

**CITY OF LANSING, KANSAS  
SUBDIVISION REGULATIONS  
(updated 9-2-16)**

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**ARTICLE 1. TITLE**

- 1. These regulations shall be known and may be cited and referred to as the Lansing Subdivision Regulations.

**ARTICLE 2. PURPOSE AND INTENT**

- 1. These regulations, adopted pursuant to the provisions of K.S.A. 12-705 et. seq., are intended to serve the following purposes:
  - (A) To set forth rules and regulations, for the division of real property into subdivisions;
  - (B) To provide for the proper location and width of streets, building lines, open spaces, safety and recreation facilities, utilities, and drainage;
  - (C) To provide for the avoidance of congestion of population through requirements of minimum lot width, depth and area and the compatibility of design;
  - (D) To require and fix the extent to which and the manner in which streets shall be graded and improved, and water, sewer, drainage, and other utility mains and piping or connections of other physical improvements shall be installed; and
  - (E) To provide for and secure the actual construction of such

physical improvements.

- (F) To establish certain minimal technical specifications and designs for public and private improvements within the City of Lansing and codify said minimum design standards as the Lansing Technical Specifications Manual.

### **ARTICLE 3. GENERAL PROVISIONS**

(1) **JURISDICTION:**

These regulations shall apply to all land located in the incorporated area of Lansing, Kansas.

(2) **APPLICABILITY:**

The owner or owners of any land located within the jurisdiction of these regulations subdividing said land into two or more lots and blocks or tracts or parcels, for the purpose of laying out any subdivisions, suburban lots, building lots, tracts or parcels or any owner of any land establishing any street, alley, park or other property intended for public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto, shall cause a plat to be made in accordance with these regulations, unless otherwise exempted. Any lawfully existing plats recorded prior to the effective date of these regulations shall remain valid, and any replats or resubdivisions shall conform to these regulations.

(3) **EXEMPTIONS:**

These regulations shall not apply in the following instances:

- (A) The division of land into parcels or tracts of more than twenty (20) acres, and not involving any new streets or easements of access and not affecting major streets.
- (B) A change in the boundary between adjoining lands which does not create an additional or substandard lot.
- (C) Land used for street 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 has been ordered by law to be partitioned.
- (E) Lots which have been previously platted and zoned for industrial purposes may be divided into two or more tracts without replatting or resubdividing such lots in conformance with these subdivision regulations.

- (F) Land which is to be used for cemetery purposes.
- (4) APPROVAL NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS:  
All plans, plats or replats 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 Commission for its official review and action.

#### **ARTICLE 4. SUBMISSION OF PLATS**

- (1) PRE-APPLICATION:  
Prior to the filing of the preliminary plat, the subdivider shall contact the Department of Community Development to determine:
  - (A) Procedure for filing plats.
  - (B) Availability of City sewer.
  - (C) Comprehensive Plan requirements.
  - (D) Zoning requirements for the property in question and adjacent properties.
  - (E) Special setback requirements for arterial, collector and local streets.
  - (F) Special requirements for lots presumed to be located in a 100-year flood plain.
- (2) PRELIMINARY PLATS:  
After reaching the preliminary conclusions regarding the requirements for the proposed subdivision, the subdivider shall submit a preliminary plat, together with any supplementary information necessary, to the Department of Community Development.
  - (A) Submission of a Preliminary Plat:
    - (1) Filing Fee: A filing fee as set forth in the Schedule of Filing Fees, Article 12, Section 6, shall accompany the filing of each preliminary plat. The preliminary plat shall not be accepted for filing until the filing fee therefor has been paid by the subdivider.
    - (2) Number of Copies: The subdivider shall submit twelve (12) copies of the preliminary plat and of a vicinity map (if not on the preliminary plat) as required by the Planning Commission showing the location of the proposed subdivision. These plans

shall be filed with the Department of Community Development at least thirty (30) days prior to a regular meeting of the Planning Commission at which the preliminary plat is to be considered.

- (3) The subdivider shall submit a certificate proving ownership of the entire tract to be platted and, if the subdivider is not the owner of the property, the owner shall provide a certificate authorizing the subdivider to proceed with the platting process.

