

**OFFICIAL COPY**



**SUBDIVISION REGULATIONS  
of  
FRANKLIN COUNTY, KANSAS**

**Prepared by the  
PLANNING COMMISSION  
OF FRANKLIN COUNTY**

**Official Copy as Incorporated  
By Resolution #07-013**

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## Article 1

### GENERAL PROVISIONS

#### Sections:

- 1-1. Title and Scope
- 1-2. Purpose
- 1-3. Applicability
- 1-4. Authority
- 1-5. Exemptions
- 1-6. Definitions
- 1-7. Duties

#### *Section 1-1. Title and Scope*

- 1-1.01 These regulations, entitled the Subdivision Regulations of Franklin County, Kansas, prescribe minimum design requirements and uniform approval procedures for the approval and development of new subdivisions, resubdivision and other division of land in the unincorporated territory of Franklin County, Kansas.

#### *Section 1-2. Purpose*

- 1-2.01 Responsible land subdivision is the initial step in the process of orderly community development. The division of property imposes potential land development patterns on the valuable land resources of the County and once divided are difficult and costly to change or correct. The purpose of these Subdivision Regulations is to set forth rules and regulations for the division of real property so that each subdivision shall be properly coordinated with existing street, utilities and public facilities, as well as the future development of these entities, and to promote the public health, safety, convenience, general welfare and to conserve land values within the unincorporated territory of Franklin County, Kansas.
- 1-2.02 These Subdivision Regulations are therefore adopted under the provisions of K.S.A. 12-741 and in accordance with the requirements of K.S.A. 12-749 and for the following specific purposes:
  - A. To protect and provide for the public health, safety, convenience, and general welfare.
  - B. To insure that development in unincorporated Franklin County conforms with the goals, policies and recommendation of the adopted *Franklin County Comprehensive Plan*.
  - C. To provide adequate and accurate records of all applicable land subdivision.
  - D. To provide for adequate public input regarding the subdivision of private land.
  - E. To insure that the cost of improvements which benefit primarily the tract of land being developed is borne primarily by the subdivider of the tract.
  - F. To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.

- G. To establish reasonable standards of design and uniform procedures for subdivision in order to further the orderly layout and use of land. Specifically, these regulations shall provide for the:
  - 1. Efficient and orderly location of streets;
  - 2. Reduction of vehicular congestion;
  - 3. Reservation or dedication of land for open spaces;
  - 4. Off-site and on-site public improvements;
  - 5. Recreational facilities, which may include, but are not limited to, the dedication of land area for park purposes;
  - 6. Flood protection;
  - 7. Building lines;
  - 8. Compatibility of design; and
  - 9. Any other service, facilities and improvements deemed necessary.
- H. To provide for and secure the actual construction of improvements, which comply with these Subdivision Regulations and applicable requirement of the County Zoning Regulations.
- I. To protect and preserve the natural beauty and resources within the planning area and to insure appropriate development with regard to those natural features.

***Section 1-3. Applicability***

**1-3.01** The provisions of these Subdivision Regulations shall apply to:

Any land which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, tracts or interest for purpose of sale, lease, or financing of development either on the installment plan or upon any other plans, terms and conditions, including resubdivision. Subdivision includes the division of residential or nonresidential-zoned land, whether by plat or other recorded instrument.

**1-3.02** Plat or Parcel Split Required: After the effective date of these Subdivision Regulations, the owner or owners of any land located within the unincorporated territory of Franklin County, Kansas, subdividing the same into two (2) or more lots, tracts, or parcels, shall cause a subdivision plat or lot split to be made unless exempted under Section 1-5 of this Article.

**1-3.03** Sale of any Proposed Lot Parcel or Tract: The owner, or agent of the owner, of any division subject to the provision of these Subdivision Regulations, shall not transfer or sell any such lot, parcel, or tract before the land division has been approved by the County in accordance with these Subdivision Regulations and has been filed with the Register of deeds of Franklin County.

- 1-3.04** Filing of Plats or Certificates of Survey: The Register of Deeds of Franklin County shall not file any Subdivision Plat or Certificate of Survey for purposes of subdividing land until such subdivision plat or certificate of survey has been considered and approved by the County as provided in these Subdivision Regulations.
- 1-3.05** Whenever a plat shall be filed that lies within one mile of a city, except those cities specified in Section 1-3.07, the preliminary plat shall be referred to the Planning Commission of the city, or if it does not have a Planning Commission, to its Governing Body for review and comments. Any design or improvement standards required by these regulations may be modified to meet the design or improvement standards of that city, provided that it is anticipated that such improvement will be tied into, connected to or made a part of that city's system (e.g., streets, water and sewer, drainage) either now or in the future.
- 1-3.06** In those areas immediately adjacent and abutting the city limits of a city which has subdivision regulations adopted as provided by law and where the Governing Body of that City has agreed to annex a proposed subdivision, then the Subdivision Regulations of the City shall apply to such an area to be annexed.
- 1-3.07** Those cities desiring to exercise subdivision authority outside of their respective incorporated boundaries may initiate such authority through Interlocal agreements as provided in K.S.A. 12-744(c) and K.S.A. 12-2901 et seq., provided that the area for such authority is not greater than three (3) miles from the incorporated boundaries of the city. Before Franklin County will enter into an Interlocal agreement delegating such regulatory authority, the City shall:
- A. Provide a copy of an adopted and up-to-date Comprehensive Plan covering all of the unincorporated area in question.
  - B. Verify that the City has an organized Planning Commission pursuant to the provisions of K.S.A. 12-744(a).
  - C. Verify that the City has adopted a current set of subdivision regulations.
  - D. Verify that the City has fully functional enforcement capabilities for said subdivision regulations.
  - E. Provide a legal description for the boundaries of the unincorporated area included within the Interlocal agreement.

***Section 1-4. Authority***

- 1-4.01** These Subdivision Regulations and minimum standards for land development are adopted by the Planning Commission and approved by the Board of County Commissioners under powers conferred by K.S.A. 12-749.

***Section 1-5. Exemptions***

- 1-5.01** The following specific transactions shall be exempt from compliance with the provisions of these Subdivision Regulations:

- A. The division or further division of land into lots, tracts, or parcels, each of which contains forty (40) acres or more or can be described as an aliquot division of a Quarter (1/4) Section, provided such division or further division does not involve the creation of any new streets or access easements.
- B. Boundary adjustments between one or more contiguous lots, tracts, or parcels of land, which will not create any additional lots, tracts, or parcels, shall not be subject to the subdivision platting, or replatting requirements of these Subdivision Regulations. However, such boundary line adjustments shall comply with requirements of Article 4 of these Subdivision Regulations.
- C. A conveyance of land or interest therein for use as right-of-way by railroad or other public utilities subject to state or federal regulations where no new street or easement of access is created.
- D. A conveyance made to correct a description in a prior conveyance.
- E. Any transfer by operation of law.
- F. Any lease for a term not less than 10 years.
- G. The subdividing of land used exclusively for cemetery purposes and accessory uses associated therewith.
- H. Any lot, parcel, or tract of land located within the area governed by these Subdivision Regulations which has been legally subdivided, re-subdivided, platted, or replatted prior to the effective date of these Subdivision Regulations.
- I. The division of a tract of land or lots which creates no more than one (1) additional tract or lot subject to the provisions for tract or lot splits described in Article 3 of these Subdivision Regulations. After any such lot or tract split, any further division of the lot or tract of land shall be platted in conformance with the requirements of these Subdivision Regulations and the lot split provisions of Article 3 shall not apply to such division.
- J. Land used for highways or other public purposes relating to the dedication of a parcel of land for a public use or instruments relating to the vacation of land impressed with a public use.
- K. Lots zoned for industrial purposes, which are platted, need not be replatted if divided into two or more tracts when there are no changes to existing road rights-of-way, utility easements or any new roads or easements required. Such redivisions, however, shall be subject to surveying requirements and minimum standards of the industrial zoning district.

***Section 1-6. Definitions***

**1-6.01** For the purpose of these Subdivision Regulations, certain terms, words and phrases are hereby defined and shall have the meaning assigned to them in this section when used or referred to throughout these regulations. Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the

meaning they have in common usage and to give these regulations their most reasonable application.

**1-6.02** In the construction of these regulations, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise:

- A. Words used in the present tense shall include the future.
- B. Words in the singular number include the plural number, and the plural number includes the singular number.
- C. The phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.
- D. The word “shall” infers mandatory action.
- E. The word “may” infers permissive activity.
- F. The word “person” includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.

**ACCESS:** The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

**AGRICULTURE:** As used in these Subdivision Regulations, is a tract of land, forty (40) or more contiguous acres, used exclusively for the raising of crops, animal husbandry, dairy farming, general farming, truck farming, cultivation of field crops, orchards, timberlands, nut tree groves, raising of fish, birds or poultry, accessory uses necessary for the carrying out of farming operations including structures for storage, processing and sales of agricultural products raised on the premises.

**ALLEY:** A dedicated public right-of-way, which provides a secondary means of access to and from streets and lots.

**BLOCK:** A tract of land entirely surrounded by public highway, streets, railroad or other public utility rights-of-way, public walks, parks or green-strips, rural land, drainage channels or a combination thereof.

**BOARD OF COUNTY COMMISSIONERS:** The Franklin County, Kansas, Board of County Commissioners. Also known as the Governing Body.

**BOND:** Any forms of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Governing Body. The Governing Body shall approve all bonds whenever a bond is required in these Subdivision Regulations.

**BOUNDARY LINE ADJUSTMENT:** The relocation of the boundaries between two (2) or more adjoining unplatted properties where no additional tracts are created and any such resulting tracts of land comply with all design requirements for tracts as set forth in the County Zoning Regulations and these Regulations.

**BUILDING LINE:** A line on a plat indicating the limit beyond which buildings or structures may not be erected.

**COMPREHENSIVE PLAN:** The duly adopted Comprehensive Plan for Franklin County, Kansas including subsequent amendments.

**COUNTY:** Franklin County, Kansas.

**COUNTY CLERK:** The County Clerk of Franklin County, Kansas.

**COUNTY COUNSELOR:** The Attorney appointed by the Franklin County Board of County Commissioners to represent the County on legal issues concerning these Regulations.

**COUNTY SURVEYOR:** A Professional Land Surveyor licensed by the Kansas State Board of Technical Professions as provided by K.S.A. 74-7001 et seq. and designated by the County Commissioners.

**CUL-DE-SAC:** A street that has only one outlet and is permanently terminated by a vehicle turnaround at the other end, as distinguished from a dead end road.

**EASEMENT:** An interest in land that is held by the public, a corporation, or persons other than the owner that entitles the holder to a specific limited use or right. Ownership of said strip of land shall remain with the property owner.

**ENGINEER:** The County Engineer, or such licensed engineer designated by the County to provide engineering assistance in administering these and other regulations governing areas of normal responsibilities assigned to the County Engineer.

