

LYON COUNTY, KANSAS

SUBDIVISION REGULATIONS

PREPARED AND RECOMMENDED BY THE LYON COUNTY PLANNING BOARD

AND

ADOPTED BY THE BOARD OF LYON COUNTY COMMISSIONERS

RESOLUTION #09-03

ASSISTED BY Russell Schoenberger

Title

NOTICE!

THESE REGULATIONS SHALL NOT APPLY TO THE USE OF LAND FOR AGRICULTURAL PURPOSES, NOR FOR THE ERECTION OR MAINTENANCE OF BUILDINGS, THEREON FOR SUCH PURPOSES SO LONG AS SUCH LAND AND BUILDINGS ARE USED FOR AGRICULTURAL PURPOSES AND NOT OTHERWISE. (See K.S.A. 12-758)

K.S.A. 12-758. Same: existing uses: alterations: agricultural land exempted, exception. (a) Except as otherwise provided by this section and K.S.A. 12-770 and 12-771, and amendments thereto, regulations adopted under authority of this act shall not apply to the existing use of any building or land, but shall apply to any alteration of a building to provide for a change in use or a change in the use of any building or land after the effective date of any regulations adopted under this act. If a building is damaged by more than 50% of its fair market value such building shall not be restored if the use of such building is not in conformance with the regulations adopted under this act.

(b) Except for flood plain regulations in areas designated as a flood plain, regulations adopted by a city pursuant to K.S.A. 12-715b, and amendments thereto, or a county pursuant to this act shall not apply to the use of land for agricultural purposes, not for the erection or maintenance of buildings thereon for such purposes so long as such land and buildings are used for agricultural purposes and not otherwise.

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LYON COUNTY SUBDIVISION REGULATIONS
ARTICLE 1, GENERAL REGULATIONS

101. TITLE, JURISDICTION

These regulations shall hereinafter be known and referred to as the “Subdivision Regulations of Lyon County, Kansas” and shall hereinafter be referred to as “these regulations”, and shall apply to all land within the unincorporated area of Lyon County, excluding that land known as the Metropolitan Planning Area around the city of Emporia as established by joint agreement of the City Commission of Emporia and the Lyon County Board of Commissioners.

102. PURPOSE

These regulations adopted pursuant to the provisions of Kansas State Statutes are intended:

- A. To implement the Comprehensive Plan adopted for Lyon County.
- B. To protect and conserve property values by providing for proper light, air, and privacy.
- C. To establish reasonable standards of design for subdivisions.
- D. To insure proper legal descriptions, monumenting of land and adequate and accurate platting and recording of land subdivisions.
- E. To insure that adequate public facilities are available and have a sufficient capacity to serve the proposed subdivision.
- F. To establish the manner in which streets shall be graded and improved.

103. APPLICABILITY

The owner of owners of any land located within the jurisdiction of these Regulations dividing said land into two or more lots and parcels, for the purpose of laying out any subdivision, suburban lots, building lots, tracts or parcels or any owner of land establishing any street, alley or other property intended for public use or for the use of purchasers or owners of lots, tracts, or parcels of land fronting thereon, shall cause a plat or legal lot split to be made in accordance with these Regulations.

104. EXCEPTIONS

These Regulations shall not apply in the following instances:

- A. The division of any parcel with thirty-nine (39) acres or more for the purpose of dividing for agricultural purposes. Unless stated otherwise in these regulations.
- B. A change in the boundary between adjoining lands, which does not create an additional lot.
- C. Land used for streets or railroad Right of way, a drainage easement, or other public utilities subject to local, state or federal regulations, where no new street or easement of access is involved.
- D. Whenever any lot, parcel, or tract of land located within the area governed by these Regulations has been subdivided, re-subdivided, or re-platted prior to the adoption of these Regulations.

- E. Any transfer by operation of law.
- F. Land which is to be used for cemetery purposes.

105. APPROVALS NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS

All plans, plats, or re-plats of land laid out in building lots, and the streets, alleys, or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, shall be submitted to the Planning Board for its consideration and approval. The approved plat shall be submitted to the Governing Body for their final approval and acceptance of dedication of streets, alleys and public easements.

106. EFFECTIVE DATE

These Regulations shall be in force and effect after passage by the Board of Lyon County Commissioners and publication in accordance with state law.

107. AMENDMENTS

These regulations may be amended any time after the Planning Board has held a public hearing, made recommendations and such have been adopted by the Governing Body. The process for amendments shall be as required by State Statutes and the same as the Zoning Regulations. The public hearing shall be conducted and a record of the proceedings shall be preserved by the Secretary of the Planning Board. Any interested party may appear and be heard by the Planning Board. Upon the conclusion of the public hearing the Planning Board shall prepare and adopt its recommendations and submit the same, together with a record of the hearing to the Governing Body. When the Planning Board submits a recommendation of approval or disapproval of such adoption or amendment, the Governing Body may adopt or override the recommendation by majority vote of all members.

