

(a) Purpose. The purpose of subdivision is to provide for the orderly and efficient development of land by assuring the following:

- (1) Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.
- (2) Provision is made for drainage, erosion, water supply, sewage disposal and other appropriate utility services.
- (3) Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic – including access to major streets, proper ingress and egress, and traffic controls – and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.
- (4) Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.
- (5) Development patterns are designed with due regard to topography and floodplains, so that the natural features of the land and vegetation shall be protected and enhanced.
- (6) Adequate sites are provided for schools, parks, playgrounds, and other community services and facilities so that residents of all neighborhoods shall have convenient access to such facilities.

(b) Applicant. A subdivision application may be initiated by the Board of Commissioners, Planning Commission, or upon application of the property owner or owner's agent.

(c) Applicability.

- (1) No division of land into two (2) or more parts, any part of which contains less than twenty (20) acres or six hundred (600) feet of street frontage, or other activities included in the definition of subdivisions, as defined herein, shall be made prior to approval of a plat by the Planning Commission and Board of Commissioners, except as specifically exempted below. No subdivision shall be filed with the Register of Deeds and no building permit shall be issued unless an appropriate plat has been approved by the Planning Commission and Board of Commissioners, and recorded, except as specifically exempted below.

(2) The following subdivisions are not required to be platted or replatted, but do require administrative review and approval prior to recordation:

(a) Administrative Review shall be required for some applications. This shall include the submission of a survey with any previous divisions shown in dashed lines. The survey shall include a signature box in the lower right corner of the document that states APPROVED BY DIRECTOR OF PLANNING with a signature line and date line.

(b) Administrative review is required for these subdivisions:

(1) Residential lot splits; that is, the division of a residential platted lot into two (2) lots or portions thereof, provided each lot conforms to these regulations and all of the provisions of the zoning ordinances.

(2) Industrial and commercial lot splits; that is, the division of a platted lot utilized or zoned for commercial or industrial use into two (2) or more lots or portions thereof that each conforms to the provisions of the zoning and subdivision regulations, shall not be required to be replatted, unless a new street or streets are laid out or are proposed over vacated streets or alleys, or when the proposed development pattern or ownership pattern and the existing lot pattern bear no reasonable relationship to each other.

(3) Any movement of property lines between agreeing owners, provided such movement does not create a non-conformity or any additional lots.

(4) A single division for an immediate family member (son, daughter, mother, father, brother, or sister), provided the tract is one acre with 150 feet of frontage on existing or dedicated future right of way; the tract must be restricted to ownership by the immediate family member for at least 10 years provided it meets sanitary waste disposal requirements of the City, County, and State.

(c) No Administrative Review is required for these subdivisions:

(1) Any division of land ordered by a court of competent jurisdiction, provided the court order accompanies the metes and bounds application.

(2) Any division of land where all divided parcels will contain

more than 35 acres.

(3) Any division necessitated as a matter of probate provided the probate documents accompany the metes and bounds application.

(a) Exceptions - Required Right-Of-Way On Property Not Required To Be Platted. A building permit shall not be issued for any nonagricultural building or structure on land not required to be platted which abuts a street having less than twenty-five (25) feet of right-of-way in the case of a local street or thirty (30) feet for a street of other classification, measured from the centerline, until the necessary right-of-way has been set aside by one (1) of the following procedures:

(1) Where existing right-of-way has previously been dedicated by plat, not more than five (5) feet of the required additional right-of-way may be provided by utility and sidewalk easement, the balance by deed of dedication.

(2) Where the lot has not been platted, the additional right-of-way shall be dedicated by way of a plat, deed of dedication, or agreement with the Unified Government.

(3) A right-of-way over and above thirty (30) feet as may be required for class A, B, or C thoroughfares need not be dedicated unless the property must be platted, but shall be reserved for future street use. Where existing local streets or major streets pass through or along a developed area where extensive development indicates that the required width cannot be achieved within a reasonable time at a reasonable cost, a lesser dedication of land may be approved. Such approval shall be by an agreement with the Unified Government approved by the Board of Commissioners after recommendation by the County Engineer. In this case, building setback will be measured from the line established by the reservation.