**FLOODPLAIN:** Land which is subject to inundation of water as a result of what is commonly known as the 100-year flood, or land that has at least a one (1) percent chance of flooding in any given year. Floodplain boundaries in the County are shown on the Federal Emergency Management Agency's "Flood Hazard Boundary Maps" or "Federal Insurance Rate Maps" for unincorporated Franklin County.

**GOVERNING BODY:** The Franklin County Board of County Commissioners.

**GRADE:** The slope of a road, street or other public way, specified in percent.

**IMPROVEMENTS:** All public or private facilities constructed or erected by a subdivider within a subdivision to permit and facilitate the use of lots or blocks for a principal residential or commercial, office, or industrial use.

**LAND PLANNING PROFESSIONAL:** A professional capable of generating a preliminary plat as required by these Subdivision Regulations. Such professional may include, but not be limited to, architects, surveyors, and engineers.

**LOT:** A portion of a subdivision or other tract or parcel of land intended as a unit for transfer of ownership or for development.

**LOT, CORNER:** A lot situated at the intersection of two (2) roads.

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

**LOT, DOUBLE FRONTAGE:** A lot having a frontage on two (2) non-intersecting roads, as distinguished from a corner lot.

**LOT, REVERSE FRONTAGE:** A corner lot of which size and shape that a building erected thereon might logically be designed to face on either adjoining road, thus causing it to rear on the side yard of an abutting lot.

**LOT LINES:** The boundary lines of a lot.

**LOT OF RECORD:** A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Franklin County Register of Deeds, or an unplatted tract or parcel described by metes and bounds, the description which has been recorded in the office of the Franklin County Register of Deeds.

**LOT SPLIT:** The dividing or redividing of a lot or tract of land into not more than two (2) lots or tracts which meet the criteria established by these Subdivision Regulations.

**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.

**MERGER OF TRACTS OF LAND:** The combining of two (2) or more unplatted parcels or tracts of land into a single tract or parcel.

**OPEN SPACE:** An area of land or water, or combination thereof, planned for passive or active recreation or for protection, conservation or for preservation of natural resources, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas, or required front, rear or side yards.

**PEDESTRIAN WAY:** A right-of-way dedicated to public use, which facilitates pedestrian access to adjacent streets and properties.

**PLAN, SKETCH:** A plan as required by these Subdivision Regulations to outline the general intent and nature of a proposed subdivision to the County Planning and Building Office and other interested departments, agencies, and committees.

**PLANNING AREA:** The area within the County boundaries and within the unincorporated area of Franklin County described in these Subdivision Regulations.

**PLANNING COMMISSION:** The Franklin County, Kansas Planning Commission.

**PLANNING DIRECTOR:** The Franklin County, Kansas official assigned the responsibility of administering the Zoning Regulations, Subdivision Regulations, Building Codes and Sanitation Code.

**PLAT, FINAL:** A plat prepared by a registered land surveyor to describe the precise location and dimension of lots, establish easements, dedicate street rights-of-

way, and otherwise describe property to be subdivided and requiring approval of the Planning Commission specified in K.S.A. 12-752 and amendments thereto.

**PLAT, PRELIMINARY:** A plat for a proposed subdivision of land showing streets, lots, and other features as required by these Subdivision Regulations.

**PLAT, SMALL SUBDIVISION:** A subdivision or re-subdivision that consists of only one (1), two (2), three (3) or four (4) lots that may have the preliminary platting requirements of these Subdivision Regulations waived by the Planning Director.

**REGISTER OF DEEDS:** The Franklin County, Kansas Register of Deeds.

**REPLAT:** The subdivision of an existing lot of land which has previously been lawfully subdivided and a plat of such prior subdivision duly recorded (sometimes referred to as a “resubdivision”).

**RIGHT-OF-WAY:** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for other special purposes. The usage of the term “right-of-way” hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the dimensions of areas of such lots or parcels.

**ROAD(S):** As used in these Subdivision Regulations, shall have the same meaning as streets. (See definition for STREETS.)

**RULE EXCEPTION:** Allowing a subdivision to deviate from one (1) or more specific standards and requirements of these rules and regulations.

**SANITATION CODE:** The Environmental/Sanitary Code of Franklin County, Kansas.

**SETBACK:** A line within a lot or other parcel of land indicating the limit beyond which a building or structure may not be erected.

**SLOPE:** The inclination of the surface plane from the horizontal to vertical, which is generally expressed in percent.

**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” or other similar designation.

**STREET, ARTERIAL:** A street or road that is designated in the Franklin County Comprehensive Plan for large volumes of traffic to move quickly and safely, and which provides service and access to abutting properties only as a secondary function.

**STREET, COLLECTOR:** A street or road that is designated in the Franklin County Comprehensive Plan primarily to gather traffic from local streets and carry it to the arterial system.

**STREET, DEAD END:** A street or road having only one (1) outlet and no vehicular turnaround, as distinguished from a cul-de-sac.

**STREET, HALF:** A portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street could be provided in another subdivision.

**STREET, LOCAL:** Any public street or road designed primarily to provide access to more than one property.

**STREET, PRIVATE:** A right-of-way or easement which affords principal means of vehicular access to property abutting thereon, which right-of-way or easement is owned, controlled and maintained by persons other than the public.

**STREET, PUBLIC:** A right-of-way which affords principal means of vehicular access to property abutting thereon, which right-of-way has been dedicated to the public for such use.

**SUBDIVIDER:** The owner, or any other person, firm or corporation authorized by the owner that proceeds to subdivide under the provisions of these Subdivision Regulations.

**SUBDIVISION:** Except for a “lot split” as defined in these Subdivision Regulations, any land which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, tracts, or interest for purpose of sale, lease, or financing, either on the installment plan or upon any other plan, terms, or conditions, including resubdivision, whether by plat or other recorded instrument

**WALKWAY, PEDESTRIAN:** A strip of land dedicated for public use which is reserved across a block for the purpose of providing pedestrian access to adjacent areas.

**ZONING REGULATIONS:** The adopted Franklin County Zoning Regulations.

***Section 1-7. Duties***

**1-7.01 Duties of the Office of the Planning Director:**

- A. Maintain permanent and current records with respect to these Subdivision Regulations, including amendments thereto.
- B. Inform applicants of required procedures and of decisions on plats, lot splits or boundary line adjustments.
- C. Determine whether an application for any subdivision approval is complete and notify the applicant as to whether the application is in compliance with these Subdivision Regulations.
- D. Maintain files of all applications for preliminary/final plats and lot splits.
- E. Forward all surveys to the County Surveyor or such licensed surveyor designated by the County to provide surveying assistance for review and approval.

- F. Submit preliminary and final plats, together with staff reports, to the Planning Commission for their consideration.
- G. Maintains records of Planning Commissions' actions regarding subdivision plats, including revision and amendments to these Regulations.
- H. Transmit final plat to the Board of County Commissioners for acceptance of dedications of streets, alleys, and other public ways and sites.
- I. Record all subdivision plats, certificates of survey and deed restrictions and covenants when appropriate with the County Register of Deeds.

**1-7.02** Duties of the Franklin County Planning Commission:

- A. Review and approve, approve conditionally, or disapprove preliminary plats.
- B. Review and approve, approve conditionally or disapprove final plats and transmit approved final plats to the Board of County Commissioners for acceptance of dedications of streets, alleys and other public ways and sites.
- C. Make other determinations and decisions as may be required of the Planning Commission from time to time by these Subdivision Regulations and by the applicable state statutes.

**1-7.03** Duties of the Board of County Commissioners:

- A. Consider Planning Commission recommendations of final plats and accept or reject dedications of easements and rights-of-way and other public dedications.
- B. Approve engineering drawings of proposed improvements prior to construction.
- C. Accept or reject financial guarantees from subdividers in lieu of immediate completion or installation of improvements required by these Subdivision Regulations.
- D. Set filing fees to implement these Subdivision Regulations.
- E. Take other action as required from time to time including the consideration of amendments to these Subdivision Regulations.

## Article 2

### PLAT FILING REQUIREMENTS

#### Sections:

- 2-1. **General Procedure**
- 2-2. **Preapplication Conference and Sketch Plan**
- 2-3. **Preliminary Plat**
- 2-4. **Final Plat**
- 2-5. **Concurrent Submission of Preliminary and Final Plats**
- 2-6. **Small Subdivision Plat**

#### *Section 2-1. General Procedure*

- 2-1.01 This article establishes uniform procedures and platting requirements for subdivisions as provided in K.S.A. 12-752.
  
- 2-1.02 All preliminary and final plats of subdivisions within the unincorporated area of Franklin County shall be submitted to the Planning Commission for its approval. The Register of Deeds of Franklin County shall not file for record any plat for land located within any area governed by these Subdivision Regulations until:
  - A. A final plat has been approved and endorsed thereon by the Planning Commission; and
  - B. Land dedicated to public purposes has been acted upon by the Board of County Commissioners as required herein.
  
- 2-1.03 The Planning Director shall have the authority to certify a preliminary plat, final plat, or small subdivision plat application as complete or incomplete. If a plat application is certified as complete, then said director shall place the application on the Planning Commission's agenda for consideration. If a plat application is certified as incomplete, then said director shall return the application to the applicant with a written explanation of his determination. The applicant may reapply or may appeal said director's determination to the Board of County Commissioners for consideration as to the completeness of the application.

#### *Section 2-2. Preapplication Conference and Sketch Plan*

- 2-2.01 Before filing a preliminary plat, the subdivider shall consult with the Planning Director for advice regarding general requirements affecting the proposed development. The subdivider shall furnish the Planning Director with the following information:
  - A. A general description of existing conditions of the site, including data on existing land and soil characteristics, existing covenants, availability of utilities and other public facilities, and proposed uses.
  - B. A sketch of the proposed subdivision on a topographic survey map showing proposed streets, lots, and other features.

C. A general location map showing the relationship of the proposed subdivision to existing utilities, major streets, and community facilities and to surrounding developed and undeveloped land when such information is considered necessary by the Planning Director.

**2-2.02** The Planning Director shall advise the subdivider of the requirements pertaining to the proposed subdivision as such requirements are established by these Subdivision Regulations. The preapplication procedure does not require formal application, fee, or filing of a plat with the Planning Commission and need not be prepared by a licensed surveyor.

**2-2.03** In addition to the Planning Director, other participants in the preapplication conference may include representatives of any affected Rural Water Districts and the Franklin County Public Works Director.

**2-2.04** Comments made during the preapplication conference are for general direction only.

### ***Section 2-3. Preliminary Plat***

**2-3.01** Conformance with Comprehensive Plan and Zoning Regulations: A preliminary plat of the proposed subdivision shall be prepared by the subdivider or his agent and submitted to the Planning Commission for its consideration and approval. The Planning Commission shall satisfy itself that the plat's proposed street pattern and land use will conform to the *Franklin County Comprehensive Plan* and policies, as well as with the County's Zoning Regulations regarding lot size and lot frontage. The preliminary plat shall also conform to the County's Sanitation Code and other local codes, regulations, and standards.