**LYON COUNTY SUBDIVISION REGULATIONS
ARTICLE 2, DEFINITIONS**

201. DEFINITIONS

Definitions for the interpretation of these rules and regulations as follows:

Access Control The limitation of public access to and from properties abutting roads or highways. Access Control may be used on highways and major roads when deemed necessary to improve safety.

Agriculture Use The growing of crops, pasturage, nursery, or the raising of poultry, cattle and other livestock, including the structures necessary for carrying out farming operations and the residence (s) of those owning and operating the premises, such as a member of the family thereof, or of an employee thereof, all on a tract of not less than 40 acres. Agriculture shall also include the sale of products on the premises, that are raised or produced on the premises, but shall not include feedlots as defined by state statute.

Alley A dedicated public Right of way along the side of or the rear of lots intended to provide a secondary means of access to and from streets and such lots.

Arterial Street A street serving major traffic movements, designed primarily as a traffic carrier between various sections of the county and which forms part of the through-street network.

Block A piece or parcel of land entirely surrounded by public highway, streets, streams, railroad right of way, or parks, or a combination thereof.

Collector Street Any street designed primarily for the purpose of gathering traffic from local or residential streets and carrying it to the major street system.

Cul-de-sac A street having one end open to traffic and being permanently terminated by a vehicular turnaround.

Design The location of streets, alignment of streets, grades and widths of streets, alignment of easements, grades and widths of easements, alignment and Rights of way for drainage and sanitary sewers, and the designation of minimum lot area, width and length.

Dimensioned Drawing A drawing which: (a) shows all dimensions of a lot or tract of land, (b) shows size and location from all property lines of any existing or proposed structure and (c) size of any adjacent street and all utility easements.

Double Frontage Lot A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

Easement A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.

Engineer Shall mean the Lyon County Engineer.

Final Plat A plan or map prepared in accordance with the provisions of this Regulation and those of any other applicable local regulation, which plat is prepared to be placed on record in the office of the Register of Deeds of Lyon County.

Governing Body The Board of Lyon County Commissioners

Improvements Street work and utilities that are to be installed, or agreed to be installed by the owner on the land to be used for public or private use of the lot owners in the subdivision and local neighborhood traffic and drainage needs, as a condition precedent to the approval and acceptance of the final map or filing of the record of the survey map thereof.

KDHE The Kansas Department of Health and Environment

Land Surveyor A licensed land surveyor registered in the State of Kansas or licensed to practice in the State of Kansas who is responsible for the survey and preparation of the Final Plat.

Local Street A street or road, which provides primarily for direct access to adjoining properties and is, designed to serve minor traffic needs.

Lot A portion of land in a subdivision, or other parcel of land, intended as a unit for transfer of ownership or for development. All lots shall have frontage upon a Public Street.

Major Thoroughfare A street, highway, or roadway designated as such on the official Major Street Plan.

Marginal Access Streets or Frontage Roads A minor street, which is generally parallel to or adjacent to a major traffic thoroughfare, highway, or railroad Right of way, and provides access to abutting properties.

Minimum Standards Shall mean the current Kansas Minimum Standards for Boundary Surveys as adopted by the Kansas State Board of Technical Professions.

Minor Plat A subdivision of land, into three or more lots, and not involving any additional new streets.

Pedestrian Way A Right of way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

Planning Board Shall mean the Lyon County Planning Board.

Preliminary Plat A map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it; this map need not be based on accurate or detailed final survey of the property.

Secretary Planning Board Secretary

Setback Line or Building Line A line on a plat generally parallel to the street Right of way, indicating the limit beyond which buildings or structures may not be erected or altered except as otherwise provide in the Zoning Regulations.

Street or Road A Right of way, dedicated to the public use, which provides principal vehicular and pedestrian access to adjacent properties.

Subdivision The division of a tract of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term "subdivision" includes "re-subdivision", and the term "re-subdivision" as used herein shall include any further subdivision of a lot of parcel of land previously subdivided, for sale, use, or other purposes, which varies from the latest approved subdivision of the same.

Zoning Administrator/Director Secretary to the Planning Board, or other individual as designated by the Governing Body

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**LYON COUNTY SUBDIVISION REGULATIONS
ARTICLE 3, MINIMUM DESIGN STANDARDS**

301. WATER AND SEWER

- A. The area of the lots shall be determined by the availability of public sewer. Prior to the submission of a preliminary plat, the applicant shall obtain a determination from the County Engineer as to whether adequate public sewer is available.
- B. If the proposed subdivision is not served with a public sewer system, the minimum lot area will be as provided for in Zoning Regulations for the district in which the subdivision is proposed, however, additional lot area may be required if the area has or is suspected of having a high water table or if soil conditions prove to be unsuitable based on percolation tests.
- C. If the proposed subdivision in the R, Residential District is serviced by a public sanitary sewer system, the minimum lot area requirements shall be as determined by the Planning Board after review by the Lyon County Health Department.
- D. All water and sewer systems shall be reviewed by the Lyon County Health Department when lots are less than 5 (five) acres or upon request by the Lyon County Planning Board on all subdivisions or minor plats.

