

ARTICLE 2: PROCEDURE FOR APPROVAL OF SUBDIVISIONS

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2-101 General Provisions:

This Article establishes uniform procedures and platting requirements for the creation of subdivisions. In order to assure that the subdivision of land is to the benefit of both the private and public concerns, all proposed subdivision shall meet the requirements of these regulations.

The platting process consists of three general steps; the pre-platting conference, the preliminary plat review, and the submission of the final plat. No final plat shall be filed or recorded with the Marion County Register of Deeds as required by law unless and until it has been acted upon by the Planning Commission and approved by the Governing Body as required by these regulations.

2-102 Pre-platting Conference:

Any person desiring to subdivide land shall prepare a sketch plat and submit it at a pre platting conference with the Zoning Administrator as a first step to filing an application for a preliminary plat. The pre-platting conference shall be arranged through the Zoning Administrator.

The purpose of the pre platting conference is to inform the applicant of the effect, feasibility and compatibility of the proposed subdivision on public and private utility systems, public street systems and any City or County development policies and plans. The conference enables the staff to inform owners and their agents of the general conformance or non-conformance of the subdivision proposal with these regulations, identify additional requirements for further processing of the proposal, and to advise them of applicable zoning provisions or conflicts and special design considerations presented by particular environmental features on or affecting the site (i.e. flood plains, excessive slope areas, soil problems, high water tables, etc.)

The sketch plan should convey the location of the proposed subdivision; the general layout of the proposed subdivision including the location and size of streets and the orientation, number and dimensions of the lots; plans for water supply and sanitary sewage disposal; and any particular design problems posed by the existing natural or man made conditions and characteristics of the site which could benefit from an early discussion. In addition to the Zoning Administrator and representatives of the owner(s) intending to subdivide the land, the pre-platting conference may include representatives of the county and other persons and agencies as applicable.

Within 14 days after it receives the sketch plat, the Zoning Department shall meet with the developer in order to reach an agreement on a mutually acceptable sketch plat. If the developer and the Zoning Department are unable to reach agreement on the sketch plat within 30 days of the original submission of

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the sketch plat, the developer may appeal to the Planning Commission for a determination with respect to the characteristics of the sketch plat. The Planning Commission shall schedule a review of the matter at its next regular meeting and may uphold the determination of the Zoning Department or approve, with or without conditions, the sketch plat in order to allow the submission of a preliminary plat.

NOTE: No verbal or schematically illustrated statements made during the course of reviewing the sketch plat by either the Zoning Department or the Planning Commission shall be held as legally binding or construed in any way as granting or assuming approval of the proposed subdivision since the Governing Body has final authority on all subdivision plats upon action from the Planning Commission.

2-103 Preliminary Plat:

The preliminary plat application shall be submitted within one (1) year of the approval of the sketch plat. Failure to do so will result in the voiding of the sketch plat and the requirement of resubmission and approval of a sketch plat in order to proceed with the platting process.

1. Application: A subdivision application form shall be filed with the Zoning Administrator, and shall be accompanied by eight (8) full size (minimum of 24" x 36") and seven (7) 11" x 17" copies of the preliminary plat, as well as a platting binder for the property under consideration. The appropriate fee shall be paid upon filing the application.
2. Preliminary Plat Contents: The following information shall be shown on the preliminary plat or attached thereto:
 - A. Items Pertaining to the Title:
 - 1) The name of the proposed subdivision.
 - 2) Location of the subdivision by reference to a section corner.
 - 3) The name(s) and address(es) of the owner(s)/ developer(s) and the licensed land surveyor who prepared the plat.
 - 4) North arrow.
 - 5) Date prepared and scale of the drawing(s). The preliminary plat shall be drawn to a scale of not less than 1" = 200'; however, with special conditions and prior approval of the Zoning Administrator, this scale may be exceeded.
 - 6) The legal description of the entire dimensions of the subdivision.
 - B. Items Pertaining to the Subject Property (Existing):
 - 1) All of the land to be platted as well as all platted or unplatted adjacent properties within 200 feet shall be shown. The boundary of the platted area shall be accurately indicated by a heavy solid line.
 - 2) Existing contours with the contour intervals not more than 2 feet. All elevations and contours shall be related to USGS.