**2-3.02** Contents of Preliminary Plat: Application for a preliminary plat shall be on a form provided by the Planning and Building Office and shall include twenty (20) copies of the plat along with the appropriate fee as established by the County. Such preliminary plat shall:

- A. Be drawn to a scale of not more than one hundred feet (100') to one inch (1") unless the area of the subdivision is over one hundred (100) acres, then to the scale of not more than two hundred feet (200') to one inch (1") unless waived by the Planning Director.
- B. State the name of the proposed subdivision, legal description of the site to the subdivided, location, acreage, names and addresses of owner, subdivider and land surveyor. Such subdivision name shall not duplicate the name of any existing subdivision in Franklin County, Kansas.
- C. Show date of preparation, north point, and scale of drawing.
- D. Show the location of the subdivision by measured distance to a section corner to define the location and boundaries of the tract which will be subdivided.
- E. Indicate that the map is a preliminary plat.
- F. Indicate applicable zoning districts for the property and all adjoining property.

- G. Show location of property and boundary lines, location, width and names of platted streets or other public ways, railroads and utility rights-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision.
- H. Show the location, to the nearest foot, within the subdivision and in the adjoining streets and property of all existing sewer, septic tank, water mains, gas mains, culverts or other underground installations with pipe size and manholes.
- I. Show existing uses of the property including the location of all existing structures that will remain on the property after the final plat is recorded.
- J. Show names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land.
- K. Show location of watercourses, areas subject to flooding, bridges, wooded areas, lakes, ravines and such other features as may be pertinent to the subdivision.
- L. Show topography with contours at intervals of two (2) feet and unique topographic features, lakes, and tree masses.
- M. Show land within the boundaries of the 100-year floodplain as identified on the most recent version of the Federal Emergency Management Agency's "Flood Hazard Boundary Maps" and/or Federal Insurance Rate Maps for unincorporated Franklin County.
- N. Be accompanied by a general location map which identifies the area of the County in which the tract to be subdivided is to be located and a vicinity map showing existing subdivisions, streets and unsubdivided tracts adjacent to the proposed subdivision and showing the manner in which the proposed streets may be extended to connect with existing streets.
- O. Show proposed streets, including location, width, names and approximate grade and showing the manner in which the proposed streets may be extended to connect with existing streets.
- P. Show blocks and lots, including lot lines with approximate dimensions, proposed numbers, and lot sizes in square feet or nearest one hundredth acre.
- Q. Show proposed utility system concept plan for telephone and other communications, sanitary waste, water, electricity and/or natural gas. *All plats shall include a wastewater management plan, to be approved by the County Sanitarian.*
- R. Show location of proposed culverts, storm sewers, and drainage system.
- S. Show all proposed easements, dedications and reservations.
- T. Show sites to be designated for purposes other than single-family residential including location and size of proposed parks, playgrounds, churches, school sites or other special uses of land to be considered for reservation or dedication for public use.

- U. Show phasing plan if applicable.
- V. Provide general layout of adjacent unsubdivided property to show how streets and other public facilities in the proposed subdivision relate to the unsubdivided property.
- W. Be accompanied by proposed deed restriction, if any, in outline form.
- X. If access is to be provided from a State Highway, the subdivider shall provide a letter from the Kansas Department of Transportation along with the application stating whether or not the State accepts the design and location of said access.
- Y. A title report by an abstract or a title insurance company, or an attorney's opinion of title, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on the plat. The consent of all such persons shall be shown on the plat and their signatures shall be notarized.
- Z. Any subdivision or re-subdivision creating lots or tracts less than 20 acres in size, except as otherwise required by these Regulations, shall include:
  1. A statement from the affected Rural Water District that the District has the capabilities to serve public water to each lot and that such service is available and/or identify the improvements necessary to make water available, or;
  2. A geological report, where public water is not available, with sufficient data to indicate the presence of a ground water supply adequate to serve the domestic needs of each lot in accordance with the standards and requirements of the Franklin County Sanitation Code.

**2-3.03** Notification of Surrounding Property Owners: At least twenty (20) days prior to the Planning Commission public hearing at which the preliminary plat is to be considered for approval, the Planning Director shall notify all property owners of land located within 1,000 feet of the subdivision land and/or all abutting property owners that such a hearing will take place. Notification shall include the time, date and place of said public hearing.

**2-3.04** Staff Review and Actions: Upon receipt of the preliminary plat and supporting data required in this article, the Planning Director shall perform the following tasks:

- A. Certify the application as complete (if applicable) and affix the date of application acceptance on the preliminary plat.
- B. Place the preliminary plat on the agenda for consideration at the next regularly scheduled meeting of the Planning Commission.
- C. Cause a notice to be published in an officially designated newspaper qualified to publish legal notices in Franklin County giving the name of the subdivision and the approximate acreage. The notice shall first be published at least twenty (20) days prior to the regularly scheduled Planning Commission meeting for consideration of said plat.

- D. Distribute a copy of the preliminary plat to all County Administrative Departments and Special Districts which may be affected for review and comment.
- E. Coordinate all general staff and utility comments and forward along with a staff report to the Planning Commission recommending approval, conditional approval, or denial of the preliminary plat.

**2-3.05** Planning Commission Review and Actions: The Planning Commission shall conduct a public hearing on the preliminary plat to determine if the same conforms to the provisions of these Subdivision Regulations. The Planning Commission shall act upon the preliminary plat within sixty (60) days after submission, stating its approval, conditional approval (stating findings and conditions), or disapproval (stating reasons). If such determination is not made within sixty (60) days after the preliminary plat has been submitted for consideration, such plat shall be deemed to have been approved and a certificate shall be issued by the Secretary of the Planning Commission upon demand, unless the subdivider has consented to an extension or waiver of the time limitation.

**2-3.06** Effect of Preliminary Plat Approval: Approval of the preliminary plat shall not constitute acceptance of the subdivision by Franklin County but authorizes preparation of the final plat. No grading or improvements shall take place in the subdivision prior to approval and endorsement of the final plat by the Planning Commission, acceptance by the Board of County Commissioners on land dedicated for public purposes, and the submittal to and approval of improvement construction plans by the County Public Works Director.

**2-3.07** Phasing Plan: When a subdivision is planned to be developed in phases, a phasing plan shall be considered along with the preliminary plat. Multiple final plats may, thereafter, be filed provided that each final plat substantially complies with the approved phasing plan and preliminary plat.

**2-3.08** Preliminary Plat Time Limits: After the approval or conditional approval of a preliminary plat, the subdivider may file a final plat or plats, as provided in Section 2-4.07 with the Planning Commission. A final plat must be submitted to the Planning Director within twenty-four (24) months from the date of approval of the preliminary plat, or said preliminary plat shall be null and void. However, filing of a final plat on a portion of said preliminary plat, as provided in Section 2-4.07 shall extend the time of the preliminary plat for an additional twenty-four (24) months.

**2-3.09** Preliminary Plat Time Extension: Within thirty (30) days prior to the expiration of an approved preliminary plat, the subdivider may file for a time extension of the preliminary plat. A time extension request shall be filed with the Planning Director and shall include such fees as established by the Board of County Commissioners. Procedures for consideration of the time extension shall be those required for a preliminary plat.

***Section 2-4. Final Plat***

**2-4.01** Preparation: After the preliminary plat has been approved, a final plat for record shall be prepared and submitted to the Planning Commission for final approval.

The final plat may include all or a portion of the area encompassed by the preliminary plat as provided in Section 2-3.07 of these Subdivision Regulations.

**2-4.02**

Conformance with Preliminary Plat: No final plat shall be considered for approval unless all provisions of these Subdivision Regulations have been met, including compliance with conditions set forth by the Planning Commission on the preliminary plat. No final plat shall be considered if it differs substantially from the preliminary plat as previously approved by the Planning Commission.

**2-4.03**

Contents of Final Plat: The subdivider shall submit to the Planning Director a final plat application along with the original drawing prepared by a licensed surveyor on tracing cloth, mylar, vellum, or other permanent reproducible material, and twenty (20) true copies thereof and the appropriate fee as established by the Board of County Commissioners. All drawings and signatures of certification shall be in waterproof ink. The scale shall not be more than one hundred feet (100') to one inch (1") unless waived by the Planning Director. No drawing shall exceed the size of twenty-four inches (24") by thirty-six inches (36") unless a larger size is approved by the Register of Deeds of Franklin County, Kansas, and such approval is shown on the face of said drawing. The final plat shall show the following:

- A. The name of the subdivision.
- B. Legend, graphic scale and North point.
- C. Date, title, name under which the subdivision is to be recorded, and location of subdivision. The name of the platted subdivision shall not duplicate the name of any platted subdivision previously recorded in Franklin County unless it is an addition to and contiguous to the same.
- D. Features such as watercourses, highways and railroads.
- E. The names of adjoining subdivisions.
- F. Building setback lines, if any.
- G. 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.
- H. Lot lines with dimension. 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 located. Points of deflection of rear lot lines shall be indicated by angles and distances.
- I. Lot numbers beginning with the number one and numbered consecutively in each block.
- J. Block numbers or letters 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 to not obliterate any figure.

- K. The width of the portion of the streets being dedicated and the width of any existing right-of-way.
- L. The final plat shall designate the name or names by which the proposed roads or streets are to be officially known. The Planning Director reserves the right to require different names and numbering systems if the Planning Commission believes such action is necessary.
- M. The plat of the proposed subdivision shall contain sufficient information and engineering data to locate any line on the ground. Such map shall show the following:
  - 1. 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 in compliance with the provisions of K.S.A. 74-7037 governing the State Board of Technical Professions, rules and regulations for control of quality surveying.
  - 2. The location of existing monuments or benchmarks shall be shown and described on the final plat. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including the true angles and distances to such reference points or monuments. A certification signed by the licensed land surveyor, who prepared the survey and final plat as to testify to the accuracy of the survey and plat, and certifying that all permanent monuments as required have been set, shall be placed on the final plat.

SURVEYOR’S CERTIFICATION

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

\_\_\_\_\_  
Surveyor

\_\_\_\_\_  
Date

\_\_\_\_\_  
SEAL

- N. A legal description of the proposed subdivision.
- O. Certification signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted including the dedication of any property for public use and the preservation of any property for private use. Also, certification by the subdivider if different than said parties, that the plat is a true representation of the proposed subdivision. (See owner’s dedication certification in Item P below.)



Easements approved for public purposes by Franklin County Commission, Franklin County, Kansas.

\_\_\_\_\_  
Chairperson Date

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

U. The certificate of the County Treasurer stating that all taxes due and payable to the County have been satisfied in the following form:

State of Kansas, County of Franklin, ss.

This is to certify that all current and previous years taxes and any special assessments have been paid on the land being platted.

Date Signed: \_\_\_\_\_ (Name) \_\_\_\_\_, Treasurer  
By \_\_\_\_\_, Deputy

V. The certificate of the Register of Deeds in the following form:

State of Kansas, County of Franklin, ss.

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

\_\_\_\_\_  
Register of Deeds

W. A notarized copy of the deed restrictions or covenants in a form suitable for recording where deed restrictions or covenants were submitted as part of the consideration for the preliminary plat.