302. BLOCKS

- A. *Length.* Intersecting streets shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets in the neighborhood. In residential districts or agricultural districts where no existing plats are recorded, the blocks shall not exceed 1,200 feet in length, except that a greater length may be permitted where topography or other conditions justify a departure from this maximum. In blocks longer than 800 feet in length, pedestrian ways through a block may be required near the center of the block. Such pedestrian ways or easements shall have a minimum width of 10 feet. Blocks for business or industrial use should normally not exceed 600 feet in length.
- B. *Width.* In residential development, the block width shall normally be sufficient to allow two tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width and depth as may be considered most suitable for the prospective use.

303. STREETS, ALLEYS, AND PUBLIC WAYS

- A. *Relation to Adjoining Street System.* The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining additions, (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. Street arrangement must also be such as to 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 new subdivision, the other half of the street or alley shall be platted, and dedicated as a public way.

- B. *Street Names.* Streets that are obviously in alignment with others already existing and named streets shall bear the same alphanumeric designation adopted by the Board of County Commissioners.
- C. *Arterial and Collector Streets.* Major streets through subdivisions shall conform to the Major Street Plan as adopted by the Planning Board and the Board of County Commissioners.
- D. *Local Streets.* Minor streets shall be so designed to discourage through or non-local traffic.
- E. *Cul-de-sacs.* An adequate turnaround of not less than an eighty (80) foot diameter Right of way shall be provided at the closed end of a dead-end street longer than one lot in length. Such local street segment shall not exceed six hundred (600) feet in length from the centerline of an intersection of a cross street to the center of the cul-de-sac.
- F. *Right-Angle Intersections.* Under normal conditions, streets shall be laid out to intersect, as nearly as possible, at right angles. Where topography or other conditions justify a variation from the right-angle intersection, the minimum angle shall be seventy-five (75) degrees.
- G. *Streets Adjacent to a Railroad Right of way, Limited Access Freeway, Principal Highway.* Where lots front or side, but do not back, on railroad Rights of way, limited access freeways, or principal highways, a marginal access street 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 separation.
- H. *Half Streets.* Dedication of half streets will not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the Major Street Plan and other requirements of these Regulations.
- I. *Alleys.* May be required in commercial and industrial districts. Dead-end alleys shall be avoided, wherever possible. Alleys may be required in certain residential areas.
- J. *Minimum Requirements.* The Right of way for streets and alleys dedicated and accepted shall not be less than the minimum for each classification as follows:

1. Rural Arterial Streets Minimum Right of way width	100	feet
2. Collector Streets Minimum Right of way width	70	feet
3. Local Streets Minimum Right of way width	60	feet
4. Cul-de-sacs: Minimum diameter width	80	feet
5. Frontage Roads: Minimum Right of way width	60	feet
6. Alleys: Minimum Right of way width	20	feet
7. Pedestrian Way Minimum Right of way width	10	feet

When existing or anticipated traffic on arterial and collector streets warrants greater widths of Rights of way, the additional width shall be dedicated.

- K. *Street Grades.* The grades of streets, alleys and other public ways included in any subdivision shall not be greater than necessary topographic conditions and shall be subject to the approval of the County Engineer. A minimum gradient of one percent

(1%) shall exist on all streets whenever practical, but in no case shall the gradient be less than one-half (1/2%) percent.

- L. *Street Alignment.* On streets with reverse curves, an appropriate tangent shall be provided between curves to permit a smooth flow of traffic.
- M. *Intersections.* Local nonaligned intersections shall be spaced at a minimum of 150 feet (centerline to centerline). Collector intersections shall be spaced at a minimum of 500 feet (centerline to centerline) at arterial streets
- N. *Drainage Easements.* Drainage easements may be required, in addition to street Rights of way, where the street or streets adjoin or are parallel with streams or drainage areas or where lots back on where said drainage exist. The width of such drainage easement shall be determined by the County Engineer, who shall notify the Planning Board of his recommendation in writing.