(d) Pre-Application Conference. A pre-application conference is required pursuant to Section 27-252.

(e) Submission Requirements – Preliminary Plat. The preliminary plat shall be drawn at a scale and on a sheet size identified by the Director of Planning in the subdivision application. The information shall be submitted in the quantity and format identified by the Director of Planning, containing the following information:

- (1) Proposed name of subdivision.
- (2) A legal description of the property.
 - (1) Existing zoning, and if applicable, proposed zoning
 - (2) Names and addresses of the owner of record, developer and registered surveyor, land planner, licensed professional engineer and/or architect in the state.
 - (3) Scale, north arrow and date of preparation, and if applicable the dates of any revisions.
 - (4) A key map showing the location of the proposed subdivision referenced to existing or proposed streets and to section lines.
- (5) Existing conditions:
 - (a) all platted or existing streets, property lines and the names of platted subdivisions for a distance of not less than two hundred (200) feet.
 - (b) Location, width, and names of all existing streets, easements, utilities, and rights-of-way; public spaces; and permanent buildings within 200 feet of the proposed plat.
 - (c) Existing contour lines at two-foot intervals.
 - (d) Significant site features, including tree stands, wooded or vegetated areas, wetlands, water bodies, and slopes in excess of 10%
 - (e) Location of any one-hundred-year flood fringe or floodway boundaries before and after subdivision. In Zone A for which no regulatory flood level has been established in addition, an estimate of the regulatory flood level shall be submitted. Any change in the regulatory flood plain must be accomplished prior to review by the Planning Commission.
 - (f) Names and addresses of adjoining property owners and property owners based on information provided by the Unified Government.

(8) Proposed development:

- (a) The location and width of proposed rights-of-way, streets, alleys, pedestrian ways and sidewalks, and utility easements.
- (b) Layout, number and dimensions of lots and parcels and the number or letter of each lot, block, or parcel.
- (c) Location, size and identity of areas proposed for dedication to public use or to be reserved by deed or covenant for the use of all property owners in the subdivision, and any conditions of such dedication or reservations.
- (d) The proposed use of land for each lot or outparcel under the same control or ownership.
- (e) Approximate gradients of proposed streets storm water facilities and sanitary sewers within the subdivision.
- (f) A written statement relating how liquid wastes are to be handled, whether by sewers and an existing sewer district, a district yet to be formed, private treatment facility, etc.
- (g) Preliminary grading plans for natural drainageways that are to become improved surface drainage channels.
- (h) A copy of a preliminary set of protective covenants to run with the land shall be submitted with all preliminary plats containing five (5) or more lots and designed for single-family and two-family residences. Such restrictions shall have a life of not less than fifty (50) years and contain at least a minimum floor area requirement for residences to be constructed therein, along with a maintenance plan and funding structure for all proposed private open or common areas.
- (i) Any additional studies requested by the Director of Planning or the Director's designate, pursuant to Section 27-253(b).
- (j) Traffic study for all commercial subdivisions and any residential subdivision with 100 or more proposed dwelling units in the preliminary plat.
- (k) Preliminary stormwater calculations and best management practice/detention basin requirements.

(f) Application and Review Procedures – Preliminary Plat

(1) Determination of Completeness. Applications shall be submitted to the Director of Planning for a determination of completeness pursuant to Section 27-253. An application is complete when all of the items required by these regulations and on the application form are prepared and/or answered, and any required supplemental or additional applications (e.g., comprehensive plan amendment) are submitted with the appropriate fee to the Department of Urban Planning and Land Use.

(2) Neighborhood Meeting. The applicant shall comply with the requirements for a neighborhood meeting pursuant to Section 27-254.

(3) Staff Review. Following a determination of completeness, the Staff shall review the application pursuant to Section 27-255.

(4) Notice and Public Hearing.

(a) Following completion of staff review and such neighborhood meetings as are required, the application shall be scheduled for a public hearing before the Planning Commission.