**2-4.04** Staff Review and Actions: Upon receipt of the final plat and certification documents required in this section, the Planning Director shall perform the following tasks:

- A. Certify the final plat application as complete (if applicable) and affix the date of application acceptance on the final plat.
- B. Place the final plat on the agenda for consideration at the next regularly scheduled meeting of the Planning Commission.
- C. Distribute a copy of the final plat to appropriate public officials and any affected utility companies.

D. Coordinate all general staff and utility comments and forward along with a staff report to the Planning Commission recommending approval, conditional approval, or denial of the final plat.

**2-4.05** Planning Commission Review and Approval: The Planning Commission shall approve or disapprove the final plat within 60 days from the submission of such plat. Action on a final plat shall be taken by a majority vote of the Planning Commission membership, regardless of the number of Planning Commission members present and voting at the hearing. If the final plat is disapproved, the applicant shall be notified in writing of the reasons for such disapproval. If the Planning Commission fails to approve or disapprove a preliminary plat within the 60 day period, then the final plat shall be deemed approved and such approval endorsed on the plat by the Chairperson on the Planning Commission, unless the applicant shall have requested or consented to waive such time limitation. If the final plat is approved, the Chairperson of the Planning Commission shall date and endorse the original.

**2-4.06** Acceptance of Dedications: A final plat that has been approved by the Planning Commission shall be submitted to the Board of County Commissioners for its acceptance of the dedication of streets and other public ways, service, and utility easements and any land dedicated for public purposes. The Board of County Commissioners shall accept or refuse the dedication within thirty (30) days after its first meeting following the date of the submission of the final plat to the County Clerk. The Board of County Commissioners may defer action for an additional thirty (30) days for the purpose of allowing for modifications to comply with the requirements of these Subdivision Regulations. No additional fees shall be assessed during this additional period. If the Board of County Commissioners defers or refuses such dedication, the Board of County Commissioners shall advise the Planning Commission of the reasons for such deferral or refusal. Failure of the Board of County Commissioners to execute an acceptance of dedication shown on the plat shall be deemed to be a refusal of the proposed dedication. Prior to recording any final plat with the Franklin County Register of Deeds, said plat shall include a certificate of the Governing Body that all dedications, if any, are accepted by said Board of County Commissioners.

**2-4.07** Filing of Plat: The original of any final plat or replat and applicable deed restrictions or covenants, if any, shall be filed with the Franklin County Register of Deeds by the Planning Director only after all approvals, acceptances and procedures as required by these Subdivision Regulations have been met. These include:

- A. Approval of the final plat by the Planning Commission and endorsement thereon.
- B. Approval of land dedicated to public purposes, if any, by the Board of County Commissioners and certification thereon.
- C. Certification by the County Treasurer of Franklin County, Kansas, that there are no unpaid taxes, special assessments or tax liens outstanding against the property.
- D. Certification from the subdivider or owner to the Planning and Building Department that the subdivision's boundaries are pinned and there is a contract with a licensed land surveyor to pin the lots after completion of streets and public improvements if not indicated on the final plat or replat.

- E. Acceptance of the road and other public improvements by the Board of County Commissioners for maintenance; or the acceptance of financial guarantees for the required public improvements.
- F. A notarized copy of deed restrictions or covenants endorsed by the subdivider or owner in a form suitable for recording.

**2-4.08** Final Plat Validity: If a permit for substantial construction has not been applied for and issued for any portion of a subdivision within five (5) years of filing with the Franklin County Register of Deeds, said final plat shall be null and void. The Planning Commission may, at the request of the party who applied for the plat, grant an extension of the validity of the final plat for up to three years.

***Section 2-5. Concurrent Submission of Preliminary and Final Plats***

**2-5.01** Nothing contained in Section 2-3 and 2-4 shall be construed to prohibit the concurrent submission of preliminary and final plats, so long as they contain all the information and follow all the procedures that would be required by these Subdivision Regulations, if such preliminary and final plats were submitted separately.

**2-5.02** When a subdivider submits the preliminary and final plats concurrently, the Planning Commission shall act upon such submittal within sixty (60) days after submission, stating its approval, conditional approval (stating conditions), or disapproval (stating reasons). If such determination is not made within sixty (60) days after the preliminary and final plats have been concurrently submitted for consideration, such plats shall be deemed to have been approved and a certificate shall be issued by the Secretary of the Planning Commission upon demand, unless the subdivider has consented to an extension or waiver of the time limitation.

***Section 2-6. Small Subdivision Plat***

**2-6.01** Whenever a subdivision or re-subdivision consists of only one (1), two (2), three (3), or four (4) lots, the Planning Director may waive the requirements for submission of the preliminary plat. Such waiver shall permit the subdivider to file with the Planning Director a “small subdivision plat” which shall:

- A. Be discussed with the Planning Director before submission.
- B. Be submitted to the Planning Director at least thirty (30) days prior to the regularly scheduled Planning Commission meeting.
- C. Contain the required information for final plats as outlined in Section 2-4.03.
- D. Be accompanied by the filing fee required by these Subdivision Regulations.
- E. Be acted upon by the Planning Commission within sixty (60) days after submission, stating its approval, conditional approval (stating conditions), or disapproval (stating reasons). If such determination is not made within sixty (60) days after the small subdivision plat has been submitted for consideration, such plat shall be deemed to have been approved and a certificate shall be issued by

the Secretary of the Planning Commission upon demand, unless the subdivider has consented to an extension or waiver of the time limitation.

**2-6.02** The approval of small subdivision final plats shall be subject to the provisions of Section 2-4.05.

**2-6.03** A series of two (2) lot, three (3) lot, or four (4) lot subdivisions which create a unified subdivision shall not constitute a small subdivision within the meaning of this section.

## Article 3

### LOT SPLITS

#### Sections:

- 3-1. Objective
- 3-2. Authorization for Approval of Lot Splits
- 3-3. Application Procedure
- 3-4. Approval Guidelines
- 3-5. Staff Review and Action
- 3-6. Savings Clause

#### *Section 3-1. Objective*

- 3-1.01 The objective of this article is to provide for the division of a tract or parcel of land into not more than two (2) tracts or parcels which meet the minimum size and area requirements of the zoning district in which said tracts or parcels are located without having to comply with the platting requirements described in Article 2 of these Subdivision Regulations. The new tracts, parcels or remainder tract cannot, thereafter, be further subdivided without platting.

#### *Section 3-2. Authorization for Approval of Lot Splits*

- 3-2.01 The Planning Director is hereby authorized to approve or disapprove lot splits in accordance with the provisions of this article. Appeals from a decision made by the Planning Director must be filed with the Board of County Commissioners within thirty (30) days of the Planning Director's decision.

#### *Section 3-3. Application Procedure*

- 3-3.01 Requests for lot splits shall be made by the owner(s) of the land, or their authorized agent or representative, on an application form provided by the County Planning and Building Office. The application shall include four (4) copies of a Certificate of Survey prepared by a licensed surveyor, showing the boundaries, dimensions and description of all parcels or tracts included within the lot split. Upon approval of the lot split, the original of said Certificate of Survey shall be recorded in the Register of Deeds Office. If said original exceeds 11 x 17 inches in size, the Certificate of Survey shall be submitted on tracing cloth, mylar, vellum or other permanent reproducible transparency material.

#### *Section 3-4. Approval Guidelines*

- 3-4.01 The division of tracts or parcels pursuant to this section shall comply with applicable zoning laws, these Subdivision Regulations, and all other applicable regulations. No lot split shall be approved if one of the following applies:
  - A. A new street or alley is needed or proposed.
  - B. A vacation of streets, alleys, setback lines, access control or easements is required or proposed.

- C. If such action will result in significant increases in service requirements (e.g., utilities, schools, traffic control, streets, etc.), or will interfere with maintaining existing service levels (e.g., additional curb cuts, re-paving, etc.).
- D. There is less street or road right-of-way than required by these Subdivision Regulations unless such dedication can be made by separate instrument.
- E. Any easement requirements have not been satisfied.
- F. If such a split will result in a parcel or tract without direct access to a public road.
- G. A substandard size lot or parcel will be created according to these Subdivision Regulations and the Franklin County Zoning Regulations, except where a lot split will result in the substandard-sized portion being recombined with an abutting lot or parcel to produce a standard size lot, and where this recombination is duly filed and recorded with the Register of Deeds of Franklin County.
- H. If such a split or division would create a parcel less than 20 acres in size except as otherwise by the County Regulations unless:
  - a. A statement has been provided from the affected Rural Water District that the District has the capabilities to serve public water to any tract created and that such service is available and/or identify the improvements necessary to make water available or,
  - b. A geological report where public water is not available, with sufficient data to indicate the presences of a ground water supply adequate to serve the domestic needs of each tract in accordance with the standards and requirements of the Franklin County Sanitation Code.

**3-4.02** The Planning Director may make such additional requirements as deemed necessary to carry out the intent and purposes of existing land development regulations and policy. Requirements may include, but not be limited to, installation of public facilities, dedication of right-of-way and easements, and submission of covenants for the protection of other landowners in the original subdivision.

***Section 3-5. Staff Review and Action***

**3-5.01** The Planning Director shall, in writing, either approve with or without conditions, or disapprove the lot split within thirty (30) days of application. If approved, and after all conditions have been met, the Planning Director shall sign the following certificate of approval as required on the lot split plat or survey:

CERTIFICATE OF LOT SPLIT APPROVAL

STATE OF KANSAS)

ss

FRANKLIN COUNTY)

I hereby certify that this lot split has been examined and found to comply with the Subdivision Regulations of Franklin County, Kansas, and is, therefore, approved for recording.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Name) Planning Director

**3-5.02** Filing of Lot Splits: The original of any lot split shall be filed with the Franklin County Register of Deeds only after approval as required by these Subdivision Regulations. These include:

- A. Certification by the County Treasurer of Franklin County, Kansas, that there are no unpaid taxes, special assessments or tax liens outstanding against the property; and
- B. Payment of the filing fee.

***Section 3-6. Savings Clause***

**3-6.01** Nothing in this article shall be in conflict with K.S.A. 79-405 et. seq.

## Article 4

### BOUNDARY LINE ADJUSTMENTS AND MERGERS

#### Sections:

- 4-1. Objective
- 4-2. Authorization for Approval
- 4-3. Application Procedure
- 4-4. Approval Guidelines
- 4-5. Staff Review and Action

#### *Section 4-1. Objective*

- 4-1.01 The objective of this article is to provide for the adjustment of boundaries or the merger of previously unplatted tracts or parcels without having to comply with platting requirements as set forth in Article 2 of these Subdivision Regulations.

#### *Section 4-2. Authorization for Approval*

- 4-2.01 The Planning Director is hereby authorized to approve or disapprove the adjustment of one (1) or more common boundaries between existing unplatted tract, parcels or the merger of two (2) or more existing unplatted tracts or parcels, provided that the resulting tracts or parcels are in compliance with all applicable regulations or where a non-conforming tract or parcel exists, the non-conforming lot, tract or parcel is not made more non-conforming. Appeals from a decision made by the Planning Director must be filed with the Board of County Commissioners within thirty (30) days of the Planning Director's decision.