Proof of ownership shall be in the form of an owner's affidavit and one of the following:

- (a) Commitment letter from a title insurance company;
  - (b) Title insurance policy;
  - (c) Abstract with an attorney's opinion attached;
  - (d) Deed.
- (4) The subdivider shall submit proof that the proposed plat has been reviewed by all affected utility companies or agencies along with any comments from these companies or agencies.
  - (5) A preliminary grading and drainage plan, including approximate location of storm sewers, existing and proposed land elevations and contours, and all necessary open drainageways, shall be submitted to the City Engineer. These plans are not intended to be detailed for construction.
  - (6) Preliminary plats for commercial or industrial zoned properties shall be accompanied by a traffic engineering analysis of the impact of traffic at full development of the platted area to and from the development on the existing street network from the access point(s) to the logical arterial street connection point(s). The analysis shall conform with Section "U" of the latest edition of the City of Lansing Design Criteria for Street Improvements (Lansing Technical Specifications and Design Criteria), and shall include recommendations for traffic control devices and geometric improvements to the street network needed to safely and efficiently accommodate the additional traffic generated by full development of the platted area.
  - (7) Preliminary plats shall contain:
    - (a) The proposed name of the subdivision. The name shall

not duplicate or too closely resemble the name or names of an existing subdivision.

- (b) The location of the boundary lines of the subdivision and reference to the section or quarter section lines.
- (c) The names and addresses of the developer, owner, and the engineer or land surveyor who prepared the plat.
- (d) The legal description of the proposed subdivision complete with section, township, range, principal meridian, county, and acreage.
- (e) Scale of the plat, 1" = 100' or larger.
- (f) Date of preparation and north arrow and graphic scale.
- (g) Existing conditions:
  - (i) Location, width and name of platted streets or other public ways, railroads and utility easements and/or rights-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision.
  - (ii) All existing sewers, water mains, gas mains, culverts, or other underground installations, within or adjacent to the proposed subdivision, with pipe size and manholes, grades and location.
  - (iii) Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land.
  - (iv) Topography with contour intervals of not more than two (2) feet, referred to city datum; where the ground is too flat for contours, spot elevations shall be provided.
  - (v) Location of water courses, bridges, wooded areas, lakes, ravines, wetlands, and such other features as may be pertinent to the subdivision.
  - (vi) Current zoning classification and proposed use of the area being platted.

- (h) The general arrangements of lots and their approximate size.
- (i) Location and width of proposed streets, proposed perimeter streets, alleys, sidewalks, and pedestrian ways and easements to accommodate drainage.
- (j) The general plan of sewage disposal, water supply and drainage.
- (k) Location and size of proposed parks, playgrounds, churches, school sites or other special uses of land to be considered for reservation or dedication for public use.
- (l) Gross acreage of the subdivision; acreage dedicated to streets and other public uses; total number of buildable lots; maximum, minimum and average lot sizes.
- (m) The location of proposed entrance markers.

(B) Publication:

The administrative clerk of the Department of Community Development shall cause a notice to be published in the official newspaper, giving the name of the proposed subdivision, the owner, a brief description of the subdivision, and the approximate acreage. The notice shall first be published at least seven (7) days prior to the Planning Commission meeting at which the preliminary plat is to be considered initially.

(C) Preliminary Plat Action:

Within sixty (60) days after the first meeting of the Planning Commission following the date of submittal of the plat to the Secretary of the Planning Commission, the Planning Commission shall:

- (1) Approve the preliminary plat;
- (2) Conditionally approve the preliminary plat and state the conditions;
- (3) Disapprove the preliminary plat and state the reasons.

If such determination is not made within sixty (60) days after the first meeting of the Planning Commission following the date of submittal of the plat to the Secretary thereof, the plat shall be deemed to have been approved and a certificate shall be issued by the Secretary of the Planning Commission upon demand.

Action by the Planning Commission shall be conveyed to the subdivider

in writing and shall specifically state the conditions or deficiencies in conformance with the Subdivision Regulations, in the case of conditional approval or disapproval.

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 pre-application and preliminary plat procedures are intermediary steps prior to the actual filing of a subdivision plat for final approval.

(D) Effective Date:

The approval of the preliminary plat shall be effective for one (1) year, except that prior to this application date the Planning Commission may, at the request of the property owner, grant an extension to the validity of the preliminary plat for up to six months. If a final plat has not been submitted, approved and filed within such one (1) year period, or within an extension period, a preliminary plat must be resubmitted to the Planning Commission before a final plat is submitted.