(b) Written notice shall be sent to all property owners within 200 feet of the proposed subdivision not less than ten (10) and not more than fifteen (15) days prior to the hearing date.

(5) The Planning Commission shall consider the following criteria in making a decision:

(a) Whether the preliminary plat is consistent with the Comprehensive Plan, the Major Street Plan and any other adopted plans;

(b) Whether the preliminary plat is in compliance with the standards and requirements of the zoning ordinance, subdivision regulations and other applicable Unified Government policies and regulations;

(c) Whether there are adequate public facilities and services available for the proposed lots, including internal and accessing street systems, water, waste water, stormwater, electricity, fire, police, and emergency facilities and services;

(d) Whether the proposed subdivision will cause adverse or negative impacts on the natural or social environment;

(e) Whether the subdivision is compatible in lot size, lot-to-structure proportion, building size, and architectural design with existing and proposed development on adjacent properties;

(f) Whether the subdivision does not encourage premature extension of public services, piece-meal or premature development based upon the location of surrounding development and the availability of public facilities and services, and

(g) Whether the subdivision will not cause an undue burden on the Unified Government for maintenance of land and/or facilities.

(6) Planning Commission Determination. Upon hearing all interested parties, the Planning Commission shall approve or deny the preliminary plat as submitted, or may conditionally approve the plat as submitted subject to specified changes.

(a) Following a vote denying an application, each Planning Commissioner voting against the application shall state their reason for so doing and identify such conditions as would be necessary for the application to be conditionally approved.

(b) If the preliminary plat is disapproved or conditionally approved, the reasons for such actions shall be attached to one (1) copy of the plat and made available to the developer within two (2) weeks of the Planning Commission meeting.

(c) On conditionally approving a preliminary plat, the Planning Commission may require the submission of a revised preliminary plat for either staff or Planning Commission review.

(d) If the preliminary plat is approved, or after the revised preliminary plat is submitted and approved pursuant to Section 27-280(f)(6)(c), the applicant may proceed with the public works requirements.

(g) Public Works Requirements.

(1) Upon approval of the preliminary plat by the Planning Commission the applicant shall, in the process of preparing a final plat, prepare and submit to the County Engineer the following plans (in quantities and sizes specified on the application form) for that portion of the subdivision to be included in the final plat:

(a) Plans and profiles of all public streets to the County Engineer.

(b) Plans and profiles of sanitary sewers to the County Engineer

(c) Stormwater plans and drainage calculations including culverts, bridges, underground pipe, improved channels and natural waterways where appropriate. Drainage easements shall also be shown in preliminary fashion in

the plan. Detailed grading plans are required in and adjacent to one-hundred-year floodplain areas.

- (2) The plans shall be prepared and sealed by a civil engineer registered in the state and shall be submitted concurrently with the final plat application.
- (3) The County Engineer and other appropriate officials shall review the documents submitted pursuant to this part. The County Engineer shall notify the applicant in writing of the department's findings prior to final consideration by the Planning Commission. A copy of this notification shall be placed in the records of the Planning Commission and reference made thereto at the time the final plat is being considered by that body.
- (4) The Planning Commission shall not approve a final plat until all public works requirements have been designed or otherwise stipulated and compliance with these regulations certified by the County Engineer and Water Pollution Control Director.

(h) Application – Final Plat

(1) Submission. The final plat shall be submitted according to the schedule established by the Planning Commission.

(2) Information Required.

(a) Number of Copies. The applicant shall provide the number of copies at a size and scale as specified by the Department of Urban Planning and Land Use submission schedule.

(b) All or Portion of Preliminary Plat. The final plat may include all or a portion of the area approved in the preliminary plat.

(c) Contents. The final plat shall contain the following information.

(1) The name of the subdivision and any adjacent subdivisions, the names of streets which shall conform to the existing pattern, and a system of lot and block numbers in an orderly sequence. A vanity name may be used if:

(a) The street is not a through street and is contained wholly within the proposed preliminary plat;

(b) The street traverses east to west (all future north/south streets will be a numbered street or terrace);

(c) No other street has a similar alignment elsewhere in the community;

(d) The name is related to the subdivision or local history; and

(e) The staff has not yet prepared a street name grid.