#### *Section 4-3. Application Procedure*

- 4-3.01 A written application for a boundary line adjustment or merger shall be made by the owner(s) of the land, or their authorized agent or representative, on an application form provided by the Planning and Building Department. Each application shall be submitted with four (4) copies of a Certificate of Survey prepared by a licensed land surveyor, showing the boundaries, dimensions and descriptions of all parcels or tracts included within the boundary line adjustment or merger. Upon approval of the boundary line adjustment or merger, the original of said Certificate of Survey shall be recorded in the Register of Deeds Office. It is recommended that at a scale which will allow the lot split survey to be placed upon legal paper (11" x 17") and shall contain the following information:
  - A. Location of existing tracts or parcels as related to the nearest existing road.
  - B. Location of existing easements and utilities.
  - C. Dimensions of all existing structures and their locations with respect to the existing lot lines.
  - D. Signature of the property owner(s).
  - E. Legal description(s) of the property(ies).

**Section 4-4. Approval Guidelines**

**4-4.01** The adjustment of the common property boundaries between two (2) or more existing tracts or parcels and the merger of two (2) or more tracts or parcels shall comply with all applicable Zoning and Subdivision Regulations except as provided in Section 4-2.01 of these Subdivision Regulations. Boundary line adjustment or merger shall not be approved where any of the following applies:

- A. A new street, road or alley is required except that additional easements or right-of-way be required for existing streets, roads or alleys.
- B. There is less street or road right-of-way than required by the County unless such dedications can be made by separate instrument.
- C. Any holders of easements have not consented to the relocation or abandonment of the easement.
- D. If such a boundary line adjustment or merger will result in a parcel or tract without direct access to a public road or street.
- E. A substandard size tract or parcel would be created according to these Subdivision Regulations and the Franklin County Zoning Regulations, except where a boundary line adjustment will result in the substandard-sized portion being recombined with an abutting lot or parcel to produce a lesser substandard size lot, and where this recombination is duly filed and recorded with the Register of Deeds of Franklin County.

**Section 4-5. Staff Review and Action**

**4-5.01** The Planning Director shall in writing, either approve with or without conditions, or disapprove the boundary line adjustment or merger within thirty (30) days of application. If approved, and after any conditions have been met, the Planning Director shall sign the following certificate of approval as required on the Certificate of Survey.

CERTIFICATE OF APPROVAL

STATE OF KANSAS)

ss

FRANKLIN COUNTY)

I hereby certify that this Certificate of Boundary Line Adjustment or Merger has been examined and found to comply with the Subdivision Regulations of Franklin County, Kansas, and is, therefore, approved for recording.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Name) Planning Director

**4-5.02** Filing of Boundary Line Adjustments or Mergers: The original of any boundary line adjustment or merger shall be filed with the Franklin County Register of Deeds only after approval as required by these Subdivision Regulations. These include:

- A. Certification by the County Treasurer of Franklin County, Kansas, that there are no unpaid taxes, special assessments or tax liens outstanding against the property;  
and
- B. Payment of the filing fee.

## Article 5

### REPLATTING AND REVERSION TO ACREAGE

#### Sections:

- 5-1. Objective
- 5-2. Authorization for Approval
- 5-3. Application Procedure
- 5-4. Approval Guidelines
- 5-5. Review and Approval

#### *Section 5-1. Objective*

- 5-1.01** The objective of this article is to provide for the adjustment of the common boundaries or the merger of previously platted lots and to provide procedures reverting platted lands into a single lot, tract or parcel when it has been determined that:
- A. An approved subdivision plat has not complied with the conditions of approval.
  - B. Improvements for an approved subdivision plat have not been completed.
  - C. Surety guaranteeing the completion of the required improvements has elapsed and is no longer in effect or enforceable.
  - D. The subdivision is no longer necessary or has not complied with the requirements of K.S.A. 12-764.

#### *Section 5-2. Authorization for Approval*

- 5-2.01** Any merger, redivision or adjustment of the boundaries of any platted lots shall be submitted as a replat of said subdivision plat to the Planning Commission for its consideration. The Register of Deeds of Franklin County shall not file for record any replat for lots located within any platted subdivision in those areas governed by these Subdivision Regulations until:
- A. A final subdivision replat has been approved and endorsed by the Planning Commission; and
  - B. Land dedicated to public purpose or land vacated for public purpose has been acted upon by the Board of County Commissioners as provided in Section 2-4.06 of these Subdivision Regulations.

#### *Section 5-3. Application Procedure*

- 5-3.01** Requests for replats to adjust the boundaries or to merge platted lots shall be made by the owner(s) of the land or their authorized agent or representative on an application form provided by the County Planning and Building Office. The Planning Director shall have the authority to certify a replat application complete or incomplete. If a replat application is certified as complete, the Planning Director shall place the application on the Planning Commission's agenda for consideration. If a replat application is certified as incomplete, the Planning Director shall return the

application to the applicant with a written explanation of the incomplete determination. The applicant may reapply or may appeal the Planning Director's determination to the Board of County Commissioners for a determination of the completeness of the application.

- 5-3.02** The Planning Director shall give written notice to all holder of title or interest in property affected by the boundary line adjustment or merger of any previously platted lot(s) at least twenty (20) days prior to the Planning Commission's consideration.
- 5-3.03** Requests for the consideration to revert existing subdivisions to acreage as a single tract or parcel may be initiated by the Public Works Director, Board of County Commissioners, Planning Commission or the holders of title or interest in the subdivision.
- 5-3.04** The Planning Director shall give written notice to all holders of title or interest in the subdivision that the Planning Commission will hold a public hearing to consider reverting the subdivision into a single tract or parcel. Said notice shall be made at least twenty (20) days prior to the Planning Commission hearing.

***Section 5-4. Approval Guidelines***

- 5-4.01** The replat for the adjustment of the common property boundaries between two (2) or more existing platted lots, the merger of two (2) or more lots or the reversion of an existing platted subdivision to a single tract shall comply with all applicable Zoning and Subdivision Regulations. No replat for a boundary line adjustment, the merger of platted lots or the reversion of a platted subdivision shall be approved where any of the following applies:
  - A. The holders of any easement(s) have not consented to the relocation or abandonment of said easement(s).
  - B. The boundary line adjustment or merger would result in a lot without direct access to a public road or street.
  - C. A substandard lot would be created according to the County Subdivision and Zoning Regulations.
  - D. The boundary line adjustment or merger would reduce, eliminate or otherwise affect the right-of-way or easement of any public road or street unless such easement or right-of-way has been addressed by an appropriate action of the Board of County Commissioners.

***Section 5-5. Review and Approval***

- 5-5.01** The Planning Commission shall hold a public hearing to consider the replat for a boundary line adjustment or merger of existing platted lots or for the revision of an existing platted subdivision to a single tract or lot. The Planning Commission shall approve or disapprove the replat or reversion to acreage request within sixty (60) days after submission. Failure to act within the sixty (60) days shall be deemed to be a denial and no further action shall be required.

**5-5.02** In the case of a determination by the Planning Commission to revert a previously platted subdivision into acreage as a single tract or lot or in the case of the approval of a replat, the Planning Director shall submit a request to the Board of County Commissioners for the vacation, abandonment or relocation on any streets, roads, easements or public ways. Failure of the Board of County Commissioners to execute the vacation, abandonment or relocation shall be deemed to be a refusal to revert the subdivision to acreage or accept the replat for the adjustment of lot boundaries or the merger of lots.

**5-5.03** Any person, corporation, official or governmental agency dissatisfied with any decision or determination of the Planning Commission regarding the reversion to acreage of any platted subdivision or the replat of existing platted lots for the adjustment of lot boundaries or the merger of lots, may bring an action in the District Court of Franklin County, Kansas, to determine the reasonableness of any such determination or decision. Such appeal shall be filed within thirty (30) days of the decision of the Planning Commission.

## Article 6

### SUBDIVISION DESIGN STANDARDS

#### Sections:

- 6-1. Applicability
- 6-2. Subdivisions in Floodplain
- 6-3. Land for Public Facility Sites
- 6-4. Land for Open Space
- 6-5. Road Standards
- 6-6. Block Standards
- 6-7. Lot Standards
- 6-8. Easements
- 6-9. Commercial or Industrial Subdivisions
- 6-10. Phasing Plan

#### *Section 6-1. Applicability*

- 6-1.01 All subdivisions of land subject to these Subdivision Regulations shall conform to the following minimum design standards. Such design standards shall govern the approval of subdivision plats by the Planning Commission and the acceptance of land dedicated to public use by the Board of County Commissioners.
- 6-1.02 Care shall be exercised in the design and laying out of roads, lots and other elements so that good planning principles are followed, efficient use is made of land and that natural assets such as trees and topography be retained wherever possible.

#### *Section 6-2. Subdivisions in Floodplain*

- 6-2.01 Subdivisions of land, including plats for manufactured home parks, condominiums and planned developments, which are located within the flood boundaries identified on the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency shall comply with the following criteria:
  - A. Show on the preliminary and final plats the boundaries and elevations of the 100-year floodplain.
  - B. Assure that all such subdivisions are designed to minimize flood damage and that roads and public utilities, including areas for on-site sanitation are located, elevated and constructed to minimize or eliminate flood damage.

#### *Section 6-3. Land for Public Facility Sites*

- 6-3.01 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. Such facilities may include, but not be limited to parks, playgrounds, schools, fire stations or other public facilities.
  - A. As soon as the preliminary plat has been received and reviewed, the Planning Commission shall give 45 days notice to a public body, agency or authority when

it appears that land 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 subdivider and the organization involved.

#### ***Section 6-4. Land for Open Space***

**6-4.01** As provided in K.S.A. 12-749, the Planning Commission may require the dedication of land for open space or parks as part of the approval of any residential subdivision. In addition, the subdivider may be required to provide easements for the preservation and/or protection of water courses, drainages, wildlife habitat, riparian habitat and similar lands necessary to maintain the quality of the environment.

#### ***Section 6-5. Road Standards***

**6-5.01** Conformance with the Comprehensive Plan: In addition to serving the subdivision, all roads shall comply with the proposed system of roads, streets and highways contained in the *Franklin County Comprehensive Plan*. Street design standards other than those listed in this Section shall conform with standards adopted by the Board of County Commissioners and approved by the Public Works Director.

