenants applicable to the subdivision. As a service to the sub-divider, such restrictions may be reviewed by the Planning Commission and other officials to determine if any potential conflicts exists with City Laws.

SECTION 6
DESIGN STANDARDS

100. Scope. All subdivision of land subject to these regulations shall conform to the minimum design standards of this Article.

101. Comprehensive Development Plan. Subdivisions shall conform with the intent of the Comprehensive Plan.

102. Land for Public Facility Sites. Public agencies using the Comprehensive Plan as a guide may use the following procedure for acquiring sites for public facilities which does not preclude voluntary dedication and mutual negotiations for land or the use of the condemnation laws of the State: (See Section 2-102 for definition of RESERVE.)

a. The sub-divider offers to sell to the appropriate public body, agency or authority, lands, sites and locations for parks, recreational areas, schools, fire stations or other public facilities. As soon as the preliminary plat has been received and reviewed, the Planning Commission shall give 45 days notice to the public body, agency or authority that it appears that lands should be considered for public acquisition. If within that 45 days the body receiving notice fails to act or submits a negative report on acquisition, then the subdivision and design thereof shall be treated as if no such request for land had been made.

b. If the organization receiving notice replies in writing that they desire to acquire land within the subdivision, they shall have an additional 45 days after making such reply to make arrangements for such land acquisition.

c. The time allocated for making the above determination may be extended with the mutual consent of the sub-divider and the organization involved.

103. Land for Open Space. The following conditions may be required as part of the approval of any subdivision plat: (See Section 2-102 for definition of RESERVE.)

A. That the sub-divider provide appropriate dedication of land or easements for the preservation of open space areas within a subdivision. Such open space may be needed to preserve areas containing natural watercourses, drainage ways, areas subject to periodic flooding, substantial woodland, rugged topography and wildlife habitat; to maintain water quality and quantity; and to protect land from soil erosion. In general, such land is not normally considered as buildable land and should not be developed in order to maintain the quality of the environment.

104. Land Subject to Flooding.

a. Whenever a subdivision of land including platting for manufactured home parks and other developments on one-lot plats is located on flood prone land identified on a Flood Insurance Rate Map(s) (F.I.R.M.) prepared by the Federal Emergency Management Agency, the following requirements shall apply: Floodplain District.) (See Section 5-101 0 for minimum pad elevations.) Also see (See City Ordinance #445-2010

1. Show on the preliminary and final plats the boundary lines and

elevations for both floodway, if any, and base flood elevation;
and

2. Assure that (a) all such subdivisions are consistent with the need to minimize flood damage, (b) all public utilities and facilities, such as sewer, water, gas and electrical systems are located, elevated and constructed to minimize or eliminate flood damage, and (c) adequate drainage is provided so as to reduce exposure to flood hazards.

105. Land Subject to Excessive Erosion by Wind or Water. On land subject to excessive soil movement by the forces of wind and/or water and that may cause environmental health hazards, necessary preventive measures shall be a part of the subdivision plat. Conservation standards applicable to subdivisions shall be adhered to which are used by the Osage County Conservation District.

106. Access. All lots located in any subdivision must contain at least 40 feet of frontage for driveways directly connected to an opened public street and not across the land of others.

107. Streets-Layout and Design.

a. The arrangement, character, extent, width, grade and location of all streets shall conform to the intent of the Comprehensive Plan, and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic within the subdivision and adjoining lands; to topographical conditions; to the run-off of storm water; to public convenience and safety; and in their appropriate relations to the proposed uses of the land to be served by such streets.

b. Where such is not shown on a Comprehensive Plan, the arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection of existing streets in surrounding areas; or

2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographic or other conditions make continuance or conformance to existing streets impracticable.

c. Local streets shall be laid out so that their use by through traffic will be discouraged.

d. If a subdivision abuts or contains an existing or proposed limited access highway or railroad right-of-way, the Planning Commission may require marginal access streets, deep lots with rear service alleys or such other design as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

e. Reserve strips controlling access of streets shall be prohibited except where their control is placed with the Governing Body under acceptable conditions.

f. Street right-of-way requirements shall be determined by the total aggregate needs for the functional components for the particular system being considered. The total aggregates shall be in increments of even feet, even numbers only. The components involved shall be as follows depending upon the type of characteristics of the street needed based

on land use, traffic and density:

1. Moving or traffic lanes may be variable from nine to 12 feet depending on function, e.g., low density residential, cul-de-sac residential, industrial, etc., and on design speed of the roadway. A moving lane may utilize a portion of the surface of certain types of curb construction.
2. A curb and gutter shall be considered to require two feet irrespective of construction type.
3. Shoulders for streets without curbs shall be not less than three feet in width.
4. Parking strips for streets shall be at least 14 1/2 feet in width from the back of curb to the right-of-way line. This area shall be used for the installation of utilities, street signs, street lights, traffic control devices, fire hydrants, sidewalks, driveways, street furniture, street trees from an approved City list and to provide a transition area in grades, if necessary, between the roadway and the property adjacent to the right-of-way.

Based on the above general criteria, street rights-of-way and roadways shall be calculated from the following guidelines:

	R-0-W for Street In feet*	Roadway Width In feet
a. Commercial, Industrial Or Multiple-Family areas	70-80	36-40*
b. Local Residential including Cul-de-sacs and Single and Two-Family Areas.	60	30 *
c. Local Marginal Access Street (two moving lanes with no parking on one side plus a parking strip between curb and the main road right-of-way).	50	28 *
d. Alleys for Residential, if necessary, and Commercial Areas.	20	20

* Face of curb to face of curb.

These widths may be modified by the Planning Commission on a showing that special conditions exist such as drainage and utility requirements, safe and efficient traffic and pedestrian movement, intersection design, etc. In applying these standards, workable street systems must be established. When a pattern of widths based on function for a given area has been established, the pattern shall be followed until another system can be established.

g. Wherever possible, there shall be an inside tangent at least 100 feet in length introduced between reverse curves on arterial and collector streets.

h. Streets shall be laid out so as to provide for horizontal sight distances on all curves depending upon design speed. These distances shall be:

Local Streets: 200 feet

i. The sight distance shall be measured within street rights-of-way from a height of four and one-half feet above the proposed pavement surface in the right-hand lane of the roadway.

j. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 80 degrees.

k. On local streets, center line offsets of less than 150 feet should be avoided.

l. Roadway grades, wherever feasible, shall not exceed the following with due allowance for reasonable vertical curves:

Roadway Type	Percent Grade
Local	5%
Marginal Access	5%

m. No roadway grade shall be less than 0.32 of one percent, unless approved by the applicable engineer. Greater percentages of grade may be required where necessary to provide adequate drainage.

n. Roadway pavement at intersections shall be rounded by the following minimum radii:

Type of Roadway	Intersection Width	Minimum Curb Radii
Local Residential	Local Residential Collector	20 feet
Local Residential	Arterial	30 feet
Local Residential	Commercial/Industrial	30 feet
Commercial/Industrial	Collector or Arterial	50 feet

o. Half-streets shall be avoided, except where they are essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; or, when the Planning Commission finds that it will be practicable to require the dedication of the other half of the street when the adjoining property is subdivided. Whenever a half-street, or portion thereof, exists and is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. No construction of the roadway shall occur until the full right-of-way is provided.

p. The length of cul-de-sacs and the dimensions of the turnaround shall be determined as follows:

1. Cul-de-sacs in single-family areas, should not generally be longer than seven times the average lot width or 500 feet, whichever is less. In multiple-family residential areas, such streets shall not exceed 300 feet.

2. Turnarounds shall have a turn diameter of at least 70 feet and a street property line diameter of at least 100 feet, or shall have an alternate turnaround area such as hammerheads, etc., as providing service equal to the foregoing requirement.

q. Sub-dividers are encouraged to consider projects designed to maximize solar access when not in conflict with existing contours or drainage. When the long axis of individual structures is parallel to the street, streets should be oriented as nearly as possible in an east/west direction. If the long axis of structures is perpendicular to the street, north/south street orientation is preferable for solar access purposes.

108. Alleys.

a. Alleys shall be provided in residential, commercial and industrial areas, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking spaces consistent and adequate for the uses proposed.

b. The minimum right-of-way of an alley shall be 20 feet.

c. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, a turning radius shall be provided to permit safe vehicular movement.

d. Dead-end alleys shall be avoided where possible, but if unavoidable, such alleys shall be provided with adequate turnaround facilities at the dead end.

109. Blocks and Crosswalks.

A. The lengths, widths and shapes of blocks shall be determined with due regard to:

1. Provision of adequate building sites suitable for the special needs of the type of use contemplated.

2. Zoning requirements as to lot sizes and dimensions, off-street parking and loading, etc.

3. Need for convenient access, circulation, control and safety of street traffic.

4. Limitations and opportunities of topography.

b. A block should not exceed 1,340 feet in length, unless the previous layout or topographic conditions justify a modification. In general, blocks shall not be less than 400 feet unless necessary because of existing street patterns.

c. All blocks shall be so designed so as to provide two tiers of lots, unless a different arrangement is required in order to comply with or be permitted by other sections of these regulations.

d. Blocks may be irregular in shape, provided they are harmonious with the overall pattern of blocks in the proposed subdivision.

e. In extra long blocks, a public crosswalk may be required to provide

access to public or private facilities such as schools or parks. (See 2-102 for definition of CROSSWALKS.