3. FINAL PLAT

(A) Submission:

- (1) After approval of the preliminary plat, and no sooner than the following day after the preliminary plat is approved by the Planning Commission, the applicant may submit a final plat for consideration at the next scheduled Planning Commission meeting.
- (2) The original shall be on mylar, tracing cloth, or similar material, and twelve (12) copies shall be submitted to the City Clerk at least fourteen (14) days prior to the Planning Commission public meeting.
- (3) The names and signatures of the owner or owners of the property, duly acknowledged and notarized, shall appear on the original copies submitted.
- (4) The final plat, prepared for recording purposes, shall be drawn at a scale of at least 1" = 200'. The size of the sheet on which such final plat is prepared shall be 36 inches by 24 inches. Where the proposed plat is of unusual size, the final plat shall be submitted on two or more sheets of the same dimensions. If two or more sheets are required, an index map of the same dimensions shall be filed showing the entire development at a smaller scale. Additionally, an electronic copy of the recorded plat should be

submitted.

- (5) Filing Fee: A filing fee as set forth in the Schedule of Filing Fees, Article 12, Section 6, shall accompany the filing of each final plat. The final plat shall not be accepted for filing until the filing fee has been paid by the subdivider.

(B) Information:

The final plat shall show and contain the following information:

- (1) Name of subdivision, not to duplicate or too closely resemble the name of any existing subdivision.
- (2) Location of section, township, range, county and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must be mathematically correct. The allowable error of closing on any portion of the plat shall be in accordance with the Kansas Minimum Standards for Boundary Surveys. Horizontal datum for the plat shall be State Plane Coordinates, Kansas North Zone.
- (3) The location of existing 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 of the nearest established street lines, including the true angles and distances to such reference points or monuments. All controlling monuments for the subdivision must be shown and attributed.
- (4) The location of lots; blocks; alley, street and highway rights-of-way; parks and other features; with accurate dimensions in feet and decimals of feet with the length of radii on all curves, and other information necessary to reproduce the plat on the ground.
- (5) Lots shall be numbered clearly. Blocks shall be numbered or lettered clearly in the center of the block, and block boundaries clearly shown.
- (6) The exact locations, widths and names of all streets and alleys to be dedicated.
- (7) 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.
- (8) The minimum basement floor elevation, as per the flood plain ordinance, No. 406, or as amended, for the building on each lot



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 Commission Expires: \_\_\_\_\_

- (f) The endorsement by the Planning Commission in the following form:

This plat of \_\_\_\_\_ Addition has been submitted to and approved by the Lansing Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

- (g) The acceptance of easements and dedication of land for public use by the Governing Body in the following form:

The easements and rights-of-way accepted by the Governing Body of Lansing, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

(SEAL)

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

- (h) A blank space for noting entry on the transfer record in the following form:

Entered on transfer record this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

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

- (14) The location of any intended entrance markers. The location of such markers shall include a description of the marker to include

height, width, length, and expected materials to be utilized in the construction of said marker or markers, and shall meet all current traffic safety guidelines. Each marker should be located in a “sign” easement.

- (15) The proposed locations and widths of all perimeter streets not presently in existence which are contiguous or adjacent to the Subdivision.

4. FINAL PLAT ACTION:

Within sixty (60) days after the first meeting of the Planning Commission following the date of submittal of the plat to the Secretary of the Planning Commission, the Planning Commission shall:

- (A) Approve the final plat;
- (B) Conditionally approve the final plat and state the conditions;
- (C) Disapprove the final plat and state the reasons.

If such determination is not made within sixty (60) days after the first meeting of the Planning Commission following the date of submittal of the plat to the Secretary thereof, the plat shall be deemed to have been approved and a certificate shall be issued by the Secretary of the Planning Commission upon demand.

Action by the Planning Commission shall be conveyed to the subdivider in writing and shall specifically state the conditions or deficiencies in conformance with the Subdivision Regulations, in the case of conditional approval or disapproval.

In case of approval, the Chairman of the Planning Commission shall date and endorse the original final plat. A final plat that has been approved by the Planning Commission shall be submitted to the governing body for its acceptance or refusal of the dedication of land for public purposes within thirty (30) days after the first meeting of the governing body following the date of the submission of the plat to the clerk thereof. The governing body may defer action for an additional thirty (30) days for the purpose of allowing for modifications to comply with the requirements established by the governing body. If the governing body defers or refuses such dedication, it shall advise the Planning Commission of the reasons therefor.