##### Roads, Alleys and Public Ways.

- A. Relationship to Adjoining Roads: The arrangement of roads in new subdivisions shall make provisions for the continuation of the principal existing roads in adjoining subdivisions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary public requirements. The width of such roads in new subdivisions shall be not less than the minimum road widths established herein. Road arrangement must cause no hardship to owners of adjoining property when they plat their land and seek to provide for convenient access to it. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted and dedicated. Alleys shall not be permitted in any new residential subdivision.
- B. Road Names: No road names shall be used which will duplicate or be confused with the names of existing roads. Existing road names shall be used where they are or would be logical extensions of existing roads, even though separated by undeveloped land. Road names shall be subject to the approval of the Planning Commission.
- C. Adjoining Limited Access Highway, Arterial Road or Railroad Right-of-Way: If a subdivision abuts or contains an existing or proposed arterial road, the Planning Commission may required 1) marginal access roads, 2) reverse frontage with screened planting contained in a non-access reservation along the rear property

line, 3) or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

If a subdivision borders on, or contains a railroad right-of-way or a limited access highway, the Planning Commission may require a road approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

- D. Reserve Strips: Reserve strips controlling or prohibiting access to roads shall be prohibited except where their control is placed with the governing body under conditions approved by the Planning Commission.
- E. Road Jogs/Offsets: Road jogs are to be avoided on arterial and collector roads. Local roads with right-of-way of 70 feet or less, shall provide center line offsets of not less than 150 feet.
- F. Inside Tangent: Wherever possible, there shall be an inside tangent of at least 50 feet in length introduced between reverse curves on arterial and collector roads.
- G. Cul-de-sacs: An adequate turnaround of not less than a 70-foot diameter right-of-way, which shall be provided at the closed end of a dead-end local road segment. Such local road segment shall not exceed seven times the average lot width in length from the intersection of a cross road to the juncture with the cul-de-sac.
- H. Right Angle Intersections: Under normal conditions, streets shall be laid out to intersect, as nearly as possible, at right angles. No street shall intersect any other street at more than ten degrees from perpendicular.
- I. Streets Adjacent to a Railroad Right-of-Way, or Principal Highway: Where lots front or side, but do not back on railroad rights-of-way, principal highways or arterial roads, a marginal access road or frontage road may be required parallel and adjacent to the boundary of such rights-of-way. The distance from said rights-of-way shall be determined, with due consideration to minimum distance required for approach connections to future grade separated intersections.
- J. Half Streets: Half streets shall be avoided, except for arterial roads and collector roads where applicable, or where they are essential to the reasonable development of the subdivision conformity with the other requirements of these Regulations; or, when the Planning Commission finds that it will be practical to require the dedication of the other half of the road when the adjoining property is subdivided. Whenever a half road, or portion thereof, is existing and adjacent to a tract to be subdivided, the other half of the road shall be based on minimum requirements as set forth in subsection L of this section and shall be platted within such tract.
- K. Alleys: Alleys shall be required in 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 with and adequate for the uses proposed. Alleys shall have a minimum right-of-way width of 20 feet. Dead-end alleys

shall be avoided, wherever possible; if unavoidable, such alleys shall be provided with adequate turnaround facilities at the dead end. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, a turning radius shall be provided to permit safe vehicular movement.

- L. Minimum Requirements: All roads, alleys and public ways, included in the subdivision, hereafter dedicated and accepted, shall comply with the following:
  - 1. Arterial Roads:
    - Minimum right-of-way width.....100 ft.
    - Maximum gradient .....5 ½%
    - Minimum radii of horizontal curves.....500 ft.
    - Horizontal sight distance on curves.....500 ft.
    - Minimum curb radii .....50 ft.
    - Roadway width.....48 ft.
  - 2. Collector Roads:
    - Minimum right-of-way width.....80 ft.
    - Maximum gradient .....6 ½%
    - Minimum radii of horizontal curves.....250 ft.
    - Horizontal sight distance on curves.....275 ft.
    - Minimum curb radii .....50 ft.
    - Roadway width.....27 ft.
  - 3. Local Roads:
    - Minimum right-of-way width.....70 ft.
    - Maximum gradient .....8%
    - Minimum radii of horizontal curves.....135 ft.
    - Horizontal sight distance on curves.....200 ft.
    - Minimum curb radii if intersecting with local road .....20 ft.
    - Maximum curb radii if intersecting with non-local road.....30 ft.
    - Roadway width.....27 ft.
  - 4. Pedestrian Way: .....15 ft.
- M. Variations in Road Widths: Road widths may be modified by the Board of County Commissioners on a showing that special conditions exist such as parallel drainage and roadway systems, utility requirements, considerations for safe and efficient traffic and pedestrian movement, grade problems, intersection design, etc. In applying these standards, workable street systems must be established. Once a pattern of widths based on function for a given area has been established, the pattern shall be followed throughout the street system until another system can be established or ties into a collector or arterial system.
- N. Right of Way Lines: Right of way lines may be required to be rounded by an arc having at least the same radii as the arc of the curb when normal right-of-way requirements are not sufficient to allow the construction of roadways having the radii set out alone.

- O. Road Grades: The grades of roads, alleys and other public ways included in any subdivision shall not be less than one-half of one percent unless approved by the County Public Works Director and shall not be greater than is necessary for the topographic conditions and drainage.
- P. Dedication of Abutting Road Right-of-Way: When a proposed subdivision abuts an existing public right-of-way for a local road or a proposed public right-of-way for a collector or arterial road as shown in the Franklin County Comprehensive Plan, then the owner of the land proposed to be subdivided shall dedicate, without charge, any land within the subdivision that is necessary to provide conformity with the right-of-way standards in Section 6-5.01. Said dedication shall be shown on the preliminary plat and the final plat.
- Q. Private Roads: Private roads shall not be allowed in any subdivision, resubdivision, plat, replat, or lot split approved after the effective date of these Regulations.

***Section 6-6. Block Standards***

- 6-6.01** Block Length: Intersection roads (which determine block length) shall be provided at such intervals as to serve cross traffic adequately and to meet existing roads in the area. A block shall not exceed 1,300 feet in length, except at a greater length may be permitted where such block is adjacent to an arterial road or where topography or other conditions justify a departure from this maximum. In blocks longer than 800 feet, pedestrian ways and/or easements through the block may be required near the center of the block to provide access to public or private facilities such as schools and parks. Such pedestrian ways or easements shall have a minimum width of 15 feet.
- 6-6.02** Block Width: In residential development, the block width shall normally be sufficient to allow two tiers of lots appropriate depth. In certain instances, however, a different arrangement may be required in order to provide better circulation or to protect a major circulation route. Blocks intended for business or industrial use shall be of such width and depth as may be considered most suitable for the prospective use, with adequate spaces set aside for off-street parking and loading.
- 6-6.03** Block Shape: Blocks may be irregular in shape, provided they are harmonious with the overall pattern of blocks in the proposed subdivision and provided their design meets the requirements of lot standards, traffic flow and control considerations and development plan considerations.
- 6-6.04** Sidewalks and Walkways: Sidewalks or pedestrian walkways of a minimum of four and one-half feet in width may be required where deemed necessary to provide convenient and safe access to schools, parks, playgrounds or other public or private community facilities.

***Section 6-7. Lot Standards***

- 6-7.01** Lot Access: All lots created by a subdivision or lot split shall have direct access onto a public road system except for Planned Developments. In no instance shall access to any lot within a subdivision or lot split be granted solely by easement or similar technique.

- 6-7.02** Lots on Section Line Collector Roads: The number of lots with direct access to a section line or collector road as designated in the Franklin County Comprehensive Plan shall be limited to eight (8) per linear mile of frontage with a minimum spacing of 550'. Corner clearance for access drives shall be a minimum of 250'. The County Public Works Director or designate may adjust the spacing and corner clearance to improve the safety for the traveling public. Shared driveways are an option in areas where there is not sufficient frontage.
- 6-7.03** Lots on Arterial Roads: Subdivision lots shall not have direct access to an arterial road system as designated in the Franklin County Comprehensive Plan unless approved as provided in Article 8 of these Regulations.
- 6-7.04** Double Frontage Lots: Lots having frontage on two (2) non-intersecting roads shall be prohibited for residential lots except where lots abut upon an arterial or collector road system as designated in the Franklin County Comprehensive Plan. Any such double frontage lots, however, shall not have vehicular access between such lots and any abutting arterial or collector road.
- 6-7.05** On-Site Sanitation: If the proposed subdivision will be served with on-site sanitation facilities, all lots shall be a minimum of three (3) acres as required by the County Sanitation Code or the minimum lot size prescribed by County Zoning Regulations, whichever is greater and will be subject to the approval of the Franklin County Environmental Health Department. The County Sanitarian shall cause to be made a soil profile test(s) for the proposed subdivision and make recommendations to the Planning Commission. Where it has been determined that a septic tank sewage disposal system would not be appropriate, additional lot area will be required adequate to provide for the construction of an alternative sanitation system.
- 6-7.06** Lot Frontage: Minimum lot frontage shall be as required by the Franklin County Zoning Regulations. Corner lots should have such additional width as may be necessary to provide front yard setbacks along both road frontages. Where lots front upon a cul-de-sac or curved road having a radius of 200 feet or less, the minimum lot widths shall be measured at the building setback line along an arc parallel to the right-of-way of such cul-de-sac or curved street. Such lots shall also be laid out so that their lot frontage, as measured on the arc of such right-of-way line, is not less than 50% of the required lot width measured at the building setback line.
- 6-7.07** Lot Length to Width: Lot length to width ratio shall be as required by the Franklin County Zoning Regulations. In no case shall lot length exceed four times the width unless approved as provided in Article 8 of these Regulations.
- 6-7.08** Lot Area: Minimum lot areas shall be as required by the Franklin County Zoning Regulations and Sanitation Code, whichever is the greater. The area of any road right-of-way shall not be included in calculating the area of a lot in determining the minimum lot area.
- 6-7.09** Side Lot Lines: All side lot lines shall be at right angles or radial to the road right-of-way line.

**Section 6-8. Easements**

- 6-8.01** Utility Easements: Where alleys are not provided, utility easements of not less than 10 feet in width shall be provided on each side of all rear lot lines, and five feet in width shall be provided on each side of all side lot lines, where necessary, for utility poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains, and other public utilities. Side lot easements when needed for other than street lighting purposes may exceed five feet on each side of a side lot line. Utility easements shall not be obstructed by fences, structures or landscaping. A property owner may install fences or landscaping at his or her own risk provided that such action does not damage, destroy or interfere with any utility system component.
- 6-8.02** Drainage Easements: If a subdivision is traversed by a water course, drainage way or channel, then a drainage easement shall be provided. Such easement shall conform substantially to the line or boundaries of such water course, drainage way or channel and shall be of such width as may be necessary to contain said water course, drainage way or channel including access for maintenance purposes. The County Public Works Director shall make a recommendation to the Planning Commission as to the desired width of such easement. The recommendation shall be based on the Flood Insurance Rate Maps for Franklin County and such other more specific technical data as may be provided by a licensed and qualified engineer. Drainage easements shall be maintained by the property owner unless the maintenance responsibility is officially accepted by the County.
- 6-8.03** Pedestrian-way Easements: Where the Planning Commission has recommended the installation of sidewalks or walkways within a subdivision, and said improvements have been approved by the Board of County Commissioners, a pedestrian-way easement may be required. Such easement shall have a minimum width of fifteen (15) feet.
- 6-8.04** Building Setback Easement: Where a lot or group of lots side or back onto an existing high pressure oil or gas line, a building setback easement of at least 50 feet shall be provided on each side of the oil or gas line. The easement shall be provided on that part of the lot which abuts the oil line or gas line and no building or structure shall be located or constructed within such an easement.