110. Lots.

a. The lot size, width, depth, shape and orientation, and the minimum building setback lines, if any desired, shall be appropriate for the location of the subdivision and for the type of urban and rural development and use contemplated.

b. Lot dimensions shall conform to the minimum requirements of City Zoning Regulations.

c. All subdivisions shall be connected to public water supply and sewage disposal systems.*

- note: All public sanitary sewer systems and sewage treatment plants are further subject to the regulations of the Kansas Dept. of Health & Environment

d. As a general guideline, the maximum depth of all residential lots shall not exceed two and one-half times the width thereof. For all other types of lots, the depth shall not exceed three times the width.

e. The area of the street right-of-way shall not be included and calculated in the size of the lot with respect to minimum lot size requirements of these regulations or of City Zoning Regulations.

f. Corner lots for residential use shall have extra width, if necessary, to permit appropriate building setback from and orientation to both streets. Sidelines of lots shall be at right angles or radial to the street line or substantially so.

111. Easements.

a. Utility easements shall be provided where necessary and centered on rear or side lot lines. Such easements shall be at least 20 feet wide along rear lot lines and 10 feet wide along side lot lines, except that easements for street lighting purposes shall not in any event be required to exceed 10 feet. Side lot easements, when needed for other than street lighting purposes such as drainage, may exceed 10 feet.

b. Drainage Easements. If a subdivision is traversed by a watercourse, drainage way or channel, then a storm water easement or drainage right-of-way shall be provided. Such easement or right-of-way shall conform substantially to the lines of such watercourse, as may be necessary to assure adequate storm water drainage and for access for maintenance thereof. All drainage easements shall be vegetated with perennial grasses or otherwise stabilized to prevent soil erosion and sediment movement by wind or water. Parallel streets or parkways may be required in connection therewith.

c. Site triangle easements may be required on any corner lot to provide an open and usable vision path for drivers of vehicles approaching the intersection. The extent of site triangle easements shall be based on the type of intersection (3-way, four, protected, unprotected, etc.); the type of street (local, commercial or industrial); topography; proposed street grades (if any); and the design speeds contemplated for such roadways. (See Section 2-102 for definition of SITE TRIANGLE.)

d. Wherever a lot or group of lots side or back on to an existing high

pressure oil or gas transmission line, a building setback easement shall be established on each side of such line to the minimum safe standards as provided by the applicable oil or gas company to the sub-divider or to such standards as may be adopted by the City, state or federal governments, whichever provides the most setback distance. The easement shall be provided on that part of the lot, which abuts the oil or gas line and no principal buildings or structures shall be located or constructed within such an easement.

e. A screening easement may be required to provide for fencing and/or an adequate area for the mature growth of landscaping with appropriate maintenance. (See Section 12)

112. Commercial and Industrial Subdivisions.

a. Streets. Notwithstanding the other provisions of these regulations, the minimum width of streets adjacent to areas designed, proposed or zoned for commercial or industrial use may be increased by the Planning Commission to such extent as may be deemed necessary to assure the free flow of through traffic without interference from parked or parking motor vehicles.

b. Blocks and lots intended for commercial or industrial use shall be designed specifically for such purpose with adequate space set aside for off-street parking and loading.

c. Marginal Access Street. When lots or blocks in a proposed commercial or industrial subdivision front on any limited access highway, the sub-divider may be required to dedicate and improve a marginal access street to provide ingress and egress to and from such lots or blocks.

SECTION 7
INSTALLATION OF REQUIRED IMPROVEMENTS

100. Engineering Responsibility.

In setting certain standards and specifications, approving engineering drawings, inspecting improvements, recommending acceptance of improvements, preparing petition forms and establishing the amount of surety for guaranteeing the installation of such improvements; the engineer designated by the City or utility provider representative shall be designated as responsible for the improvements within their respective jurisdictions. Coordination to achieve cooperation among the responsible parties is the responsibility of the City and, in particular, the Zoning Administrator.

101. Required Improvements.

As a condition to final plat acceptance, the sub-divider of a proposed subdivision shall be responsible to install or, in cooperation with the Governing Body and utility companies, cause to be installed the following necessary facilities and improvements as listed below. The design and installation of such facilities and improvements shall include such sizing of pipes and extensions of streets as may be deemed desirable within the subdivision to facilitate development of adjacent land.

a. All streets, alleys, curbs, gutters and street drainage facilities shall be constructed in accordance with established City standards. Streets shall be constructed of concrete, asphalt or asphaltic concrete and no gravel or sanded roadways shall be constructed. To accommodate any future improvements, the entire right-of-way of local streets shall be graded to match the level of the road surface. All stumps, trees that cannot be saved, boulders and similar items shall be removed from such right-of-way.

b. A storm drainage system shall be provided, separate and independent of the sanitary sewer system, meeting all of the specifications and requirements of the City. Such storm drainage system shall be connected to any existing storm sewer system, where available, or if such connection is not available, other adequate means for the discharge of such storm water shall be provided by the sub-divider into the nearest major water channel. If it is determined that adequate drainage can be accomplished by a natural drainage way across private property, a drainage easement may be required; however, any initial channelization is the responsibility of the sub-divider and continued maintenance the responsibility of the adjacent property owner(s). *

c. Sidewalks shall be constructed in accordance with standards set by the City under the following conditions: (Also, see Section 6-109E for crosswalks.)

* Note: When required by the Kansas Department of Health and Environment, non-point source storm water permit applications must be filed before construction begins under the National Pollution Discharge Elimination System (N.P.D.E.S.).

1. Sidewalks may be required on one or both sides of the street

when needed to service pedestrian traffic flow leading to schools, parks, shopping areas or places of public assembly and where heavy traffic would warrant sidewalks for safety purposes. Sidewalks may also be required in residential areas where the lot frontage is less than 150 feet. Sidewalks shall be required to extend or complete connecting links in the sidewalk system.

2. In general, sidewalks shall be constructed with the inside edge of the sidewalk one foot outside the property line except in the central business district.

3. All sidewalks shall provide handicap access in conformity with K.S.A. 58-1301 et seq. and the federal Americans with Disabilities Act of 1990, 42 USCA 12101, as may be amended.

d. Street signs shall be installed in accordance with specifications set by the City subject to the standards of the Manual of Uniform Traffic Control Devices as adopted by the Secretary of the Kansas Department of Transportation and endorsed by the Federal Highway Administrator. (See K.S.A. 8-2003 for sign manual.)

e. A municipal type water supply system shall be installed in accordance with the standards and requirements set by the applicable agency supplying the water.

f. Fire hydrants of the type and quality specified by City standards, but not less than the minimum standards of the National Fire Protection Association (NFPA), shall be provided and connected to municipal type water supply system. Such hydrants shall be subject to the inspection and approval of the applicable Fire Chief.

g. Sanitary sewer system shall be installed in accordance with standards set by the City subject to the regulations of the Kansas Department of Health and Environment.

h. Underground wiring in residential subdivisions, unless found to be unfeasible, is required for electric power, street lights and telephone service, except:

1. For lines rated over 12,000 volts;
2. Appurtenance serving such lines which may be mounted on the ground, such as transformers, transformer pads, telephone service pedestals and street light poles: or
3. For those proposed subdivisions or re-plats of existing subdivisions located in areas which presently have an overhead type utility distribution system.

All such installation shall be under contract with the applicable utility provider. Cable television, if installed, shall be placed underground in accordance with the above requirements. Where telephone, electric, street lights and gas lines are placed underground entirely throughout a subdivision, conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services. Further, all transformer boxes shall be located so as not to be unsightly or hazardous to the public. Nothing in this section shall be construed as requiring

underground installation of lines beyond the boundaries of the area contained in the preliminary plat.

All utility lines for telephone and electric service, when carried on overhead poles, shall be placed in rear lot line easements or designated side lot line easements.

i. If screening of public or private areas is to be required, a screening plan of landscaping and/or fencing shall be prepared and approved by the Planning Commission and such screening installed. (See Section 12)

j. Monuments as shown on the final plat shall be placed at all central points such as block corners, angle points, points of curves in streets and as may be required by the engineer. Monuments shall be made of iron pipes or solid steel rods, e.g., rebar which is not less than one-half inch in outside diameter and not less than 24 inches in length and affixed with a plastic or metal cap which identifies the registration number of the surveyor in responsible charge. All monuments shall be securely placed and set in such a manner that the top of the monument shall be at grade ground level. If cultivation of the land for farming purposes is anticipated, monuments may be lowered nine inches below grade ground level. Bench marks may also be required of such material, size and length as may be approved by the engineer. (See Section 2-102 for definitions of BENCH MARK and MONUMENT and Sections 5-101 D and E for monuments and bench mark(s) to be shown on the final plat.)

k. Whenever existing sanitary or storm water sewers, water lines, drainage channels, culverts, underground or overhead electric and communication lines, gas lines, pipe lines, transmission lines are required to be relocated due to the subdivision or construction of improvements required as a condition of approval of the subdivision and in the event such was not known at the time of subdivision approval for any reason, the costs of such relocation shall be the sole responsibility of the sub-divider.

l. Where required, applicable measures will be taken during construction to minimize soil erosion and sedimentation by wind or water. Conservation standards shall be adhered to which have been adopted by the County Conservation District.