(2) Location.

(a) Location by section, township, range, county, and state, including a metes and bounds description of the subdivision based on an accurate traverse giving angular and linear dimensions, length and bearing of all tangent lines, and length, radius and central angle for all curves and total acreage of boundary.

(b) Boundary lines shall be mathematically close. The allowable error of closure on any portion of a final plat shall be 1/10,000 accuracy or better.

(c) The plat shall show bearings and distances of all boundary lines and lot lines. The point of beginning shall be labeled on the plat.

(3) Closure.

(a) The location and description of all section corners and permanent survey monuments in or near the tract, to at least one (1) of which the subdivision shall be referenced.

(b) When any section corner, quarter section corner, or section center is set or reset by a surveyor and when any such corner is located by a surveyor in the course of carrying out a public survey, there shall be recorded with the county register-of-deeds reference measurements from permanent visible objects to the location of the point as set, reset or located. These reference objects shall be described clearly. In lieu of reference measurements from visible objects such reference measurements may be made from triangulation stations established by the United States Coast and Geodetic Survey.

(4) Vicinity sketch showing the relationship of the property to be platted with section lines and existing streets.

(5) Bearings and Distances.

(a) Location of lots, streets, public highways, alleys, parks and other features with accurate dimensions in feet and decimals of feet, with the length of radii, arcs, points of tangency, points of intersection and central angles of all curves, and with all other information necessary to reproduce the plat on the ground.

(b) Dimensions shall be from all angle points and points of curve to lot lines.

(c) In the case of a street right-of-way that is intended to extend through to an adjacent area, but will be temporarily dead-ended until the adjacent area is developed, a temporary cul-de-sac shall be indicated.

(6) Identification of all streets, easements, and other areas to be dedicated or reserved for public use

(7) Name and address of developer and surveyor making the plat.

(8) Scale of plat (the scale to be shown graphically and in feet per inch) and north arrow.

(9) The location of all building lines, setback lines, and easements for public services or utilities with dimensions showing their location.

(10) Locations and elevations of the one-hundred-year floodplain and floodway, whether mapped or unmapped, for all lots within 50 feet.

(11) The following certificates which may be combined where appropriate and which shall be executed on the final mylar copies. The typewritten or printed names of all persons required by this section shall appear below the signature of that person.

(a) A certificate signed and acknowledged by all parties having any record, title or interest in the land subdivided, and consenting to the preparation and

recording of the subdivision plat.

(b) Certification of dedication of all streets, highways and other rights-of-way or parcels for public park or other public use, signed by the owners and all other parties who have a mortgage or lien interest in the property; certification that all prior existing easement rights to any person have been absolved on the parcels to be dedicated to public use. The person shall retain such rights as if located in a public street.

(c) Certification signed by the licensed professional surveyor responsible for the survey and final map. The certification shall contain a statement certifying that the plat represents a survey made by such person and the details of which are correctly shown. The engineer or surveyor shall not sign the plat until he has had all boundary monuments set in accord with this article. The signature shall be accompanied by the surveyor's seal and shall state the month and year such survey was made.

(d) The acknowledgement of a notary in the following form:

"State of Kansas, County of Wyandotte, SS.

"Be it remembered that on this _____ day of _____, 20 _____, before me, a notary public in and for said County and State, came _____ to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.

(SEAL)

Notary Public

"My Appointment Expires _____."

(e) The certificate of the Planning Commission in the following form:

"This plat of _____ has been submitted to and approved by the Kansas City, Kansas Planning

Commission.

Dated this _____ day of _____, 20 _____.
Kansas City, Kansas Planning Commission

By
_____, Chairman
_____, Secretary."

(f) The acceptance of dedications by the Board of Commissioners, in the following form:

"The dedications shown hereon, if any, are accepted this _____ day of _____, 20 _____.

Mayor

Unified Clerk."

(g) The certificate of the Engineer in the following form:
"Recommended for approval by the Kansas City, Kansas, Engineer, this _____ day of _____, 20 _____.
_____ Engineer."