304. LOTS

- A. In all residential subdivisions minimum lot width shall be as specified in the district regulations of the Lyon County Zoning Regulation, however, corner lots shall be 20 feet wider than that required in these regulations. Lot width shall be measured at the building setback line.
- B. Minimum depth shall be 110 feet. Lot depth shall be measured through the center of the lot and shall be perpendicular to the property line or radial to the property line on curved streets.
- C. Minimum lot area shall be subject to the zoning regulations of the district in which the subdivision is located.
- D. In subdivisions where septic tanks or other individual sewage disposal devices are to be installed, the size of all lots included in the subdivision shall be subject to regulations as set out in this section under water and sewer.
- E. In subdivisions where private water supply is by well or other means, the size of all lots included in the subdivision shall be subject to regulations as set out in this section under water and sewer.
- F. All side lot lines shall bear 60 to 90 degrees from the street Right of way line on a straight street or from the tangent or radial of a curved street.
- G. Corner lots, in residential subdivisions, shall observe the same setback on both streets.
- H. Double frontage lots shall be avoided unless, in the opinion of the Planning Board, a variation to this rule will give better street alignment and lot arrangement.
- I. Every lot shall abut on a street other than an alley.
- J. Building or setback lines shall be shown on the final plat for all lots in the subdivision and shall not be less than the setback required by the zoning regulations.
- K. The subdivision or re-subdivision of a tract or lot shall not be permitted where said subdivision or Resubdivision places an existing permanent structure in violation of the requirements of the zoning regulations.
- L. Flag lots shall have a minimum of thirty feet (30) of frontage on a public street or road.

305. EASEMENTS

- A. Where alleys are not provided, permanent easements of not less than ten (10) feet in width shall be provided on each side of all rear lot lines, and on side lot lines, where necessary, for utility poles, wires, conduits, storm and sanitary sewers, gas, and water mains, and other public utilities. These easements shall provide for a continuous Right of way of at least twenty (20) feet in width.
- B. An additional twelve (12) foot temporary construction easement (6 feet on each side of the lot line) shall be provided for initial construction of water, sewer, and other utility lines.

306. DEDICATION OR RESERVATION OF PUBLIC SITES AND OPEN SPACES

In subdividing land or re-subdividing an existing plat, due consideration should be given by the sub-divider to the dedication or reservation of suitable sites for schools, parks, playgrounds, or other public recreational areas or open spaces. Any areas so dedicated or reserved shall conform as nearly as possible to the 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. A written statement from the Board of Education may be required to be submitted by the applicant indicating whether or not a school site in the proposed subdivision is desired.

307. ACCESS CONTROL

In the interest of public safety and for the preservation of the traffic-carrying capacity of the street system, the Planning Board shall have the right to restrict and regulate points of access to all property from the public street system. Such restrictions shall be indicated on the final plat. Within Urban Access Corridors, as defined by the Comprehensive Plan, points of access to the hard-surfaced roadway, if not regulated by the state Department of Transportation, shall be restricted by the Planning Board, upon recommendation from the County Engineer. In recommending restriction of access within the Urban Access Corridors, the County Engineer shall refer to the American Association of State Highway and Transportation Officials (AASHTO) standards for the relation of sight distance to the design speed of the rural arterial roadway.

308. SUBDIVISION DESIGN

The design of the subdivision shall provide for efficient traffic flow, proper mixing of land uses, and a logical link between surrounding, existing development and the proposed layout. The Comprehensive Plan should be used as a guide in determining if the design of the proposed subdivision is proper. The Planning Board shall have the authority to deny a plat or request redesign if, in its opinion, the layout is not suitable for the site.

LYON COUNTY SUBDIVISION REGULATIONS
ARTICLE 4, LOT SPLITS

401 Intent: The intent of this Article is to create a procedure for the division of existing lots to be divided into not more than two (2) lots without having to comply with the formal platting requirements described in Article 5 of these regulations, and to provide a procedure for a boundary shift between two adjoining properties. Such lot split or boundary shift shall be subject to the guidelines established in Section 404 and any further divisions of the lot or lots so established shall be platted in compliance with the requirements of Article 5 of these regulations.

This article applies to any lot split that result in a less than a nominal 40 acres or (Quarter of a Quarter Section). Acreage requirements shall exclude "right of way" taken through deeded land, acquired by condemnation, purchased, or including permanent easement.

402 Authorization for Approval of Lot Splits or Boundary Shifts: The Zoning Administrator/Director is hereby authorized to approve or disapprove a lot split or boundary shift in accordance with the provisions of this article. Appeals from a decision made by the Zoning Administrator/Director may be made to the Appeals Board for a final determination.

403 Application Procedure: The application for a lot split or boundary shift shall be made by the owner of the land to the Zoning Administrator/Director on forms provided and shall be accompanied by the following information:

1. A copy of a drawing to a scale of not less than 1" = 100' showing the lot(s) involved, the precise location of any structures thereon, and the location and dimensions of the original and proposed lots. Said drawing shall be a certificate of survey from a licensed land surveyor to determine the exact location of the structures and the precise dimensions of the lots.
2. The legal description(s) for the proposed lot(s).
3. The location of existing parking and curb cuts, if any. In the case of a nonresidential lot split, required off street parking shall be shown.
4. The amount of square footage contained in each new lot showing compliance with the requirements of the Zoning Regulations for lot area.
5. All existing easements and, if any, access control. If the easements or access control were granted by separate instrument, the recording information shall be indicated.