**Section 6-9. Commercial or Industrial Subdivisions**

- 6-9.01** Road Standards: At a minimum, roads in commercial and industrial subdivision shall be designed as collector roads and shall conform to road standards required in Section 6-5 of these Regulations. Road widths may be increased as determined necessary by the Planning Commission to accommodate parking, loading and through truck traffic.
- 6-9.02** Block Standards: Block standards for commercial or industrial subdivisions shall include alleys unless waived by the Planning Commission and shall be designed specifically for such commercial or industrial uses with adequate provisions for off-street parking and loading.

***Section 6-10. Phasing Plan***

**6-10.01** Where it is intended that a subdivision will be developed in two (2) or more phases, all roads, easements and drainage improvements shall be designed so as to function independently of that portion(s) of the subdivision not included in the developed phase.

## Article 7

### REQUIRED IMPROVEMENTS

#### Sections:

- 7-1. **Applicability**
- 7-2. **Improvement Procedures**
- 7-3. **Construction and Acceptance of Improvements**
- 7-4. **Guarantee of the Construction Improvements**
- 7-5. **Road Improvements**
- 7-6. **Water and Sanitary Sewer Improvements**
- 7-7. **Other Utilities**
- 7-8. **Storm Drainage**
- 7-9. **Sidewalks**
- 7-10. **Monuments**
- 7-11. **Open Space**
- 7-12. **Exception for Existing Improvements**

#### *Section 7-1. Applicability*

- 7-1.01 It is the intent of this Article to ensure that all of the required improvements for any subdivision plat such as roads, drainage and utilities, etc., are properly installed and/or constructed or otherwise guaranteed to be installed or constructed as provided in K.S.A. 12-749.

#### *Section 7-2. Improvement Procedures*

- 7-2.01 Improvement Plans: Prior to the submittal for approval of any final subdivision plat requiring improvements for roads, drainage, utilities, etc., as set forth in Article 6 of these Regulations, the subdivider shall submit two (2) copies of engineered improvement plans for all required improvements. The improvement plans shall be prepared by a licensed professional engineer and shall be submitted to the County Public Works Director at least thirty (30) days before the consideration for approval of the final plat.
- 7-2.02 Content of Improvement Plans: Engineered plans for required improvements shall contain the following data and information:
  - A. Plans, profiles, details, specifications and cost estimates for roadway (and sidewalk where required) construction, including plans and profiles for each road with a typical cross section of the road in accordance with the Franklin County Road Design and Criteria Standards. Plans shall be shown on standard plan and profile sheets unless otherwise required by the County Public Works Director.
  - B. Plans, profiles, details, specifications and cost estimates of proposed storm drainage improvements.
  - C. Plans, profiles, details, specifications and cost estimates of proposed water distribution systems and proposed water supply facilities and water hydrants, if any.

- D. Plans, profiles, details, specifications and cost estimates of sewerage systems and of any required sewage treatment facilities.
- E. Plans, profiles, details, specifications and cost estimates of other utilities that are required in these Regulations, including underground wiring.
- F. When unusual site conditions exist, the County Public Works Director may require such additional plans, specifications and drawings as may be necessary for an adequate review of the improvements to be installed.
- G. All plans shall be based on either U.S.G.S., USC and GS or NGS datum for vertical control.

**7-2.03** Review and Approval of Improvement Plans: The County Public Works Director shall review all engineered improvement plans in order to determine whether such plans are consistent with the approved preliminary plat and comply with the Franklin County Road Design and Criteria Standards. If such plans are consistent and in compliance, the Public Works Director shall forward a notice to the Planning Commission that such plans do conform or comply. The Public Works Director shall notify the subdivider or his engineer of the specific manner in which such improvement plans do not conform or comply and the applicant may then correct such plans. If such improvement plans are not corrected, the Public Works Director shall submit a notice to the Planning Commission as to the items of noncompliance or nonconformity.

**7-2.04** Approval of Final Plat and Improvements: After receiving a notice from the Public Works Director that engineered improvement plans are consistent with the approved preliminary plat and the Franklin County Road Design and Criteria Standards, the Planning Commission shall approve the Final Plat and submit the Final Plat together with any dedications and the engineered improvement plans to the Board of County Commissioners for their approval and acceptance.

In the event that a final plat requiring road, drainage or other improvements has been submitted and the County Public Works Director has notified the subdivider that the engineered improvement plans do not conform or comply with the requirements of the preliminary plat and other requirements, the Planning Commission shall deny the final plat or continue any further consideration until the engineered improvement plans have been found by the Public Works Director to comply with the requirements of the preliminary plat and the Franklin County Road Design and Criteria Standards.

***Section 7-3. Construction and Acceptance of Improvements***

**7-3.01** Construction of Improvements: After approval of a final plat but prior to the recording of said subdivision, improvements may be installed in accordance with engineered improvement plans approved by the County Public Works Director. No improvements shall be constructed nor shall any preliminary grading or other work be done until the improvement plans have been accepted and the final plat approved by the Planning Commission.

**7-3.02** Inspection of Improvements: All improvements constructed or installed shall be subject to inspection by the County Public Works Director or his designee responsible for enforcing the applicable design and construction standards. The cost

of such inspections shall be charged to and paid by the subdivider. The subdivider or his contractor shall provide at least 24 hours notification of any inspection request.

**7-3.03** Inspection Procedures: After notice is received as set forth in Section 7-3.02, the official designated for such inspection shall conduct an on-site inspection to determine that the construction, including workmanship and materials, complies with the engineering plans and County specifications and standards. If in the opinion of such official, the construction, workmanship or material does not comply with the approved plans or design specification and standards, the official shall have authority to order all such work cease until necessary steps are taken to correct any defects or deficiencies. Upon the correction of any defects or deficiencies, the subdivider shall again notify the County as provided in Section 7-3.02.

**7-3.04** Final Inspection: Upon completion of all improvements required for the final plat, the subdivider shall notify the County and the designated official shall conduct a final inspection of said improvements. If the final inspection indicates that there are defects or deficiencies, the official shall notify the subdivider in writing of such defects, deficiencies or deviations and the subdivider shall make such necessary corrections. If the final inspection indicates that all improvements have been installed or constructed in accordance with the engineered plans and County criteria and standards, the official shall certify to the Board of County Commissioners and utility companies that all improvements required for the subdivision plat have been installed and constructed in conformance with the engineering plans and specifications required by the County and utility companies.

**7-3.05** Acceptance of Improvements: Upon receipt of the certificate from the Public Works Director or designated official that all improvements have been installed and constructed in conformance with the engineered plans, requirements of these Regulations and all other applicable statutes, the Board of County Commissioners and/or appropriate utility company shall, by resolution or by letter, formally accept such improvements and the improvements shall become the property of the County or affected utility company.

As assurance that the workmanship and materials used in the improvement of all roads dedicated to public use have been constructed in a satisfactory manner, the subdivider shall provide a maintenance bond or acceptable surety to the County. Said bond or acceptable surety shall be in an amount of thirty (30) percent of the Engineers estimated cost of construction and shall be required for a period of two (2) years following the acceptance of such roads or other improvements for maintenance. The maintenance bond or other acceptable surety shall be filed with the County Clerk.

**7-3.06** Recording of Final Plat: After the acceptance of the improvements and maintenance bond as required in Section 7-3.05, the Planning Director shall file the final plat with the Franklin County Register of Deeds as provided in Section 2-4.07 of these Regulations.

#### ***Section 7-4. Guarantee of the Construction Improvements***

**7-4.01** Final Plat Submittal with Guarantee of Improvements: In lieu of the actual construction of the required improvements as set forth in Section 7-3 of these Regulations, the subdivider may submit a final plat together with a legal agreement

with the County that the subdivider will install or otherwise guarantee the construction of the required improvements as provided in K.S.A. 12-749(b). Such improvement agreement shall be on a form provided by the County and shall be executed by the subdivider and Board of County Commissioners and shall be recorded with the County Clerk.

In addition to the subdivision improvement agreement, the subdivider shall provide surety guaranteeing the completion of all required improvements. Said surety may be in the form of a bond, cashiers check, escrow account, irrevocable letter of credit, or other surety acceptable to the Board of County Commissioners. Such surety shall be in favor of the County and shall be properly executed prior to recording of the final subdivision plat. The surety shall be in an amount sufficient to cover the estimated costs of the engineered improvements pursuant to the requirements of Section 7-2.02 of these Regulations and shall guarantee the construction of the required improvements within the time frame set forth in the subdivision improvement agreement.

- 7-4.02** Final Plat Approval with Guarantee of Improvements: After receiving notice from the Public Works Director as provided in Section 7-2.03 of these Regulations that the engineered improvement plans including cost estimates are acceptable, the Planning Commission shall consider the final plat in accordance with the provisions of Section 2-4.05 of these Regulations.

Upon receipt of a final plat that has been approved by the Planning Commission, together with the subdivision improvement agreements and surety as required in Section 7-4.01 of these Regulations, the Board of County Commissioners shall execute the subdivision improvement agreement accept the dedication of all roads, easements and public lands as shown on the final plat and accept the surety guaranteeing the construction of the required improvements. Surety guaranteeing the required improvements shall be filed with the County Clerk.

- 7-4.03** Recording of Final Plat: After the acceptance of the subdivision improvement agreement, the surety guaranteeing the construction of the required improvements and all roads, easements and public lands as shown on the final plat, the Planning Director shall file the Final Plat with the Franklin County Register of Deeds as provided in Section 2-4.07 of these regulations.

### ***Section 7-5. Road Improvements***

- 7-5.01** The subdivider shall provide for the improvement of all new roads, including the extension of existing roads as shown on the final plat. All public road construction shall conform to the Franklin County Road Design and Construction Standards and the approved engineered improvement plans.
- 7-5.02** Road name signs shall be provided by the subdivider at locations determined by the County Public Works Director. Where road traffic signs are determined necessary by the County Public Works Director, the County shall install said traffic signs with the cost to be incurred by the subdivider.
- 7-5.03** Where subdivision entrance structure/s such as pillars, monuments, solid fences, walls, statuary or other decorative features are to be installed in a permanent manner within the road right-of-way, the location, size, materials and design shall be included

in the engineered improvement plan submitted to the County Public Works Director. This submission shall also include a copy of the by-laws or other documentation of the party or parties which will have permanent responsibility for the maintenance of the subdivision entrance structure/s. Such by-laws or other documentation shall be subject to the review and approval of the County Counselor to ensure the proper maintenance of such entrance structure/s.

- 7-5.04** Street lighting shall comply with the standards adopted by the Board of County Commissioners for “special lighting districts”. Street lights shall be placed at those locations within the subdivision as determined by the Planning Commission.