102. Exceptions for Existing Improvements.

a. Where the proposed subdivision is a re-subdivision or concerns an area presently having any or all required improvements as set out in Section 7-101 and where such improvements meet the requirements of said section and are in good condition as determined by the Governing Body, no further provision need be made by the sub-divider to duplicate such improvements. Where such existing improvements do not meet the requirements: however, the sub-divider shall provide for the repair, correction or replacement of such improvements so that all improvements will then meet the aforesaid requirements.

b. Where the proposed subdivision is a re-subdivision or concerns an area presently abutting or containing any existing public street of less than the minimum required right-of-way width or roadway width, land shall be dedicated in so far as is possible so as to provide for a minimum street right-of-way width and an additional roadway pavement meeting the minimum standards as set by these regulations.

The Governing Body shall determine what adjustment to make where the aforesaid widening merge with existing streets, which are of smaller width at the boundary of proposed subdivision. The minimum right-of-way and roadway width required by these regulations may be reduced to match an existing roadway system if the extension of such roadway is already improved at each end of the roadway in the subdivision.

103. Agreement and Guarantees for Installation of Required Improvements.

Except for monuments, one of the following methods shall be used by the sub-divider to guarantee that improvements required by these regulations, can or will be installed in accordance with approved plans and specifications. This does not preclude the possibility that the Governing Body may, at its discretion and in recognition of its financial position, share in the cost of all improvements, especially oversized improvements, which may benefit other related areas or the municipality-at-large:

A. Fiscal sureties may be offered and the following shall apply: (See Section 2-102 for definition of Sub-divider's Agreement.)

1. The sub-divider shall enter into a "Sub-divider's Agreement" with the Governing Body under which the sub-divider agrees to install such required improvements. Such agreement shall be conditioned upon the acceptance of the final plat by the Governing Body and filed with the Clerk.

2. Simultaneously with the execution of the Sub-divider's Agreement provided for in Section 7-103A1, the sub-divider shall furnish a corporate completion bond by a firm authorized to do business in Kansas with good and sufficient sureties thereon or a cashier's check, escrow account or irrevocable letter of credit in favor of the Governing Body, in the amount of the estimated cost as approved by the official responsible for setting and enforcing the applicable design and construction standards of the installation of the required improvements. Such financial guarantee shall be conditioned upon the acceptance of the final plat and further conditioned upon the actual completion and satisfactory installation of such required improvements within two years from the date that the final plat is accepted by the Governing Body.

3. Simultaneously with the execution of the Sub-divider's Agreement provided for in Section 7-103A1, if the sub-divider furnishes a corporate completion bond, he or she shall also deposit in escrow with the Governing Body cash in the amount of 15% of the cost of all improvements to be made in accordance with the plans and specifications for required improvements or an equivalent amount in the form of a maintenance bond or other securities that may be deemed sufficient by the Governing Body. If a sub-divider furnishes a cashier's check, escrow account or irrevocable letter of credit, 15% of the amount of such guarantees shall be returned by, or held as a deposit in escrow after, the final completion of such improvements. The sub-divider shall agree that such deposit in escrow, may be held by the Governing Body for a period of 18 months after such improvements are completed for the purpose of:

a. Guaranteeing and securing the correction of any defect in material or workmanship furnished for such improvements, latent in character, and not discernible at the time of final inspection or acceptance by the Governing Body; and

b. Guarantee against any damage to such improvements by reason of the settling of the ground, base or foundation thereof.

Such escrow agreement shall provide that, as such defects have so developed, that the deposit may be applied by the Governing Body for any amounts incurred correcting such defects; and that the balance of such deposit, if any, held at the end of such 18-month period shall be returned by the Governing Body to the depositor, or paid to the order of the depositor without payment of interest.

B. Petitions to the Governing Body may be submitted as a means of guaranteeing the authority to install improvements at such time as they deem appropriate. Petitions may be submitted only when the following conditions exist:

1. The petitions must be valid as may be provided for under Kansas law.
2. The petitions must be approved by the Governing Body concurrently with the acceptance of the final plat.
3. The initiating resolution for such improvement must be adopted by the Governing Body concurrently with the petition approval or as soon thereafter, as may be provided by law. The cost of the publication of said resolution shall be born by the sub-divider.
4. A certificate signed by the petitioner must be recorded with the County Register of Deeds stating that such petitions have been filed and approved by the Governing Body and that certain land within the plat as described will be liable in the future for special assessment for the required improvements authorized.

C. The sub-divider shall, prior to the acceptance of the final plat, submit a letter from the utility provider(s) involved stating that satisfactory arrangements have been made by the sub-divider guaranteeing the installation of their respective services.

D. Monuments and benchmarks shall be installed and their installation certified by a licensed land surveyor on the final plat before such plat is recorded with the County Register of Deeds. (See Section 5-101 Q 1 for surveyor's certification.)

104. Off-site Improvements.

The Governing Body may, upon making a finding of necessity, require the sub-divider to install or upgrade off-site improvements located outside the perimeter of a subdivision if such need is substantially created by a proposed subdivision. Such off-site improvements should be within dedicated rights-of-way or easements and serve a public purpose. The financing and guaranteeing of such improvements shall be administered as if they were the same as on-site improvements under Section 7-103. The Governing Body may require such subdivision to participate in the following facilities and improvements, or any other off-site improvements as recommended by the Planning Commission, if the need is created by a proposed subdivision:

A. Drainage improvements:

- B. Crosswalks and sidewalks;
- C. Screening;
- D. Special grading requirements;
- E. Street improvements; or
- F. Traffic control devices.

SECTION 8
IMPROVEMENT PROCEDURES

100. Submittal of Petitions.

If petitions are proposed to meet the requirements of Article 7, the sub-divider shall so indicate at the time of submittal of the preliminary plat. If the petition method is authorized by the Governing Body, petitions shall accompany the final plat for approval by the Governing Body.

101. Final Improvement Plans.

When the use of petitions has not been requested by the sub-divider or authorized by the Governing Body and a letter(s) of satisfactory arrangements from a utility provider(s) are not being utilized to guarantee improvements (See Section 7-103C for letter from utility), the sub-divider shall have prepared by an engineer (which may be contracted for privately or with any governmental agency or utility), engineering drawings for proposed required improvements containing the data and information specified in Section 8-101A. Such drawings shall be certified by a licensed engineer and shall be submitted to the applicable reviewing official in duplicate at least 20 days prior to the date that approval is requested.

A. Content. The engineering drawings shall contain the following data plus additional information deemed necessary by the applicable engineer:

1. Plans, details, specifications and cost estimates for roadway, alley and sidewalk construction; including plans, profile indicating existing topography and elevation including curb and sidewalk elevation when required, intersection control elevation and paving geometries for each street with a typical cross section of the roadway. The profiles of grade lines shall be shown to a scale of one inch equals 100 feet horizontal, and one inch equals 10 feet vertical; or to a scale approved by the applicable engineer. This information shall be shown on standard plan and profile sheets unless otherwise required by the engineer and use topographic information cited in Section 5-100B3.
2. Plans, profiles, details, specifications and cost estimates of proposed storm drainage improvements.
3. Plans, profiles, details, specifications and cost estimates of proposed water distribution system, water supply facilities and fire hydrants.
4. Plans, profiles, details, specifications and cost estimates of proposed sanitary sewage system.
5. All plans for other utilities such as for electric, gas and telephone shall be prepared by or at the direction of the utility providing the service.

B. Review. The applicable engineer, official or agency responsible for determining specifications and standards shall review all engineering drawings in order to determine whether such drawings are consistent with the approved final plat and comply with the design standards. If such drawings are consistent and so comply, the reviewing official shall forward to the Governing Body a notice to that effect. In the event that the drawings do not so comply, the reviewing official shall notify the sub-divider of the specific manner in which such drawings do not comply, and he or she may then correct such drawings. If such drawings are not corrected, the reviewing official shall forward to the Governing Body a notice as to the items of nonconformity or noncompliance.

102. Construction of Improvements.

No improvements shall be constructed nor shall any work preliminary thereto be done until such time as the engineering construction drawings shall have been approved and there shall have been compliance with all of the requirements relating to the Sub-divider's Agreement and such guarantees as are specified in Section 7-103 of these regulations.

a. Inspection. All improvements constructed or erected shall be subject to inspection by the applicable engineer or official responsible for setting and enforcing the applicable design and construction standards of the required improvements. The cost attributable to all inspections required by these regulations shall be charged to and paid by the sub-divider. In so far as is possible, the sub-divider shall give at least 48 hours notification to such official prior to the performance of any inspection work.

b. Inspection Procedures. After notice is received as specified in Section 8-102A above, the applicable engineer or official designated may conduct an on-site inspection to determine that the work complies with the approved engineering plans and specifications. If in the opinion of such engineer or official, the work does not comply with such final drawings, he or she shall have authority to order that all such work shall be terminated until such time as necessary steps are taken to correct any defects or deficiencies. Upon the correction of such defects or deficiencies, the sub-divider shall again notify the applicable engineer or official as provided in Section 8-102A that the work is again ready for inspection.

b. Final Inspection. Upon completion of all improvements within the area covered by the final plat, the sub-divider shall notify the applicable engineer or official designated in Section 8-102A above, who shall thereupon conduct a final inspection of all improvements installed. If such final inspection indicates that there are any defects or deficiencies in such improvements as installed, or if there are any deviations in such improvements as installed from the final engineering plans and specifications, he or she shall notify the sub-divider in writing and the sub-divider shall, at their sole cost and expense, correct such defects or deviations within six months of the date of notification.

c. When such defects, deficiencies or deviations have been corrected, the sub-divider shall notify the official that the improvements are again ready for final inspection. After the final inspection is made and before acceptance of the improvement by the Governing Body, the sub-divider shall file a statement with the engineer or official which is executed by the sub-divider, certifying that all obligations incurred in the construction of the improvement involved have been properly paid and settled.