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- 3) The location, width and names of all existing platted or private streets or other public ways within or adjacent to the tract, together with easements, railroad and utility rights of way, private easements, parks and other significant features such as city boundary lines and monuments. This shall include any encumbrances indicated within the platting binder.
 - 4) Environmental features including the location and direction of drainage channels and areas subject to flooding by the recognized 100 year flood.
 - 5) All airports, sanitary landfills, feedlots or other similar uses located within two miles of the proposed plat shall be shown on a vicinity map.
- C. Items Pertaining to the Plat (Proposed):
- 1) Layout and names of streets with general dimensions and appropriate grades and their relationship to adjoining or projected streets or roadways.
 - 2) Intended layout, numbers and dimensions of lots.
 - 3) Parcels of land intended to be dedicated or reserved for parks, schools, or other public use, or to be reserved for the use of property owners within the subdivision.
 - 4) Location and type of utilities to be installed, including the approximate location of extensions of any sanitary sewers, storm sewers and water mains. Where on-site water and/or wastewater systems are proposed, locations shall be shown on each lot in order to determine that the requirements of the Sanitation Code can be met.
 - 5) Utility and other easements indicating width and purpose.
 - 6) A statement or other indication of phasing of the development and an appropriate timetable if applicable.
 - 7) Vicinity sketch which indicates the relationship between the proposed subdivision and surrounding properties within 1,000 feet, showing streets and other features.
- D. If the platting binder shows that the proposed developer owns all the property within the plat in fee, and that it is free from encumbrances and liens, then the owners signatures are all that will be required on the final plat. If, however, the property is encumbered, the person responsible for said encumbrance, including any mortgagee, shall be required to consent to the plat by signing the face of the final plat.
- E. The names and addresses of all owners of property within the notification area of the proposed plat. For purposes of these regulations, the notification area shall be the same area required to be notified if the property was subject to a rezoning. The applicant may submit the same list of owners of property within the notification area submitted for a rezoning application provided the application for preliminary plat is submitted within 30 days of the approval of the rezoning on the same property.

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3. **Application Complete:** Upon receipt of the preliminary plat and supporting data required in this Section, the Zoning Administrator shall certify the application as complete and affix the date of application acceptance on the plat or application form. The Zoning Administrator shall then place the preliminary plat on the agenda for consideration at the first available meeting of the Planning Commission.
4. **General County Staff and Utility Review:** The Zoning Administrator shall distribute copies of the preliminary plat to the appropriate county departments and agencies and the affected utility companies for review and comment. All general staff and utility review comments shall be coordinated by the Zoning Administrator and shall be forwarded along with a report and recommendation to the Planning Commission.
5. **Planning Commission Review and Action:** The Planning Commission shall conduct a public hearing on the preliminary plat. Notice shall be published once in the official County newspaper 20 days prior to the date of the hearing. In addition, notice of the public hearing on the proposed preliminary plat shall be mailed to all property owners within the notification area of the proposed plat 20 days prior to the date of the hearing. The Planning Commission shall review the preliminary plat for compliance with the provisions of these regulations. After reviewing the preliminary plat based on the objectives and requirements of these regulations, comments from concerned citizens, and the report from the Zoning Administrator, the Planning Commission shall take action on the acceptance, modification or rejection of the preliminary plat. Approval of the preliminary plat by the Planning Commission shall permit the applicant to proceed with the filing of a final plat as described in Section 2 104. The Zoning Administrator shall forward a statement of the action taken by the Planning Commission to the governing body. The governing body, at its request, may require that it must approve the preliminary plat before the applicant can submit a final plat.
6. **Effect of Approved Preliminary Plat:** Approval of the preliminary plat does not constitute final acceptance of the subdivision by Marion County. It establishes the overall layout and design of the proposed subdivision and authorizes the applicant to prepare a final plat. Any deviation of the final plat from the intent of the approved preliminary plat as determined by the Planning Commission shall be disallowed and shall cause the re-initiation of the preliminary platting process.
7. The applicant shall file a final plat application along with the required documents described in Section 2 104 within one (1) year of the approval of the preliminary plat by the Planning Commission and/or the governing body. Upon failure to do so within the time specified, approval of the preliminary plat is null and void, unless an extension of time, limited to six (6) months, is applied for by the developer and granted by the Planning Commission. An extension shall be granted only once.