***Section 7-6. Water and Sanitary Sewer Improvements***

- 7-6.01** The type of water supply and sanitary sewer utilized to serve the subdivision shall be subject to the requirements of the Franklin County Sanitation Code, Zoning Regulations and these Regulations.

- 7-6.02** Water: Before approval of a final plat, the subdivider shall provide evidence as to the adequacy of a water supply for the domestic needs for each lot within the subdivision. Evidence of the water supply shall be in accordance with Section 2-3.02.Z. of these Regulations. Where said water system is a public system, the water system shall be installed in compliance with the standards and specifications of the applicable rural water district and/or the requirements of the Kansas Department of Health and Environment. In those instances where water is supplied by private wells, such improvements shall conform with the Franklin County Sanitation Code.

- 7-6.03** Sanitation: Prior to the approval of a final plat, evidence shall be presented to the Planning Commission that the subdivision will be served by public sewer or in the case where individual on-site sanitation facilities are proposed, that each lot will conform to the minimum standards of the Franklin County Sanitation Code for on-site sanitation.

***Section 7-7. Other Utilities***

- 7-7.01** Installation of Utility Lines: The applicant shall be responsible for making the necessary arrangements with the appropriate utility companies for the installation of utility lines and appurtenances. A letter from the utility company, confirming that such installation has been completed, shall be submitted to the Planning Director prior to the issuance of building permits within the subdivision. Underground utility lines and sewer lines which cross underneath a road right-of-way shall be cased from right-of-way to right-of-way prior to the improvement of any such road in order to reduce the damage caused by road cuts.

- 7-7.02** Buried Power and Communication Lines: Electrical power, telephone, telegraph, and cable television lines shall be buried where the subdivision is approved after date of passage of these Regulations. It shall not be interpreted that existing overhead systems will be required to be removed, replaced or duplicated. The developer may request a waiver from the Board of County Commissioners concerning the required underground installation of electric power. Such request for waiver shall be accompanied with a report from the responsible utility stating per lot cost differential between buried and overhead installations.

***Section 7-8. Storm Drainage***

**7-8.01** The subdivider shall install culverts, storm sewers, rip-rap slopes, stabilization of ditches and other stormwater improvements as shown on the approved engineered improvement plans.

***Section 7-9. Sidewalks***

**7-9.01** Sidewalks may be required as provided in Section 6-6.04 of these Regulations upon the approval of the Planning Commission and acceptance by the Board of County Commissioners. When required, the subdivider shall install sidewalks on at least one (1) side of the road/s. Sidewalks shall be located within the platted road right-of-way adjacent to the lot line. All sidewalk construction shall conform to the standards and specifications approved by the County Public Works Director.

***Section 7-10. Monuments***

**7-10.01** Permanent monuments shall be placed at all exterior corners of the subdivision as provided in K.S.A. 58-2001. In addition monuments shall be placed at all lot corners, angle points and points of curve pursuant to the minimum standards set forth in K.A.R. 66-12-1.

***Section 7-11. Open Space***

**7-11.01** Dedication or Reservation of Public Sites and Open Spaces: In subdividing an existing plat, due consideration should be given by the subdivider to the dedication or reservation of suitable sites for schools, parks, playgrounds, or other public recreational areas of open spaces. As an alternative to such dedication or reservation, the Planning Commission may require the payment of a fee in lieu of dedication of land. Any areas so dedicated or reserved shall conform as nearly as possible to the recommendation of the Planning Commission in its Comprehensive Plan. All areas to be reserved for, or dedicated to, public use shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency.

***Section 7-12. Exception for Existing Improvements***

**7-12.01** Where the proposed subdivision is a re-subdivision or concerns an area presently having any or all required improvements as previously set out, and where such improvements meet the requirements of this section and are in good condition as determined by the County Public Works Director, no further provision need be made by the applicant to duplicate such improvements. However, where such existing improvements do not meet said requirements, the applicant shall provide for the repair, correction, or replacement of such improvements so that all final improvements will then meet said requirements.

## Article 8

### ADMINISTRATION

#### Sections:

- 8-1. Rule Exception
- 8-2. Appeals
- 8-3. Penalties for Violation/Actions for Enforcement
- 8-4. Filing Fees
- 8-5. Building Permits
- 8-6. Land Elevations

#### *Section 8-1. Rule Exception*

- 8-1.01** The standards and procedures required in these Regulations shall be interpreted and applied literally in the case of all subdivision plats submitted after the effective date of the adoption of these Regulations. However, where the Planning Commission deems full compliance to the provisions of these Regulations is impractical or impossible due to the size, shape, topographic location or condition, floodplains, usage of the land proposed to be platted or other factors which may affect the design of the subdivision, the planning Commission may approve a rule exception/s of these Regulations.

Any rule exception must be submitted, in writing, by the subdivider at the time of submitting the preliminary plat or final plat in the case of a small subdivision plat pursuant to Section 2-6.01 of these Regulations. Such Planning Commission approval for the authorization of a rule exception/s shall be stated in the Planning Commission resolution approving the preliminary or final plat and shall be subject to the following findings:

- A. That there are special circumstances or conditions affecting the property.
- B. That the exceptions are necessary for the reasonable and acceptable development of the property in question.
- C. That the granting of the exceptions will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

#### *Section 8-2. Appeals*

- 8-2.01** Any decision of the Planning Director regarding the submittal of any subdivision application may be appealed to the Planning Commission. The decision of the Planning Commission regarding the subdivision application shall be final.
- 8-2.02** Any decision of the Planning Commission regarding approval, conditional approval, or denial of a subdivision plat may be appealed to the District Court of Franklin County, Kansas. Such appeals must be filed within thirty (30) days of the final decision of the Planning Commission.

- 8-2.03** Any decision of the Planning Director regarding approval, conditional approval or denial of a lot split or boundary line adjustment may be appealed to the Board of County Commissioners as provided in Section 3-2.01 of these Regulations.

***Section 8-3. Penalties for Violation/ Actions for Enforcement***

- 8-3.01** Any person, company, corporation, institution, municipality or agency of the State of Kansas who violates any provision of Franklin County, Kansas Zoning Regulations shall be guilty of a Class “B” Misdemeanor and upon conviction shall be punishable by a fine not to exceed five hundred dollars (\$500.00), or imprisonments in the County Jail for a period not to exceed six (6) months, or both. Each day shall be considered a separate and continuing Violation.
- 8-3.02** The Planning Director shall give written notice to any person, firm, association, partnership, or corporation of any violation of the provisions of these Regulations. Said notice shall cite the specific areas of violation. Violators shall have sixty (60) days in which to correct or abate such violations
- 8-3.03** The Board of County Commissioners or any person, the value or use of whose property is or may be affected by such violation, shall have the authority to maintain suits or actions in any court of competent jurisdiction to enforce these Regulations.

***Section 8-4. Filing Fees***

- 8-4.01** A filing fee shall be paid by all subdividers submitting preliminary or final plats for approval of the Planning Commission. Said fee shall be set by resolution of the Board of County Commissioners as provided by K.S.A. 12-752(d).
- 8-4.02** The filing fee shall be paid to the Planning Department through the Planning Director at the time the preliminary, final plat, or lot split is submitted. If the final plat is submitted in segments, then the filing fee shall apply to all submittals.
- 8-4.03** In addition to the above-mentioned filing fee, the applicant shall deposit with the Planning Director a filing fee payable to the Register of Deeds for recording of the plat when the final plat is submitted to the Planning Commission. The amount of such fee shall be determined by the Register of Deeds of Franklin County, Kansas. The Planning Director shall file the final plat, lot split or boundary line adjustment.

***Section 8-5. Building Permits***

- 8-5.01** No building permit, certificate of occupancy except those involving repairs, maintenance, or continuation of an existing use or occupancy, shall be issued for a building or structure on any lot, parcel or tract of any subdivision that is subject to the provisions of these regulations until a copy of the recorded plat, if required, is available for examination by the Planning Director charged with issuing building permits. *In addition, no building permit for a residential unit shall be granted unless evidence has been submitted with the building permit application that public water will be provided by the affected Rural Water District or geological report or well report be provided with sufficient data to indicate the presence of a ground water supply adequate to meet the domestic needs of the residential development.*

**8-5.02** Lot Splits: The Planning Director shall not issue a building permit for any site which contains a division of an unplatted lot or tract, unless such division has been approved in the manner provided by Article 3 (Lot Splits) of these Regulations.

**8-5.03** Dwellings Per Lot: Unless otherwise allowed by the Franklin County Zoning Regulations, the Planning Director shall not issue more than one (1) building permit for a principal residential structure on each unplatted lot of record, each platted lot created as part of subdivision, or each lot or tract created by a lot split.

**8-5.04** Approval/Appeal: The Planning Director shall issue or deny the building permit within thirty (30) days following examination of the final plat or lot split. If denied, the applicant may file an appeal to the Board of County Commissioners. Such appeals shall be filed within thirty (30) days of the date of denial.

***Section 8-6. Land Elevations***

**8-6.01** The Planning Director may change the land elevations on a preliminary plat, final plat or lot split certificate of survey as provided by K.S.A. 12-749(b). Such decision by the Planning Director may be appealed to the Board of County Commissioners.

## Article 9

### MISCELLANEOUS

#### Sections:

- 9-1. Validity
- 9-2. Interpretation and Construction
- 9-3. Repeal of Existing Regulations and Accrued Rights and Liabilities
- 9-4. Amendments
- 9-5. Effective Date

#### *Section 9-1. Validity*

- 9-1.01 Should any section, clause or provision of these Regulations be declared invalid or unconstitutional by any court of record, the same shall not affect the validity of these Regulations as a whole, or any part thereof, other than the part so declared invalid or unconstitutional.

#### *Section 9-2. Interpretation and Construction*

- 9-2.01 Where the conditions imposed by the provisions of these Regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and pose higher standards or requirements shall govern.
- 9-2.02 The provisions of these Regulations are not intended to abrogate any easement, covenant, or other private agreement: provided, that where the requirements of these Regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement, the requirements of these Subdivision Regulations shall govern.

#### *Section 9-3. Repeal of Existing Regulations and Accrued Rights and Liabilities*

- 9-3.01 The adoption of these Regulations repeals the existing subdivision regulations of Franklin County in their entirety.
- 9-3.02 Despite the repeal of regulations existing at the time of adoption of these Regulations, nothing contained in these Regulations shall affect any rights accrued or liabilities incurred under said previously existing regulations.

#### *Section 9-4. Amendments*

- 9-4.01 Amendments to these Regulations may be initiated by the Planning Commission or Board of County Commissioners as deemed necessary to conform to the County Comprehensive Plan and to promote the public health, safety and general welfare of the unincorporated areas of Franklin County. Any amendments or changes shall be conducted in accordance with the provisions of K.S.A. 12-749, et seq.

***Section 9-5. Effective Date***

**9-5.01** These Regulations shall take effect and be in force upon and after their adoption by the Planning Commission, approval of the Board of County Commissioners and the publication of the resolution in the official county newspaper.