103. Acceptance of Improvements.

If a final inspection indicates that all improvements as installed contain no unacceptable defects, deficiencies or deviations, within 15 days from the submission of the sub divider's statement of obligation paid, the applicable engineer or official designated shall certify to the Governing Body and utility provider(s) that all improvements have been installed in conformity with the engineering plans and specifications accompanying the final plat. Upon the receipt by the Governing Body of such notification and in conformity with the requirements of these regulations and all other applicable statutes, ordinances and regulations, the Governing Body shall thereupon by resolution

or by letter formally accept such improvements. The improvements shall become the property of the Governing Body or utility provider(s) involved. Prior to this final action, however, neither the acceptance of the final plat, any subsequent annexation to the City or irrespective of any act(s) of employees, such actions shall not constitute their formal acceptance of improvements.

SECTION 9
PROCEDURE FOR APPROVAL OF LOT SPLITS
(use Lot split app on page 83)

100. Application Procedure.

The Planning Commission is hereby authorized to approve or disapprove lot splits. An application, with the required fee for a lot split approval shall be submitted to the Zoning Administrator by the owner of the land at least 20 days prior to the next regular meeting of the Planning Commission. (See fee schedule on page 2) Four copies of a drawing to scale of the lots involved if there are no structures on the lot shall accompany the application or four copies of a survey if there are structures on the lot showing the precise location of structures thereon. Each drawing or survey shall show the location, dimensions and legal description of the proposed split; the square footage contained in each portion of the original lot; all existing easements including public reservations such as building setback lines or access control and a certificate of approval as worded in Section 9-101C. Written notice, shall be distributed by the Administrator to all owners of land adjacent to the property proposed to be split including such owners across the street or other public way. The application for a lot split must be accompanied by a list of the names and addresses of all persons to receive notices. Such owners shall have 10 days from the date of mailing the notification to inform the Administrator of any protest or concerns they may have on the lot split. The 10-day waiting period may be waived upon presentation of a written statement of no objection from those to be notified.

101. Approval Guidelines.

Approval or disapproval of lot splits shall be made based on the following guidelines:

A. No lot split shall be approved unless all the following requirements have or can be satisfied:

1. A new street or alley is needed or proposed.
2. A vacation of streets, alleys, setback lines, access control or easements is required and has not been satisfied.
3. Such action will result in significant increases in service requirements, e.g., utilities, drainage, traffic control, streets, sidewalks, etc. or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.
4. There is less street right-of-way than required by these regulations or the Comprehensive Plan unless such dedication can be made by separate instrument.
5. All easement requirements have not been satisfied.
6. Such split will result in a lot without direct access from its frontage to an opened public street. (See Section 6-106 for Access.)
7. A substandard sized lot will be created or an existing structure will not be able to meet all yard requirements according to applicable zoning regulations.
8. The lot is subject to periodic flooding which cannot be feasibly corrected by fill.

9. The lot has been previously split without re-platting.

B. The Planning Commission may make such additional requirements as deemed necessary to carry out the intent and purpose of existing land development regulations and Governing Body policy. Requirements may include, but not be limited to, the installation of public facilities, water supply and sewage disposal and/or the dedication of right-of-way and easements.

C. The Planning Commission shall, in writing, either approve with or without conditions or disapprove the lot split within 45 days of application. If approved, and after all conditions have been met, the Chairperson of the Planning Commission shall sign the following certificate of approval as required on the lot split drawing or survey. Acknowledgement of the certificate may be made by a notary public or by the County Clerk, Register of Deeds, Mayor or Clerk. (See K.S.A. 58-2211, as amended.)

City of Carbondale

234 Main Street ♦ P.O. Box 70
Carbondale, Kansas 66414-0070

Phone Number 785-836-7108

Fax Number 785-836-7942

CERTIFICATE OF LOT SPLIT APPROVAL

STATE OF KANSAS)
) ss
CITY OF CARBONDALE)

I hereby certify that this lot split has been examined by the Carbondale City Planning Commission and found to comply with the Subdivision Regulations of the City of Carbondale, Kansas, and is, therefore, approved for recording.

Date Signed: _____

Chairperson

Print name

STATE OF KANSAS)
) ss
COUNTY OF OSAGE)

The foregoing instrument was acknowledged before me this day
of , 20_, by _____ (Name of Person)

(S E A L) _____, Notary Public

My Appointment expires: _____.

A copy thereof shall be filed by the Zoning Administrator with the applicable official charged with issuing building and/or zoning permits and two copies shall be furnished to the applicant, one of which the applicant shall file with the County Recorder of Deeds.

Exception for Industrial Plats.

According to K.S.A. 12-752(f), a lot which is zoned for industrial purposes and for which a plat has been officially recorded may be further divided into two or more tracts without further re-platting such a lot; provided, that none of the conditions under Section 9-101A is found to exist or has not otherwise been satisfied when a lot split is approved.

SECTION 10
VACATIONS AND CORRECTIONS

100. Vacation of Unrecorded Plat.

a. Upon, written request of the sub-divider to the Planning Commission, a preliminary or final plat may be withdrawn from consideration either before or after approval by the Commission. Upon approval of the request by a motion of the Commission, the Zoning Administrator is automatically directed to remove the case file from the City records.

b. Upon written request of the sub-divider to the Clerk, a final plat for which dedications, if any, have been accepted by the Governing Body may be vacated by motion of the Governing Body; provided, that (1) the plat has not been recorded; (2) no lots have been sold or transferred; and (3) no improvements have been installed. After the plat is vacated, the Administrator shall see that all fiscal sureties are returned to the sub-divider except for those expenditures, which have been incurred by the City in administrative, legal or engineering costs prior to the date of the request for vacation. Upon the return of such sureties, the Administrator is automatically directed to remove the case file including any petitions from the City records.

c. Upon determining from the County Register of Deeds that a final plat has not been recorded within 60 days from its final acceptance by the Governing Body, the Administrator shall notify the sub-divider that the plat is null and void and that the case file will be removed from the City records within 30 days unless a reapplication for platting is received during that time. (See Section 4-112d for Recording of Final Plat.)

101. Vacation of Recorded Plat.

A. Recorded plats may be vacated by either re-platting according to Section 10-101A1 below or directly vacated according to Section 10-101A2:

1. According to K.S.A. 12-512b, any recorded plat or part thereof or street, alley or other public reservation, including, without limitation, easements, dedicated building setback lines and access control, whether established by instrument, condemnation or earlier plats, shall be vacated both as to use and as to title without any further proceedings upon the filing and recording with the County Register of Deeds in accordance with K.S.A. 12-403, any plat or re-plat duly executed in accordance with these regulations which embraces the same lands as those heretofore embraced by the earlier plat or part thereof or street, alley or other public reservation. Streets, alleys or other public reservations which may be vacated shall revert, as provided for in K.S.A. 12-506, to abutting property owners according to their frontage thereon; provided, that such land to be reverted was derived directly or indirectly from the owner of the land from which such street, alley or public reservation was originally platted. The proper completion of the Owner's Certificate and Dedication as required by Section 5-101 Q 2 shall constitute appropriate notice to all persons having property rights or interests affected by the above platting or re-platting.

2. Recorded plats may also be vacated without re-platting. The procedure is the same as provided for in Section 10-103.

2. The Planning Commission shall hold a public hearing to consider a recommendation to the Governing Body as to whether the vacation should be approved or disapproved and with or without conditions attached. At the hearing, the Planning Commission shall hear such testimony as may be presented or as may be required in order to fully understand the true nature of the petition and the propriety of recommending the same if the Planning Commission determines from the testimony presented that:

- a. due and legal notice has been given;
- b. no private rights will be injured or endangered;
- c. the public will suffer no loss or inconvenience; and
- d. in justice to the petitioner(s) the vacation should be granted;

then the Planning Commission shall recommend that such vacation be approved and entered at length in the minutes. Such recommendation may provide for the reservation to the City and/or the owners of any lesser property rights for public utilities, rights-of-way and easements for public service facilities originally located in such vacated land or planned for the future. The recommendation may be conditioned upon the petitioner's responsibility to remove or relocate all underground or surface utilities or paving in or on the vacated land. The petition shall not be recommended by the Planning Commission nor granted by the Governing Body if a written objection is filed with the Clerk, at or before the hearing, by any owner who would be a proper party to the petition, but has not joined therein. Furthermore, when only a portion of a street, alley or public reservation is proposed to be vacated, the petition shall not be recommended by the Planning Commission nor granted by the Governing Body if a written objection is filed with the Clerk by any owner of lands which, adjoin the portion to be vacated. The recommendation of the Planning Commission to the Governing Body shall be made in the same manner as provided by K.S.A. 12-752 for the submission and approval of a final plat. (See Sections 4-107 and 108 for the 60-day time period for consideration of a plat and Section 4-110 for Governing Body approval procedure.) The Planning Commission shall announce at their hearing when the Governing Body will consider the recommendation on the vacation.