404 Approval Guidelines: No lot split(s) or boundary shift(s) shall be approved if one or more of the following applies:

1. New street(s) or extension(s) of an existing street(s) or a vacation of street(s), alley(s), setback line(s), access control(s), or easement(s) that

are required or proposed.

2. There is less street right of way than required by these regulations, unless dedication of additional right of way can be made by separate instrument.
3. Any easement requirements have not been satisfied.
4. Such split will result in a landlocked lot.
5. Such split will result in a lot(s) without direct access to and/or less than the required frontage on a street as specified in the Lyon County Zoning Regulations.
6. A substandard sized lot will be created according to these regulations or the Lyon County Zoning Regulations. This includes both the created lot and the parent lot.

The Zoning Administrator/Director shall, in writing, either approve, with or without conditions, or disapprove the lot split within fifteen (15) working days of the application. After all conditions have been met, the Zoning Administrator/Director shall sign and furnish certificate of approval to be attached to a copy of the lot split survey, and a certified copy thereof shall be filed with the Register of Deeds, and a copy shall be furnished to the applicant.

The Zoning Administrator/Director may make such additional requirements as deemed necessary to carry out the intent and purpose of these regulations. Such requirements may include, but not be limited to, installation of public facilities, dedication of right of way and/or easements, or submission of covenants for the protection of other landowners in the original subdivision or the parent property.

406 Agricultural Lot Splits: The creation of one (1) additional buildable lot in the unincorporated portion of Lyon County on properties zoned and used as “AG” shall be permitted without requiring either a rezoning or a plat, including those divisions of agricultural lands because of mortgage or lending requirements; provided:

1. The provisions of section 403 are complied with completely.
2. The approval guidelines specified in section 404 are complied with to the extent they are applicable to an agricultural lot split.
3. The minimum size lot created by a lot split shall be (5 acres) in Agriculture Districts and (3 acres) in Residential Districts. All lots created shall maintain the minimum lot frontage on a public road as required under the provisions of the Lyon County Zoning Regulations applicable to the size of lot created by the split.
4. A recordable covenant between the owner and the County for the entire original tract, executed by the owner and/or owners and the County, restricting further division of the original tract without full platting of the remainder of the original

tract, and rezoning to the appropriate zoning district. The covenant shall include the requirements that rezoning and platting shall be in conformance with the then applicable Zoning and Subdivision Regulations of Lyon County, Kansas, and shall be binding on all heirs and assigns of both lots. Said covenant shall be recorded with the Register of Deeds of Lyon County as a condition of the approval of the agricultural lot split and no construction authorization shall be issued until such time as the covenant has been recorded.

407 Exceptions:

- A. Existing structures and existing buildings are exempt from required setback lines, when creating a lot split.
- B. Lot splits are limited to no more than two (2) buildable lots, except when meeting the following conditions:
 - i. When original tract being divided is between 40 and 80 acres in size, one additional lot split may be approved.
 - ii. When the original tract being divided is larger than 80 acres, then no more than 3 adjacent lot splits may be approved.

408 Fees:

- A. The cost of a lot split will be determined by a schedule determined by a Resolution of the Governing Body.
- B. Cost of recording documents, publications, costs are payable in addition to filing fees. These costs will be billed to the applicant.

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**LYON COUNTY SUBDIVISION REGULATIONS
ARTICLE 5, SUBMISSION OF PLAT**

501. PRE-APPLICATION

- A. Prior to the filing of the preliminary plat, the applicant shall contact the Zoning Administrator/Director to determine:
- B. Procedure for filing plats;
- C. Availability of public sewers and water;
- D. Comprehensive plan requirements for major streets, land use, parks, schools, and public open spaces;
- E. Zoning requirements for the property in question and adjacent properties.

502. PLATS PREPARED BY AN ENGINEER OR LAND SURVEYOR

All plats shall be prepared by a professional engineer licensed in the State of Kansas or a Kansas-registered land surveyor, as required by state statutes or regulations. A land surveyor registered in the State of Kansas shall prepare the boundary and topographic survey.

503. MINOR PLATS

- A. A minor plat, being a subdivision of land into three or more lots, all of which face upon an existing street or road may be submitted as a Final Plat without the filing of a Preliminary Plat.
- B. Minor plats shall be submitted in final form as described in Section 505 of this Article and shall contain all of the information required for the submission of a preliminary plat as per Section 504.

504. PRELIMINARY PLAT

After reaching the preliminary conclusions regarding the requirements for a preliminary plat the applicant shall submit a preliminary plat with all information necessary to the Zoning Administrator/Director who shall schedule a public hearing with the Planning Board.