(h) The form of the certification may be modified as necessary with the approval of the Unified Government legal counsel to meet statutory or other requirements.

(12) All conditions to approval of a subdivision to run with the land and to be forced by the Unified Government and all exceptions granted shall be clearly stated on the final plat prior to its being recorded

(a) Data. The following additional data shall be submitted with the final plat:

(1) A copy of all lot area, boundary and other calculations performed on the plat shall be submitted to the Engineer.

(2) Tax certificates from the county shall be submitted stating that all taxes and encumbrances of record have been satisfied.

(3) A final and complete set of protective covenants shall be submitted with the final plat and shall be recorded concurrently with the plat. No lot may be sold unless the covenants have been recorded. They may be included on the actual plat as appropriate. Such covenants shall have a life of not less than fifty (50) years and shall contain, at the least:

(a) Floor area requirements for single-family and two-family residences that will provide a reasonable transition from residences on adjacent property. In no case shall the minimum habitable floor area in a proposed subdivision be less than seventy-five (75) percent of the average habitable floor area of dwellings that exist, or do not yet exist but are controlled by covenants, within two hundred (200) feet. The distance shall be measured from the boundary line of the proposed subdivision and include any single-family or two-family residential lot any portion of which is within two hundred (200) feet. In the Prairie Delaware Piper Planning area the square foot guidelines of the plan shall govern each development.

(b) A provision not allowing construction of a driveway with direct access onto a designated thoroughfare on a residential lot.

(3) Replatting. In the case of replatting:

(a) If the plat is in any way intended to supersede, replace, or substitute for an existing plat of record, either in whole or in part, the manner in which the proposed new plat relates to existing platting shall be shown clearly on the final development plat through the use of phantom lines, dimensions, and any other notation determined to be necessary by the Engineer.

(b) Any plat or part thereof of a street, alley, or other public reservation, including without limitation easements, dedicated building setback lines, and access control, shall be vacated both as to use and as to title without any further proceedings upon the filing and recording in accordance with the state law of any plat or replat duly executed in accordance with the law and embracing the same lands as those heretofore embraced by such earlier plat, or part thereof or street, alley or other public reservation; provided, however, that the street, alley or other public reservation which may be so vacated shall revert, as provided by the state law.

(4) Action by Planning Commission.

(a) Final Approvals. Final street, sanitary sewer, storm drainage and any other engineering plans shall be completely approved by the Engineer prior to submitting the final plat to the Planning Commission. The Board of Public Utilities shall have indicated in writing prior to submission that any needed water main extension agreement or any electrical distribution agreement has been executed by the development and that underground wiring will be provided unless otherwise provided as set out herein

(b) A final plat that contains no modifications or additions from the approved preliminary plat shall be approved by the Planning Commission if the Commission determines that all of the submission requirements have been satisfied. Normally, a public hearing is not required, however, the Planning Commission may require a public hearing where more than six (6) months have passed following preliminary plan approval.

(c) A final plat that contains modifications from the approved preliminary plat but which changes are not significant pursuant to Section 27-276(h)(i), may be approved by the Planning Commission without a public hearing provided the Commission determines that all of the submission requirements have been satisfied. The Planning Commission may require a public hearing where more than six (6) months have passed following preliminary plan approval.

(d) If the final plat has significant changes from the preliminary plat (pursuant to Section 27-276(h)(1), the application shall not be considered by the Planning Commission and shall be returned to the applicant.

(e) If the final plat is returned to the applicant, the reasons for such action shall be attached to a copy of the final plat and made available to the applicant within two (2) weeks of the meeting.

(5) Action by Board of Commissioners.

(a) Before recording the final plat, it shall be submitted to the Board of Commissioners for acceptance of public ways, service and utility easements, and land dedicated to public use.

(b) The acceptance of the public ways, service and utility easements, and land dedicated to the public shall be shown over the signature of the Mayor and attested to by the Unified Clerk or a Deputy Unified Clerk.

(6) Recordation. After final approval of the plat and the affixing of all required signatures, the Department shall file one (1) copy with the County Register of Deeds.