2-104 Final Plat:

1. **Application:** The final platting process is intended to provide a complete surveyed drawing of the subdivision for the purpose of providing a legal record of lots, streets, areas for dedication and easements for future reference and transactions. The final plat submitted may be for all of the property approved in the preliminary plat or may be for only a portion or "phase" thereof. The applicant shall file eight (8) full size (minimum of 24" x 36") and seven (7) 11" x 17" copies of the final plat with the Zoning Administrator along with the additional information required herein.

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Said final plat shall be prepared by a registered land surveyor, and so sealed. In addition to the copies required above, one (1) original final plat shall be submitted at least twenty (20) days prior to the Planning Commission meeting.

2. Final Plat Contents: The following information shall be shown on the final plat and attached thereto:

A. Items to be Included on the Final Plat:

- 1) The lines and names of all proposed streets or other ways or easements, and other open spaces intended to be dedicated for public use or granted for use of inhabitants of the subdivision.
- 2) Lines and names of all adjoining streets within 200 feet.
- 3) The length of all straight lines, deflection angles, and radii, arcs and central angles of all curves, along the center line and the property lines of each street. All dimensions along the lines of each lot with the true bearings and angles of intersection which they make with each other, and also any other data necessary for the location of any lot line in the field. If more convenient, calculated bearings may be used instead of angles.
- 4) The location of all building setback lines if proposed different from the requirements of the Marion County Zoning Regulations.
- 5) Suitable primary control points, approved by the County Engineer, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data given on the plat shall be referred. All dimensions shall be shown in feet and decimals of a foot.
- 6) Location and elevation of a permanent bench mark.
- 7) The location of all permanent monuments with the distance between them, and sufficient curve data plainly marked. These monuments shall be located at all block corners.
- 8) Date of preparation, title, north point, and scale shall be included. The title shall include the name of the subdivision under which it is to be recorded. The north point may indicate either the magnetic or true north and shall be so designated on the plat.
- 9) The boundary of the subdivided tract with courses and distances marked thereon which shall be determined by survey in the field, and which shall be balanced and closed, made by a qualified engineer or surveyor. The error of closure for a perimeter distance having a length of 10,000 feet or more shall not be more than one (1) in 20,000. For perimeter distances less than 10,000 feet in length, the error of closure shall not be more than one (1) in 10,000.
- 10) An identification system for all lots and blocks.
- 11) The certification of the land surveyor making the plat, his seal and signature.
- 12) The certificate of the County Surveyor.