Following the approval of the vacation by the Governing Body in the form of an order, the Clerk shall certify a copy of the order to the County Register of Deeds; however; such certification shall be withheld until such time as any conditions attached to the order have been satisfied. The Register of Deeds shall note on the recorded plat of the "townsite," i.e., the City, or the applicable platted addition, the words, "canceled by order" or "canceled in part by "order" and give the book and page where recorded.

SECTION 11.
APPEALS, WAIVERS AND MODIFICATIONS

100. Appeals General.

The sub-divider of a proposed subdivision may appeal decisions made in the enforcement of these regulations by the Zoning Administrator to the Planning Commission and by the Planning Commission to the Board of Appeals. In the event the Board of Appeals sustains the Planning Commission, the action of the Planning Commission shall be final except as otherwise provided by law. If the Board of Appeals overrules the Planning Commission, the Board of Appeals shall make its decision, in writing or in the minutes of the meeting, stating the reason therefore and return such decision and plat to the Planning Commission for consideration of re-approval.

101. Appeals on Improvement Standards.

Any appeal as to approval of standards or plans and engineering drawings in connection with required improvements shall be directed to the Board of Appeals and that action shall be final.

102. Waiver of Required Improvements or Guarantees for Installation of Same.

Any waiver of the required improvements or guarantees for their installation may be made only by the Board of Appeals on a showing that such improvements are not technically feasible or necessary.

103. Modifications.

In cases in which there is unwarranted hardship in carrying out the literal provisions of these regulations as to design standards, the Planning Commission may grant a modification from such provision according to the following guidelines: (See Section 6, Design Standards.)

a. A request for a modification shall be made to the Zoning Administrator who shall transmit it to the Planning Commission. The Planning Commission shall give the sub-divider and any other interested person an opportunity to be heard with respect to the requested modification.

b. The Planning Commission shall not grant a modification unless it shall find that (1) the strict application of these regulations will create an unwarranted hardship; (2) modification is in harmony with the general spirit and intended purpose of these regulations; (3) the rights of adjacent property owners will not adversely be affected; and (4) the public safety, health and general welfare will be protected.

c. When used in this Section, the term "unwarranted hardship" shall mean the effective deprivation of use as distinguished from a mere inconvenience.

d. Modifications permitted under the provisions of this Section shall not include modifications from the requirements of improvement standards, required improvements or guaranteeing their installation unless approved by the Board of Appeals as provided for in Sections 11-101 and 102. Furthermore, variances may not be granted from the provisions of City Zoning Regulations by these modification procedures.

SECTION 12
SCREENING REQUIREMENTS

100. GENERAL PROVISIONS

Fences:

Fences are regulated in all areas of the City. In some subdivisions, fences are regulated by deed restrictions that run with the land and which are not related to City regulations.

A permit is required before a fence is installed or rebuilt and the location, height, materials and alignment of the fence are set out in the zoning ordinance. Generally, fences up to six feet in height are permitted for rear yard privacy; only small, low profile ornamental fences and walls are permitted in the front yard.

The following regulations shall apply to the construction of fences:

This Article establishes the fence and screening requirements for all districts in the city limits of Carbondale.

R-1 Single Family

R-2 Single Family

R-3 Multiple Family

a. " FENCE PERMIT" shall be obtained from City hall, and shall be required for all installation, removal, or replacement of any fence or screening within the city limits.

b. No fence shall be installed or removed without the approval of the Zoning Commission and a building/demolition permit on site while the work is being accomplished. All work must be completed within thirty (30) days or a new permit must be obtained prior to completion. A fee of twenty-dollars (\$25.00) shall be charged for any and each permit issued for either residential or commercial properties. **You may request a waiver of the \$25.00 for removing a fence.**

c. Fences & structures not requiring a permanent foundation shall be permitted within the building set back lines as established. If necessary, the property owner shall show proof of property survey and pin location.

d. In residential districts, the height shall not exceed six (6) feet, except when abutting a non-residential district, it shall not exceed eight (8) feet in height.

e. No fence shall be constructed in such a manner or design as to be hazardous or dangerous to persons or animals within the city limits, to include but not limited to the following: electrified fencing, barbed wire, razor wire, or any other type of fencing deemed potentially hazardous by the authority having jurisdiction.

feet in height, shall be provided adjacent to any adjoining residential or mobile home district, however, in the event the adjacent residential district and the commercial development are separated by a public street, a ten (10) foot landscape buffer, which shall consist of trees, shrubs, and evergreens, shall be provided along the property line and maintained by the owner or owners of the property.

- m. Screening Section (k) Mobile Home Park only. A solid or semi-solid fence or wall, minimum six (6) feet, maximum. Eight (8) feet high, shall be provided between the mobile home park district and any adjoining property or property immediately across the street, which is, zoned for residential purposes other than for mobile homes. Said fence shall be so located as to not be in violation of the intersection site triangle as defined by regulation. In lieu of said fence or wall, a landscape buffer may be provided not less than twenty five (25) feet in width and said landscape buffer shall be planted with coniferous and deciduous plant material so as to provide proper screening for the park. When the landscape buffer is used in lieu of the fence or wall, the landscape buffer shall not be included as any part of a required rear yard for a mobile home space. The fence, wall, or landscape buffer shall be properly policed and maintained by the owner.
- n. In non-residential districts, the height of a fence shall not exceed eight (8) feet.
- o. No fence shall be constructed in any right-of-way except by the written authority of the governing body.
- q. No fence shall be constructed which will constitute a traffic hazard. When the Planning Commission has certified that the proposed fence will not constitute a traffic hazard, then a fence permit may be issued.
- r. There shall be no height limitation upon fences constructed on public or parochial school grounds or in public parks and public playgrounds
- s. No privacy fencing or screening shall be allowed along the side or front of any property abutting a major thoroughfare i.e.; Main Street, South Topeka Ave.
- t. The following Sections a, c, e, f, j, k, listed in Residential District also apply to districts listed in Section L.

102. Walls, Hedges, Shrubbery, & Trees

Walls, hedges, shrubbery, or trees may be erected, placed, maintained or grown along a plot line or adjacent thereto as follows:

1. In residential districts, the height shall not exceed six (6) feet, except when abutting a non-residential district, such wall, hedge, or shrubbery may not exceed eight (8) feet in height.
2. In non-residential districts, the height shall not exceed eight (8) feet.

3. No wall, hedge, shrubbery or tree shall be constructed/planted in any right-of-way except by authority of the governing body.

4. No walls, hedges, shrubbery or trees shall be constructed which will constitute a traffic hazard, and no permit shall be granted for the construction of such, until the appropriate city department has certified that the proposed wall, hedge or shrubbery will not constitute a traffic hazard.

5. There shall be no height limitation on public or parochial school grounds or in public parks and public playgrounds except as provided by 11-e above.

Section 13
NEW MOBILE HOME PARK DISTRICT

101. INTENT AND PURPOSE OF DISTRICT:

It is the intent and purpose of the "M-P" Mobile Home Park District to provide low-density mobile home parks, which would be compatible with the character of the surrounding neighborhood and would be consistent with the future land use plan of the community.

1022. DISTRICT REGULATIONS:

In District M-P, no structure or land shall be used and no structure shall be altered enlarged, or erected, which is arranged, intended, or designed for other than one of the uses listed in the Use Regulations section of this District.

103. USE REGULATIONS:

a. Mobile home parks, subject to the following regulations:

The tract to be used for a mobile home park shall not be less than five acres in area.

b. The mobile home park shall be under one ownership and control and individual occupants other than said Owner shall not purchase or own any piece, parcel, or portion of said park.

c. The applicant for a mobile home park shall prepare or cause to be prepared a preliminary Mobile Home Park Plan, drawn to a scale of not less than 1" = 100', and three (3) copies of said Plan shall be submitted to the Planning Commission for their review and recommendations. Such plans shall comply with the following minimum requirements:

d. Contours at intervals of one foot shall be indicated on the plan.

e. The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

f. Each mobile home lot shall have a minimum area of 6,000 square feet, a minimum depth of 115 feet, and a minimum width of 50 feet.

g. Each mobile home space shall

1. All newly placed mobile homes must be a minimum of 14' x 70' and not more than 10 years old from date manufactured.

2. An application for a permit shall be obtained prior to placement in an existing mobile home park. The Zoning Administrator or designee shall monitor actual placement of the mobile home in a licensed mobile home park. A final permit will be granted after all phases of the actual placement of the mobile home have been approved.

3. The mobile home shall have a minimum of a 3' x 12' pitched shingled roof on a double wide and a 2' x 12' pitched shingled roof on a singlewide.

4. The mobile home shall have standard home-style siding, 4' x 8' Masonite, or lap type siding.

5. The mobile home shall be anchored to a permanent foundation as indicated in Section I below.

6. The mobile home shall be completely enclosed around the entire perimeter with concrete block or anchored metal skirting within 45 days, and the unit shall be set no more than 4' from the bottom of the frame to the ground.

7. The tongue will be completely removed and stored under the mobile home.

8. Each mobile home space shall be at least 40 feet wide and be clearly defined and have off street parking space for 2 vehicles.

9. Mobile homes shall be so located on each space as to maintain a setback of no less than 20 feet from any public street, highway right-of-way, or mobile home park district boundary; as to maintain a setback of no less than ten (10) feet from the edge of a park roadway or sidewalk or a rear boundary line when such boundary line is not common to any public street, highway right-of-way, or mobile home boundary; and as to maintain a setback of no less than five (7) feet from any side boundary line of a mobile home space.