A. Submission of Preliminary Plat:

- 1. A filing fee as adopted by the Governing Body shall accompany the filing of the preliminary plat. The plat shall not be considered for filing until the fee is paid.
- 2. The applicant shall submit 10 copies of the preliminary plat and ten (10) copies of the vicinity map if not on the preliminary plat.
- 3. Applications for plats shall be filed at least 30 days prior to the next regular scheduled meeting of the Planning Board.

B. Preliminary Plats Shall Contain:

- 1. The proposed name of the subdivision. (The name shall not duplicate or too closely resemble the name or names of any existing subdivision)
- 2. The location of the boundary lines of the subdivision and reference to the section or quarter section lines.
- 3. The names and addresses of the developer, and the surveyor and/or engineer who prepared the plat.

4. Scale of the plat, 1"=200' or larger;
5. Date of preparation and north point.
6. Existing conditions shall be shown, including the location, width and name of platted streets or other public ways, utility easements, other open space and any permanent buildings within the proposed subdivision.
7. Existing topography with contour intervals of not more than ten (10) feet, referred to USGS datum, and date. Where the land is too flat for contours or where no new streets are proposed contours shall not be required.
8. The general arrangement of lots and their approximate size.
9. Location and width of proposed streets, alleys, pedestrian ways, and easements.
10. The general plan of sewage disposal, water supply, and utilities in areas where public sewers and/or water is proposed to serve the subdivision. In other cases, a notation shall be made on the plat indicating type of sewage disposal and water system proposed.
11. Location and size of proposed parks, playgrounds, churches, school sites, or other special uses of land to be considered for reservation for public use.

505. APPROVAL OR DISAPPROVAL OF THE PRELIMINARY PLAT

Action by the Planning Board shall be conveyed to the applicant in writing within ten days after the official Planning Board meeting at which time the plat was considered. In case the plat is disapproved, the applicant shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Planning Board.

The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the final plat. The approval of the preliminary plat shall only be effective for a period of six months, unless an extension is granted by the Planning Board for up to an additional six-month period. If the final plat for any part of the area covered by the preliminary plat has not been submitted for approval within this specified period, a preliminary plat must be resubmitted to the Planning Board for approval.

**LYON COUNTY SUBDIVISION REGULATIONS
ARTICLE 6, FINAL PLAT**

601. SUBMISSION.

After approval of the preliminary plat, the applicant shall submit for the determination by the Planning Board of conformance with the Subdivision Regulations, such determination to be made within sixty (60) days after the final plat has been submitted for consideration. Preliminary and final plats may be submitted simultaneously for simple or minor plats.

- A. The original on Mylar, for recording purposes, and ten prints thereof shall be submitted to the Zoning Administrator/Director at least twenty (20) days prior to the Planning Board public hearing. A digital copy of the final plat tied to two sections corners and with latitude and longitude shown on interior corners to within 1/10 of a second shall also be furnished. The sheet size of the final plat shall be that as requested by the County Register of Deeds.
- B. The names and signatures of the owner or owners of the property duly acknowledged and notarized shall appear on the original copies submitted.
- C. The final plat, prepared for recording purposes, shall be drawn at a scale of at least 1"=200' or larger. The size of the sheet on which such final plat is prepared shall be 24 inches by 36 inches.
- D. A filing fee as established by the Governing Body by separate resolution shall be submitted with the final plat.

602. INFORMATION

The final plat shall show and contain the following information.

- A. Name of subdivision as approved on the Preliminary Plat or approved by the Planning Board.
- B. Location of section, township, range, county, and state, and the exterior boundaries, with legal description of the subdivision showing:
 - 1. Location and description of all monuments
 - 2. Bearings and horizontal distances between the monuments
 - 3. Complete closure calculations. The allowable error of closing on any portion of the plat shall be one (1) foot in five thousand (5,000) feet. Total acreage of the subdivision shall be shown.
- C. The location of monuments or bench marks 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.
- D. The location and horizontal calculations of lots, streets, public highways, alleys, parks, and other features, with accurate dimensions shown in feet and decimals of feet with the length of radii and of arcs along on all curves, and all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points of curves on lot lines.
- E. Lots shall be numbered clearly. Blocks shall be numbered or lettered clearly in the center of the block.

- F. The exact locations, widths, and names of all streets and alleys to be dedicated.
- G. Boundary lines and description of the boundary lines of any area other than streets and alleys, which are to be dedicated or reserved for public use.
- H. Building setback lines on the front and side streets with dimensions.
- I. Name, signature, certification, and seal of the registered land surveyor making the plat.
- J. Name, signature and seal of the registered surveyor verifying that all monuments and control markers have been set in compliance with the requirements of the Lyon County Subdivision Regulations and in accordance with the Land Survey Act. K.S.A. 58-2001 et seq.
- K. Scale of the plat (scale to be shown graphically and in feet per inch), date of preparation, and north arrow.
- L. Statement dedicating all easements, streets, alleys and all other public areas not previously dedicated.
- M. The following certificates, which may be combined where appropriate:
 1. 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 said subdivision map.
 2. A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final plat and intended for any public use except those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants, and servants.