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- 13) The acknowledgment of a notary.
 - 14) A certification of the Planning Commission showing its approval to the plat.
 - 15) The approval of the Governing Body.
 - 16) The certificate of the Register of Deeds.
 - 17) Signature locations for the owner(s) and all persons holding any encumbrances.
 - 18) Statement by the owner dedicating streets, rights-of-way, and any sites for public use.
 - 19) Such other certificates, affidavits, endorsements, or dedications as may be required by the Planning Commission in the enforcement of these regulations.
 - 20) Purpose for which sites, other than residential lots, are dedicated or reserved.
 - 21) Marginal lines encircling the sheet. All lettering, signatures and seals shall be within this margin.
 - 22) Legal description of the subdivision.
- B. Items Pertaining to the Final Plat:
- 1) A certificate which states that the person or persons whose names are signed to this document and/or appear on the final plat are the sole and lawful owners of the property, that the plat is made with their desires, and that they dedicate the areas shown on the plat or as set forth in the document to the perpetual use and ownership by the public for the specific purpose stated therein or thereon. Ownership shall be verified by the Marion County Clerk.
 - 2) Certification by the Marion County Clerk showing that all due or unpaid taxes have been paid in full.
 - 3) A copy of any restrictive covenants applicable to the subdivision, if any; provided, the developer or subsequent homeowners association shall be responsible for the enforcement of any and all restrictive covenants filed for any subdivision and no provisions of said restrictive covenants shall supersede any restrictions or regulations established by these or any other local or state rules, regulations or laws.
 - 4) Three (3) copies of a properly executed written agreement by the developer to undertake and complete, to the satisfaction of the County, all public improvements required as a condition for approval of the plat. The agreement shall also set out the time limit for the completion of the specified work, the amount of bond or other acceptable surety to be posted as security for satisfactory completion of the work, and the right of the County, in the event the required work is not completed in a proper or timely manner, to perform or complete the work and recover the actual cost thereof from the developer or the developer's sureties. The developer's agreement for public improvements will set out the public improvements required and also set out or incorporate by appropriate references, the plans and specifications for said improvements. The developer's agreement and bond for required public improvements shall be reviewed and approved

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as to the form and content by the County Engineer and County Attorney. The governing body may defer the submission of the written agreement until after the final plat has been approved.

3. Application Complete: Upon receipt of the final plat, engineering drawings and certification documents required in this Section, the Zoning Administrator shall certify the final plat application as complete. The final plat shall then be placed on the agenda for consideration at the next regular meeting of the Planning Commission that is no less than 10 days after said application or no more than 45 days thereafter.
4. General County Staff and Utility Review: The Zoning Administrator shall transmit copies of the final plat, along with the other documents submitted, to the appropriate County departments and agencies, and utility companies as the Administrator deems necessary for review and to assure compliance with the approved preliminary plat. The Zoning Administrator shall serve as final plat coordinator and all review comments shall be directed to such person and forwarded to the Planning Commission along with a report and recommendation.
5. Planning Commission Review and Action: The Planning Commission shall review the final plat for compliance with the approved preliminary plat and for completion of all final platting requirements. After consideration, the Planning Commission shall either recommend to the Governing Body to approve or deny the final plat or table for additional information. The Zoning Administrator shall forward a statement of the action taken by the Planning Commission together with the minutes, the original plat document, and sufficient copies of the final plat to the governing body.
6. Governing Body Review and Action: Upon recommendation from the Planning Commission, the governing body shall take action to approve or disapprove the final plat including the acceptance of street and other public way dedications, service and utility easements, and land dedicated for other public use.
7. Recording of Final Plat: The final plat shall be recorded and filed with the Register of Deeds of Marion County, Kansas, after approval of the final plat by the governing body as required by State law.

2-105 Final Platting of a Portion of an Overall Preliminary Plat:

An approved overall preliminary plat may be final platted in pieces rather than as a whole, provided the following conditions are met:

1. Each final plat shall contain sufficient area to install improvements economically.
2. The approval of the Zoning Administrator; provided, the decision of the Zoning Administrator to authorize the final platting of only a portion of an approved preliminary plat shall be based upon the advice of the County Engineer as to the feasibility of installing the required improvements.

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3. At least one (1) final plat shall be submitted for approval within one (1) year from the date of the approval of the preliminary plat. All final plats for the overall preliminary plat shall be submitted for approval within two (2) years from the date of the approval of the overall preliminary plat. The Zoning Administrator, on application of the developer and after at least one final plat has been recorded, may grant an extension of time to submit additional final plats. Each such extension of time shall be for no more than one (1) year. Failure to complete the next phase of final platting shall result in the voiding of approval of the preliminary plat and shall require resubmission of a preliminary plat in accordance with the requirements of these regulations and amendments thereto.
4. All steps required for approval of final plats, including the recording of the plat, shall be complied with.