10. All mobile homes shall be so located as to maintain a clearance of not less than twenty (20) feet from another mobile home and as to maintain a clearance of not less than twenty (20) feet between any mobile home and any appurtenance to a mobile home. No mobile home shall be located closer than 25 feet from any building within the park.

H. PLACEMENT OF APPROVED TIE DOWNS, ROOF PROTECTORS, OVER THE TOP TIE DOWNS:

1. Tie downs must comply with the provisions of K. S. A. 75-1228 and shall be placed on a mobile or manufactured home as follows:

2. On any mobile home 70' in length, four frame tie downs shall be placed on each side, or four over the top tie downs shall be used or any combination thereof, as approved by the Zoning Administrator or designee.

3. On any mobile home more than 70 feet in length, five frame tie downs shall be placed on each side, or five over the top tie downs shall be used or any combination thereof, as approved by the Zoning Administrator or designee.

4. On any doublewide mobile home, four frame tie downs shall be used on each side or four over the top tie downs shall be used or any combination thereof, as approved by the Zoning Administrator or designee.

I. FOUNDATIONS FOR PIERS, CONSTRUCTION OF PIERS, REQUIREMENTS:

1. Foundations for piers and construction of piers must comply with the provisions of K. S. A. 75-1231:

Foundations for piers shall be installed directly under the mainframe or chassis of the mobile home. All grass and organic material shall be removed and the pier foundation placed on stable soil. The piers shall not be farther apart than 10' on centers, and the main frame, front or face of the mobile home shall not extend farther than one foot beyond the centerline of

the end of the piers. Each pier foundation shall consist of two concreted blocks, and such block shall be eight inches wide, eight inches high and 16 inches long.

2. Piers shall be constructed of either open cell or solid concrete blocks, each of which shall be eight inches wide, eight inches high and 16 inches long, with open cells vertical or in combination with solid concrete blocks which are two inches thick, eight inches high and 16 inches long placed above the foundation block. A wood plate which is at least one inch in actual thickness, eight inches wide and 16 inches long shall be placed on top of the pier, with weather proof wood shims, when needed, fitted and driven tightly between the wood plate and the main frame. Such shims shall not occupy more than one inch of vertical space. Piers shall be installed perpendicular to the I-beam. All piers over 30 inches in height, measured from the top of the foundation block to the I-beam, shall be double tiered with blocks interlocked and capped with a solid concrete block, which shall be four inches high, 16 inches wide and 16 inches long, and cushioned with wood blocking as required. Piers shall not exceed 48 inches in height.

104. IF NO OFF STREET PARKING IS PROVIDED: All mobile home spaces shall front upon a private roadway of not less than 24 feet in width, including curbs on each side; provided, however, that no on-street parking is permitted. If parallel parking is permitted on one side of the street, the width shall be increased to 32 feet, and if parallel parking is permitted on both sides of the street, the width shall be increased to 40 feet. All roadways shall have unobstructed access to a public street.
105. All roadways within the mobile home park shall be hard-surfaced and adequately lighted at night.
106. Laundry facilities may be provided in a service building.
106. Each mobile home park shall devote a minimum of 200 square feet per mobile home space for recreational area. Individual recreational areas shall not be less than 5,000 square feet and required setbacks, roadways, and off-street parking spaces shall not be considered as recreation space. A minimum of 50% of the recreational facilities shall be constructed prior to the development of one-half of the project, and all recreational facilities shall be constructed by the time the project is 75% developed.
108. A solid or semi-solid fence or wall, minimum 6 feet, maximum 8 feet high, shall be provided between the mobile home park district and any adjoining property or property immediately across the street which is zoned for residential purposes other than for mobile homes. Said fence shall be so located as to not be in violation of the intersection site triangle as defined by this regulation. In lieu of said fence or wall, a landscape buffer may be provided not less than 25 feet in width and said landscape buffer shall be planted with coniferous and deciduous plant material so as to provide proper screening for the park. When the landscape buffer is used in lieu of the fence or wall, the landscape buffer shall not be included as any part of a required rear yard for a mobile home space. The fence, wall, or landscape buffer shall be properly policed and maintained by the owner.
109. Each mobile home space shall be provided with a paved patio of

not less than 200 square feet and a storage locker of not less than 120 cubic feet. The lockers shall be designed in a means that will enhance the park and shall be constructed of weather-resistant materials.

110. A mobile home park shall not be used for other than residential purposes, mobile home may be offered for sale in the mobile home park only by resident owners.
111. Upon approval of the preliminary mobile home subdivision plan by the Planning Commission, the applicant shall prepare and submit a final plan, which shall incorporate any changes or alterations requested. The final plan and the Planning Commission recommendation shall be forwarded to the Governing Body for their review and final action.
112. Any substantial deviation, as determined by the Zoning administrator, from the approval plan shall constitute a violation of the building or zoning permit authorizing construction of the project. Changes in plans shall be resubmitted for reconsideration and approval by the Planning Commission and Governing Body prior to the issuance of a building or zoning permit.

113. SERVICE BUILDINGS:

Service buildings, when provided, whether required or not, and laundry facilities, or any such facility, shall be permanent structures complying with all applicable regulations and statutes regulating buildings, electric installations, plumbing and sanitation systems.

All service buildings, when provided whether required or not, shall be maintained in a clean, slightly condition and kept free of any condition that will menace the health of any occupant or the public, or constitute a nuisance.

Service buildings and parking related to the service operations shall not occupy more than 5% of the area of the park and shall be located, designed, and intended to serve frequent trade or service needs of persons residing in the park and shall present no visible evidence of their commercial character from any portion of any residential district outside the park.

114. WATER SUPPLY:

The size and location of water mains and fire hydrants shall be designed by a licensed professional engineer and be in accordance with the requirements of the agency from which the water supply is obtained. Individual water service connections shall be provided at each mobile home space. Such connections shall be located at least four inches above ground surface, at least three meters inch in diameter and equipped with a three-quarters inch valve outlet. All water pipes shall be protected against freezing.

115. SEWAGE DISPOSAL:

a. Individual sewer connections shall be provided for each mobile home space and shall be in accordance with all City codes and regulations

b. All sewage systems shall be designed by a licensed professional engineer and shall be submitted to the appropriate governing body for their approval.

c. When the sewer lines of the park or camp are not connected to a public sewer, a sewage treatment plant or sewage disposal system approved by the Health Officer or the engineer having jurisdiction shall be provided.

116. COMPLIANCE:

The mobile home park or subdivision shall be in compliance with this article and all other regulations and the site shall be in conformance with applicable regulations of the locality and State.

117. PARKING OR STORING:

A house trailer or mobile home may be parked in the mobile home park or subdivision, providing that it shall not be a nuisance and does not constitute a fire hazard and further providing said trailer is not offered for sale by other than the resident owner.

118. UNUSED MOBILE HOME PARK:

Whenever a property, zoned M-P, ceases to be used for such purposes for a period of two (2) years, the Planning Commission shall initiate action and hold a public hearing to rezone said property-back to its former district zoning.

ARTICLE 14
AMENDMENTS AND REVIEW

100. Amendment Procedure.

These regulations may be amended at any time after the Planning Commission shall have held a public hearing on the proposed amendment. A notice of such public hearing shall be published once in the official city newspaper so that at least 20 days shall elapse between the publication date and the date of such hearing. Such notice shall fix the time and place for the hearing and shall describe such proposed amendment(s) in general terms. The hearing may be adjourned from time to time. At its conclusion, the Planning Commission shall prepare its recommendations and by an affirmative vote of a majority of the entire membership of the Commission adopt the proposed amendments to these regulations and submit them, together with the written summary of the hearing thereon, to the Governing Body. The Governing Body either may: (1) Approve such recommendations by ordinance; (2) override the Planning Commission recommendation by a 2/3 majority vote of the City Council; or (3) return the same to the Commission for further consideration, together with a statement specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Commission's recommendations the Commission after considering the same, may resubmit their original recommendations giving the reasons therefore or submit new and amended recommendations. Upon the receipt of such recommendations, the Governing Body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendations by an ordinance, or it need take no further action thereon. If the Commission fails to deliver its recommendations to the Governing Body following the 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 Commission as a resubmission of the original recommendations and proceed accordingly. The amended regulations shall become effective upon publication of the respective adopting ordinance. A copy of such legal publication shall be added to the Appendix of these regulations.

101. Annual Review.

In order to maintain these regulations, the Planning Commission shall-annually hold a public review at its regular meeting in November to consider amendments, if any, to these regulations. Notification of such a public review may be distributed to governmental agencies and interested parties. If amendments are deemed desirable, the amendment procedure as described in Section 14-100 shall be followed. During the intervening period between reviews, the Zoning Administrator shall maintain a list of possible amendments, which may be periodically brought to his or her attention.

102. Judicial Review.

As provided by K.S.A. 12-760, as amended, any ordinance, regulation or decision provided for or authorized by these regulations shall be reasonable and any person aggrieved thereby may have the reasonableness of any decision determined by bringing an action against the City within 30 days after a final decision is made by the City. Such action shall be brought in the Osage County District Court.