The acknowledgement of a notary in the following form:

State of _____
 County of _____

Be it remembered that on this the ____ day of _____ 2____, 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.

 Notary Public

(SEAL)

My Commission Expires: _____

The certificate of the Planning Board in the following form:

This plat of _____ Addition has been submitted to and approved by the Lyon County Planning Board this the ____ day of, _____ 2 ____.

(SEAL)

 Chairperson

Secretary

The acceptance of dedications by the Board of County Commissioners, when required, in the following form:

The dedications shown on the plat accepted by the Board of County Commissioners of Lyon County, Kansas the ___ day of _____, 2___.

Commissioner

ATTEST:

County Clerk Commissioner

Commissioner

(SEAL)

Commissioner

A blank space for noting entry on the transfer record in the following form:

Entered on transfer record the ___ day of _____, 2_____.

County Clerk

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

State of Kansas SS

County of Lyon

This is to certify that this instrument was filed for record in the Register of Deeds Office on the ___ day of _____, 2_____, in Book _____, Page _____.

Lyon County Register of Deeds

Deputy

County Surveyor's Certificate

State of Kansas SS

County of Lyon

This is to certify and acknowledge that I have reviewed this plat pursuant to K.S.A. 58-2001 et. Seq. and K.A.R. 66-12-1

Signed and sealed the ___ day of _____, 2___

Lyon County Surveyor

N. The following additional data shall be submitted with the final plat:

1. A title report by an abstract or a title insurance company, or an attorney's opinion of title, showing the 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.
2. A certificate showing that all taxes and special assessments due and payable have been paid in full; or if such taxes have been protested as provided by law, monies or other sufficient escrows guaranteeing such payment of taxes in the event the protest is not upheld, may be placed on the deposit with such officials or governing bodies to meet this requirement.
3. A copy of any deed restrictions applicable to the subdivision.

603. EXTENT AND MANNER OF PHYSICAL IMPROVEMENTS

As a condition to the approval of a final plat, the applicant shall agree to install the following improvements:

A. Streets.

1. Streets in subdivisions comprised of lots smaller than 22,000 square feet shall be hard-surfaced with curb and gutter in conformance with the Engineer's standards and specifications.
2. Streets in subdivisions comprised of lots over 22,000 square feet but less than 5 acres in size shall be hard surfaced in conformance with the Engineer's standards and specifications. Curbs and gutters shall not be required.
3. Streets in subdivisions comprised of lots 5 acres and larger in size shall have a compacted base and be surfaced with rock and gravel in conformance with the Engineer's standards and specifications.

B. Water.

1. Where a public water supply is proposed to serve the subdivisions, said water lines shall be installed in proper easements or within the limits of the street and alley Right of way. The system shall be of equal or better quality and size than the minimum standards of the nearest City and shall meet all KDHE standards.
2. Where private water supplies are proposed, adequate provision shall be made for easements to allow installation of a public system should the property ever be annexed or required to develop a public supply.

C. Sewer.

1. Where a public sanitary sewer system is proposed to serve the subdivision, the sewer system shall be designed and constructed to provide service to each lot within the subdivision. The system of lateral sewers shall collect the sewage within the subdivision and discharge it into a city sewer system, or into a central treatment facility. The sewer system shall be of equal or better quality and size than the minimum standards of the nearest City as determined by the County Engineer. The sewer system shall meet all KDHE and Lyon County Health Department standards.
2. In subdivisions where individual private wastewater systems are proposed, adequate provision shall be made for easements to allow the installation of a

public system should the property ever be annexed or required to develop a public system.

- D. *Development Agreements.* In subdivisions containing 20 or more lots, the applicant shall enter into a development agreement with the governing body to provide improvement and maintenance of private streets.
- E. *Street Signs.* Street signs will be supplied and erected by the appropriate Lyon County Department.
- F. *Sidewalks.* Sidewalks shall be a minimum of four feet in width where required by the Planning Board.
- G. *Other Improvements.* If other improvements are required, such as tree planting, retaining walls, drainage structures, etc., such improvements shall be made in accordance with the recommendations of the Planning Board and specifications of the County Engineer.
- H. All surveying methods designs, and technical standards, including the establishment of monuments, shall be according to the Minimum Standards adopted by these regulations.
- I. A minimum of two benchmarks (monuments) shall be placed in each subdivision, located and installed at elevation established and required by the County Engineer. In subdivisions larger than 40 acres, one benchmark shall be installed for each additional 20-acre area.
- J. After the approval, but prior to the recording of the final plat, the applicant must make all required improvements.