ARTICLE 15
SEVERABILITY AND EFFECTIVE DATE

100. Severability. IF any part or provision of these regulations is adjudged unconstitutional or otherwise invalid by any court or competent jurisdiction, then such part or provision shall be considered separately and apart from the reaming parts of provisions of these regulations, and said part or provision to be completely severable from the remainder of these regulations, and the remainder provisions of these regulations shall remain in full force and effect.
101. Effective date. These regulations shall be in full force and effect from and after their adoption by the Planning Commission, approval by the Governing Body by an ordinance incorporating these regulations by reference and publication of such ordinance in the official city newspaper.

Adopted by the Carbondale City Planning Commission on November 24, 2009

Chairperson

ATTEST: _____

Approved and adopted by the City Council of the City of Carbondale, Kansas
On January 4, 2010

Seal

President City Council

ATTEST: _____

(Approved by Ordinance No. 444-2010, by the City Council of the City of Carbondale, KS on January 4, 2010, officially published on January 14, 2010, in the Osage Chronicle Herald and effective on February 3, 2010.

blank

FORMS

BLANK

234 Main
Fee: \$50.00
P.O. Box 70
Carbondale, KS 66414
Paid: _____
Phone: 785.836.7108

Date _____

CITY OF CARBONDALE, KANSAS
FINAL PLAT CHECKLIST
(OR LOT SPLIT)

For Office Use Only

Subdivision No.: _____
Date Filed: _____
Date of P.C. Meeting: _____
Date of C.C. Meeting: _____
Date Approved: _____

I. Name of Subdivision:

II. Name of Owner:

III. Name of Subdivider:

IV. Name of Person who prepared the Plat:

V. Date of Hearing:

Instructions:

The following checklist is to be completed by the Zoning Administrator and shall accompany the Final Plat when it is submitted to the Planning Commission. If the answer to any of the questions is "No", a written explanation must accompany this checklist.

	Yes	No
I. Does the Final Plat show the following information?		
A. Name of the subdivision.	<input type="checkbox"/>	<input type="checkbox"/>
B. Location of section, township, range, county and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must be mathematically correct.	<input type="checkbox"/>	<input type="checkbox"/>
C. Location of monuments or bench marks. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street, lines, including the true angles and distances to such reference points or monuments.	<input type="checkbox"/>	<input type="checkbox"/>

	Yes	No
D. The location of lots, blocks, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet with the length of radii on all curves, and other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all curbs to lot lines.	<input type="checkbox"/>	<input type="checkbox"/>
E. Lots numbered clearly. Blocks numbered or lettered clearly in the center of the block.	<input type="checkbox"/>	<input type="checkbox"/>
F. Exact locations, widths and names of all streets and alleys to be dedicated.	<input type="checkbox"/>	<input type="checkbox"/>
G. Boundary lines and descriptions of the boundary lines of any area other than streets and alleys, which are to be dedicated or reserved for public use.	<input type="checkbox"/>	<input type="checkbox"/>
H. Minimum area and associated minimum elevation for the building on each lot planned as a building site when requested by the Planning Commission.	<input type="checkbox"/>	<input type="checkbox"/>
I. Building setback lines on the front and side streets with dimensions.	<input type="checkbox"/>	<input type="checkbox"/>
J. Name and address of the registered land surveyor preparing the plat.	<input type="checkbox"/>	<input type="checkbox"/>
K. Scale of plat, 1" = 100' or larger, date of preparation and north point.	<input type="checkbox"/>	<input type="checkbox"/>
L. Statement dedicating all easements, streets, alleys, and all other areas Not previously dedicated.		
VII. Was the original on Mylar, tracing cloth, or similar material and were ten (10) copies submitted?	<input type="checkbox"/>	<input type="checkbox"/>
VIII. Have all the acknowledgements been signed?		
A. Owner or owners and all mortgagors?	<input type="checkbox"/>	<input type="checkbox"/>
B. Dedications or reservations.	<input type="checkbox"/>	<input type="checkbox"/>
C. Engineer, surveyor or person preparing plat.	<input type="checkbox"/>	<input type="checkbox"/>
D. City Clerk	<input type="checkbox"/>	<input type="checkbox"/>

Yes No

IX. Title Opinion:

A. Submitted (Date) _____

B. Have all owners and mortgagor signed plat?

X. Has certificate been submitted stating that all taxes and Special assessments due and payable have been paid?

XI. Deed Restrictions:

A. Are any deed restrictions planned for subdivision?

B. If so, has a copy been submitted?

XII. How has installation of the following improvement been guaranteed?

	Construction	Bond	Petition (%)
Streets	_____	_____	_____
Water	_____	_____	_____
Sewer	_____	_____	_____
Sidewalks	_____	_____	_____
Other, as required	_____	_____	_____
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

XIII. Are additional comments attached? _____

Date Reviewed: _____

Zoning Administrator

Chairman

Board Member

Board Member

Board Member

Board Member

APPROVED

DENIED

BLANK

**CITY OF CARBONDALE, KANSAS
 MANUFACTURED HOME PARK
 DEVELOPMENT CHECKLIST**

234 Main
 P.O. Box 70
 Carbondale, KS 66414
 Phone: 785.826.7108

For Office Use Only

Case No.: _____
 Date Filed: _____
 Date Reviewed: _____
Date Approved: _____

Project Name: _____

Project Address: _____

Submission Requirements: The Manufactured Home Park Development shall include the following data, details, and supporting plans which are found relevant to the proposal. The number of pages submitted will depend on the proposal's size and complexity. The applicant shall make notations explaining the reasons for any omissions. Site Plans shall be prepared by a registered professional engineer, architect, or landscape architect at a scale of 1 inch equals 20 feet, on standard 24" x 36" sheets. The following items need to be included on the Site Plan:

	YES	NO
A. All manufactured homes and additions thereto maintain a clearance of not less than 20 feet from another manufactured home or 25 feet from any permanent structure within the park.	<input type="checkbox"/>	<input type="checkbox"/>
B. All manufactured home spaces front upon a private roadway of not less than 25 feet in width, including curbs on each elevation.	<input type="checkbox"/>	<input type="checkbox"/>
C. All roadways and sidewalks within the manufactured home park are of all-weather surfacing and are adequately lighted at night.	<input type="checkbox"/>	<input type="checkbox"/>
D. A community structure is provided.	<input type="checkbox"/>	<input type="checkbox"/>
E. The perimeter of all manufactured homes are fully skirted.	<input type="checkbox"/>	<input type="checkbox"/>
F. A storm shelter is provided and big enough to accommodate all of the residents, based on no fewer than three persons per manufactured home space. The storm shelter provided has at least seven (7) square feet per residence.	<input type="checkbox"/>	<input type="checkbox"/>
G. Sidewalks are on one side of all streets.	<input type="checkbox"/>	<input type="checkbox"/>
H. Landscaping is shown on the development plan.	<input type="checkbox"/>	<input type="checkbox"/>

	Yes	No
I. All roadways meet the design standards as adopted by the City for private streets in manufactured home parks.	<input type="checkbox"/>	<input type="checkbox"/>
J. Permits for the park have been obtained for moving manufactured Homes into an M-P district.	<input type="checkbox"/>	<input type="checkbox"/>
K. Water is supplied to the park by a public water system.	<input type="checkbox"/>	<input type="checkbox"/>
L. The size, location and installation of water lines are in Accordance with the requirements of the building codes of the City.	<input type="checkbox"/>	<input type="checkbox"/>
M. Individual water service connections are provided at each Manufactured home space.	<input type="checkbox"/>	<input type="checkbox"/>
N. Individual sewer connections are provided for each manufactured home space and are installed in accordance with the building codes of the City. A public sewer system is required.	<input type="checkbox"/>	<input type="checkbox"/>
O. All manufactured homes are secured to the ground by tie-downs and ground anchors in accordance with the Manufactured Home and Recreational Vehicle Code, K.S.A. 75-1211 to 75-1234, as amended.	<input type="checkbox"/>	<input type="checkbox"/>
P. Each manufactured home space has an individual electrical outlet supply which has been installed in accordance with the building codes of the City and requirements of the electric supplier.	<input type="checkbox"/>	<input type="checkbox"/>
Q. Natural gas hookups, when provided, are installed in accordance with the building codes of the City and the regulations of the gas supplier.	<input type="checkbox"/>	<input type="checkbox"/>
R. Storage, collection and disposal of refuse in a park is in Accordance with City code.	<input type="checkbox"/>	<input type="checkbox"/>
S. All manufactured homes are blocked at a maximum of ten (10) foot centers around the perimeter of each manufactured home in accordance with the Manufactured Home and Recreational Vehicle Code, K.S.A. 75-1211 to 751234,as amended; and in accordance with the manufacturer's guidelines.	<input type="checkbox"/>	<input type="checkbox"/>
T. Pad requirements are of a flexible surface with a minimum of five (5) inch thick gravel, stone or compacted surface, treated to discourage plant growth, constructed to discharge water and edged to prohibit fraying or spreading of surfacing materials or are of a hard surface of a minimum of two 18-inch wide concrete ribbons or slabs capable of carrying the weight and of sufficient length to support all blocking points of the manufactured home..	<input type="checkbox"/>	<input type="checkbox"/>

Yes No

U. The Manufactured Home Park Plan is drawn to scale of not less than 1" = 100'.

V. 10 copies of said plan were submitted to the Planning Commission for its review and recommendations.

ADDITIONAL COMMENTS:

CONTACT PERSON NAME: _____ PHONE NO. _____

ADDRESS: _____

SIGNATURE: _____ DATE: _____

Zoning Administrator

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CITY OF CARBONDALE, KANSAS

234 Main
P.O. Box 70
Carbondale, KS 66414

TOWNHOUSE DEVELOPMENT

CHECKLIST

For Office Use Only

Case No.: _____
Date Filed: _____
Date Reviewed: _____
Date Approved: _____

Project Name: _____

Project Address: _____

Submission Requirements: The Townhouse Development shall include the following data, details, and supporting plans which are found relevant to the proposal. The number of pages submitted will depend on the proposal's size and complexity. The applicant shall make notations explaining the reasons for any omissions. Site Plans shall be prepared by a registered professional engineer, architect, or landscape architect at a scale of 1 inch equals 20 feet, on standard 24" x 36" sheets. The following items need to be included on the Site Plan:

	Yes	No
A. The Townhouse subdivision development is located within a Multi-Family Residential (R-3).	<input type="checkbox"/>	<input type="checkbox"/>
B. The Development Size is the same as required in the zoning district assigned to the property containing at least ten townhouse units.	<input type="checkbox"/>	<input type="checkbox"/>
C. Phased development are constructed with no fewer than three townhouse units in each phase.	<input type="checkbox"/>	<input type="checkbox"/>
D. The overall density of the townhouse subdivision does not exceed the density allowed by the applicable zoning district.	<input type="checkbox"/>	<input type="checkbox"/>
E. No townhouse unit is located closer than 20 feet to a street, or closer than ten feet to any parking lot or driving aisle, or closer than 15 feet to any overall project boundary.	<input type="checkbox"/>	<input type="checkbox"/>
F. Separation is required between individual townhouse sites or units within the same development, when:	<input type="checkbox"/>	<input type="checkbox"/>
1) Other building regulation and fire protection requirements comply.	<input type="checkbox"/>	<input type="checkbox"/>

	Yes	No
1) No single grouping of townhouse units exceeds 200 feet in length and the average length within the overall development does not exceed 160 feet.	<input type="checkbox"/>	<input type="checkbox"/>
3) No townhouse structure shall contain more than eight units.	<input type="checkbox"/>	<input type="checkbox"/>
4) Each structure is separated from all other groupings of townhouse units according to the following table:	<input type="checkbox"/>	<input type="checkbox"/>
side to side = 20'	<input type="checkbox"/>	<input type="checkbox"/>
side to back = 30'	<input type="checkbox"/>	<input type="checkbox"/>
back to back = 40'	<input type="checkbox"/>	<input type="checkbox"/>
front to side = 30'	<input type="checkbox"/>	<input type="checkbox"/>
front to back = 40'	<input type="checkbox"/>	<input type="checkbox"/>
front to front = 40'	<input type="checkbox"/>	<input type="checkbox"/>
G. Structures arranged in a linear form with a combined length in excess of 400 feet, have a minimum separation twice the distance specified above.	<input type="checkbox"/>	<input type="checkbox"/>
H. There is unobstructed access at least ten feet in width on two sides of each individual townhouse unit.	<input type="checkbox"/>	<input type="checkbox"/>
I. Each townhouse unit contains windows and exterior access on at least two sides in addition to the separations from individual townhouse site property lines required by the building regulation for such openings.	<input type="checkbox"/>	<input type="checkbox"/>
J. The minimum width for a townhouse unit, center of common wall to center of common or exterior wall is 19 feet.	<input type="checkbox"/>	<input type="checkbox"/>
K. No townhouse unit exceeds 35 feet in height and is no more than two stories.	<input type="checkbox"/>	<input type="checkbox"/>
L. Each townhouse unit has reasonable access to the parking spaces.	<input type="checkbox"/>	<input type="checkbox"/>
M. Individual feeders, meters, lines and shut-offs are provided for each townhouse unit.	<input type="checkbox"/>	<input type="checkbox"/>
N. Water meters are located in a protected, grassed area, readily accessible from the street or drive aisle serving the unit.	<input type="checkbox"/>	<input type="checkbox"/>

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CITY OF CARBONDALE, KANSAS

234 Main
P.O. Box 70
Carbondale, KS 66414
Phone: 785.836.7108

PLANNED DEVELOPMENT
CHECKLIST

For Office Use Only

Case No.: _____
Date Filed: _____
Date Reviewed: _____
Date Approved: _____

Project Name:

Project Address:

Submission Requirements: The Planned Development shall include the following data, details, and supporting plans which are found relevant to the proposal. The number of pages submitted will depend on the proposal's size and complexity. The applicant shall make notations explaining the reasons for any omissions. Site Plans shall be prepared by a registered professional engineer, architect, or landscape architect at a scale of 1 inch equals 20 feet, on standard 24" x 36" sheets. The following items need to be included on the Site Plan:

	Yes	No
A. Boundaries of the project with dimensions to scale;	<input type="checkbox"/>	<input type="checkbox"/>
B. Contour intervals of two feet;	<input type="checkbox"/>	<input type="checkbox"/>
C. Proposed size, height, location and arrangement of structures, Parking areas with proposed arrangement of stalls and number of cars, entrance and exit driveways and their relationship to existing and/or proposed streets;	<input type="checkbox"/>	<input type="checkbox"/>
D. Preliminary drainage plan in sufficient detail to show direction of flow, storm water detention facilities, if needed, and major drainage structures;	<input type="checkbox"/>	<input type="checkbox"/>
E. General landscape plant to include location and height of all walls, fences, signs and screen plantings;	<input type="checkbox"/>	<input type="checkbox"/>
F. Note provision for dedication of new or additional rights-of-way, if needed; such to be dedicated to the City prior to approval of a Final Development Plan;	<input type="checkbox"/>	<input type="checkbox"/>
G. Phases of final development;	<input type="checkbox"/>	<input type="checkbox"/>
H. Name and address of owner, applicant and engineering firm, which prepared the plan:	<input type="checkbox"/>	<input type="checkbox"/>

- | | Yes | No |
|---|--------------------------|--------------------------|
| I. Seal of engineering firm licensed in the State of Kansas developing the plan, scale, north point and date of plan; | <input type="checkbox"/> | <input type="checkbox"/> |
| J. A description of any limitations to be placed on the range of permitted uses, the hours of operation, the structure materials to be used or other similar factors; and | <input type="checkbox"/> | <input type="checkbox"/> |
| K. Ten (10) copies shall be submitted. | <input type="checkbox"/> | <input type="checkbox"/> |

Final Development Plan: The Final Development Plan shall be prepared in the same manner and include the same type of information as the Preliminary Development Plan (updated to show final sizes, dimensions and arrangement) with the following additions:

- | | | |
|--|--------------------------|--------------------------|
| A. Contour lines shall show finished grading only; | <input type="checkbox"/> | <input type="checkbox"/> |
| B. The landscaping plan shall show the size and type of each tree, shrub and ground cover; and | <input type="checkbox"/> | <input type="checkbox"/> |
| C. Drawings showing the size, appearance and method of illumination for each sign. | <input type="checkbox"/> | <input type="checkbox"/> |

PLANNED DEVELOPMENT TERMS & CONDITIONS:

1. If any substantial variation or rearrangement of structures, parking area and drives, entrances, heights or open spaces is requested by the applicant, the applicant shall proceed by following the same procedure previously followed and outlined in the Preliminary Development Plan.

2. Open Space: The Planning Commission may require the provision of open space to buffer dissimilar uses; to protect environmentally sensitive areas; or to counterbalance any reduction in lot area, yard size or bulk limitations.

A. Open Space Requirements: If the Planning Commission requires open space, the City and the applicant shall enter into an agreement providing for the establishment of an agency to maintain the open space. Such agreement shall include provision for default, cure by the City, and enforcement.

B. Disposition of Open Space: The agency established in the preceding section shall not be dissolved or permitted to otherwise dispose of any open space by sale or otherwise without first offering to dedicate the same to the City. The development plan process shall be required prior to any rezoning or issuance of a building permit for other than a single-family dwelling.

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CITY OF CARBONDALE, KANSAS
LOT SPLIT APPLICATION
(See Section 9 of Subdivision Regulations)

234 Main
P.O. Box 70
Carbondale, KS 66606
Phone: 785 828-3146

Fee: \$25.00

Date: _____

1. Property Owner:

2. Address: _____

3. Legal Description: _____

4. Description and Location of Lot: _____

	Yes	No
5. Site sketch attached (required)	<input type="checkbox"/>	<input type="checkbox"/>

6. ADJACENT LAND USE:

North	_____	_____
South	_____	_____
East	_____	_____
West	_____	_____

7. Present Use of Property:

APPLICANT PLEASE READ

I hereby certify that I have read and examined this application and know the same to be true and correct. I hereby certify that I have been authorized by the owner to act as his/her agent in applying for and obtaining this permit prior to work being initiated. All provisions of laws and ordinances governing this type of work will be complied with, whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

Signature of Applicant _____ Date _____

IF APPLICATION IS NOT APPROVED:

- . You have the right to file a request for a hearing before the Board of Zoning Appeals.
- . See Article 14, or contact the City Clerk's Office for procedure.
- . Request must be made within thirty (30) days of being disapproved.

~ BELOW SECTION FOR CITY USE ONLY ~

Approved _____ **Denied** _____

Comments of Zoning Administrator:

Date: _____ Signed: _____
Zoning Administrator