In lieu of the actual construction of all physical improvements prior to the issuance of building permits, the Board of County Commissioners may, at the option of the developer, accept a bond or other method of financial assurance acceptable by the County in the amount that will guarantee the construction of the required improvements within a period of time to be specified and approved by the Governing Body. Such surety shall be properly executed prior to any grading or construction shall be released in segments upon written approval of the County.

Prior to issuance of zoning permits, all street paving, storm drainage, and utility be installed in accordance with County requirements and plans approved by the appropriate utility company and all grading work completed.

- K. Upon the receipt by the Governing Body notification of the County Engineer that all improvements have been installed in conformance with the approved engineering drawings, and with the requirements of these Regulations, and all other applicable statutes, ordinances and regulations, the Governing Body and/or such appropriate utility shall thereupon by resolution or by letter, respectively, formally accept such improvements. The improvements shall become the property of the Governing Body or appropriate utility company involved.

604. CONSIDERATION BY THE PLANNING BOARD

If the Planning Board does not make a determination of approval or disapproval of the final plat within sixty (60) days after the final 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 Board upon demand. If the Planning Board shall find that the plat does not conform to the requirements of the subdivision regulations, it shall notify the owner or owners of such fact. If the plat does conform to the regulations, it shall have endorsed thereon the fact that it has been submitted to and approved by the county Planning Board. The register of deeds shall not file any plat for land located within any area governed by subdivision regulations as provided by law until such plat shall bear the endorsement hereinbefore provided.

605. GOVERNING BODY ACCEPTANCE

After approval of the final plat by the Planning Board, such plat shall be referred to the Governing Body for approval and acceptance of streets, easements and other dedicated public ways. The Governing Body may take action at any meeting following recommendation by the Planning Board. If the Governing Body defers or refuses such dedication, it shall advise the Planning Board therefore and request reconsideration by the Planning Board.

606. RECORDING OF FINAL PLAT

After approval and acceptance of the public dedications by the Governing Body, the Zoning Administrator/Director shall record the original copy of the plat with the Register of Deeds of Lyon County.

**LYON COUNTY SUBDIVISION REGULATIONS
ARTICLE 7, RESUBDIVISIONS**

701. REPLATS

A re-subdivision of an existing lot or parcel which results in the creation of three or more lots or parcels shall require the submittal of both a preliminary plat and a final plat in accordance with Articles 5 and 6 of these regulations.

702. REVIEW

The County Engineer and the Lyon County Health Department shall review said re-subdivision to determine if the existing infrastructure (i.e. sewer lines, water lines, streets, etc.) needs to be upgraded as a result of the creation of any additional lots. If upgrading is needed the applicant shall be responsible for the improvements.

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**LYON COUNTY SUBDIVISION REGULATIONS
ARTICLE 8, VARIANCES AND EXCEPTIONS**

801. VARIANCES

Whenever it is found that the land included in a subdivision plat presented for approval is of such size or shape or is subject to or is affected by topographical location or conditions, or is to be devoted to such usage that full conformity to the provisions of these regulations is impossible or impractical, the Planning Board may recommend to the Governing Body, by letter of transmittal, authorization of variances or exceptions in the final plat so that substantial justice may be done and the public interest secured. In recommending such variances or exceptions, the Planning Board shall find the following:

- A. That there are special circumstances or conditions affecting the property.
- B. That the variances or exceptions are necessary for the reasonable and acceptable development of the property in question.
- C. That the granting of the variances or exceptions will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.
- D. Such request for variance shall be approved or disapproved by the Governing Body after it's consideration of the recommendation of the Planning Board. The decision of the Governing Body shall be transmitted in writing to the applicant and the Planning Board.

802. APPEALS

The applicant may appeal decisions made in the enforcement and administration of these regulations by the Zoning Administrator/Director to the Planning Board and by the Planning Board to the Governing Body. The decision of the Governing Body shall be final and shall be made in writing and transmitted to the applicant and Planning Board.

803. WAIVERS

Any waiver of the required improvements shall be only by the Governing Body on a showing that such improvement is technically not feasible.

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**LYON COUNTY SUBDIVISION REGULATIONS
ARTICLE 9 MISCELLANEOUS PROVISIONS**

901. RECORDED PLAT

Five copies of the recorded plat shall be provided by the applicant and shall be submitted to the Zoning Administrator/Director for distribution to various public and quasi-public departments, offices, and agencies.

902. SEVERABILITY

If any section of this Regulation be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separately and apart from the remaining provisions of these Regulations, said section to be completely severable from the remaining provisions of these Regulations and the remaining provisions of these Regulations shall remain in full force and effect.

903. PENALTY

Any person violating the provisions of the Subdivision Regulations is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) or by confinement in the county jail for not more than six months, or by both fine and confinement. Each and every day that such violation continues shall constitute a separate offense.

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