5. FILING THE PLAT:

The original of any final plat shall be filed by the developer with the Register of Deeds only after approval by the Planning Commission and acceptance of dedications or easements by the Governing Body, execution of an agreement

regarding public improvements, and approval of engineering drawings as required by these regulations

6. VESTED DEVELOPMENT RIGHTS:

(A) Single Family Residential Zones:

For the purpose of single family residential developments, development rights on such land shall vest upon recording of a plat of such land. If construction is not commenced on such land within five (5) years of the date of the recording of the plat, the development rights on such land shall expire. For purposes of this section, construction shall be defined as the beginning of the installation of sanitary sewers by the laying of pipe or the construction of a manhole.

(B) All Other Zoning Districts:

For all purposes other than single family developments, the right to use land for a particular purpose shall vest upon the issuance of all permits required for such use by the City, or approval of the final plat and construction plans and construction has begun, which for purposes of this section shall be defined as site grading having been commenced at the site of the proposed development and a substantial amount of work has been completed under validly issued permits. Substantial amount of work shall be defined as the commencement of construction of streets, storm and sanitary sewers, and the construction of necessary services and utilities to the development. No vesting rights shall issue or attach to said development should work be done without a validly issued permit and upon issuance of a permit, work shall commence within a reasonable period of time. For purposes of this section, a substantial amount of work shall mean actual on-site improvements being performed pursuant to the issuance of the city permit, if a permit is required for the improvement, and shall not be measured solely by the developer's or owner's issuance of third party contracts for the implementation at some point in the future of on-site improvements.

**ARTICLE 5. PARK LAND ACQUISITION AND DEDICATION**

1. SCOPE:

The provisions of this article shall apply to all new development within the city of Lansing.

2. EXEMPTIONS:

The provisions of these regulations shall not apply to the following:

- (A) Residential, commercial, or industrial development for property to be located on a lot of record, or vested final plat, which was approved prior

to the effective date of these regulations.

- (B) Residential, commercial, or industrial development constructed or to be constructed in accordance with a building permit issued prior to the effective date of these regulations.

3. DEFINITIONS:

For purposes of these regulations, the following words, except where the context clearly indicates otherwise, shall be defined as follows:

- (A) "Commission" shall mean the Planning Commission of the city of Lansing.
- (B) "Community Park" shall mean a park of approximately 25 or more acres, serving an area 1-2 miles in radius, serving a population of approximately 5,000 persons and encompassing the service areas of 4 or more neighborhood parks. Community parks may typically contain lighted athletic facilities for more active play purposes, such as ball fields for football, softball, baseball and soccer, and a recreation center or swimming pool located adjacent to existing or proposed greenbelt areas and proposed junior and senior high school sites.
- (C) "Governing Body" shall mean the City Governing Body of the city of Lansing, Kansas.
- (D) "Subdivider or Developer" shall mean an individual, firm, association, syndicate, copartnership, corporation, or other organization dividing or proposing to divide land, developing or making improvements to such land, so as to effect a subdivision of land hereunder for himself, or for itself, or for another.
- (E) "Subdivision" shall mean the division of any lot, tract, or parcel of land into two (2) or more lots or sites for the purpose of sale or of building development, whether immediate or future. The term includes resubdivision or replatting of an existing subdivision, building upon, or other development of land, but does not include the division of land for agricultural purposes, i.e., ranching, farming and dwelling pertaining to such uses, in tracts of ten (10) acres or more and not involving any new street, alley, or easement of access. When appropriate to context, the term subdivision shall relate to the process of subdividing or to the land subdivided. Subdivisions of mobile home spaces for sale, lease, or rent shall comply with all provisions of Ordinance No. 454 of the city of Lansing regulating mobile home parks, as it now exists or it may hereafter be amended.
- (F) "Dwelling Unit" shall mean any building, structure, or mobile home, or

part thereof, which is designed, used, or intended to be used, for human occupancy as the living quarters of one housekeeping unit or family.

- (G) "Neighborhood Park" shall mean a park of approximately 5-25 acres, serving an area 1/4-1/2 mile in radius, and serving a population of approximately 1,000 persons. Neighborhood parks should be designed to service a specific neighborhood area and may include playground apparatus and other space for active recreational purposes along with some areas for passive use. Whenever possible, neighborhood parks may be located adjacent to existing or proposed greenbelt areas and proposed elementary school sites.
- (H) "Development" shall mean the actual or proposed use of land for one or more buildings, structures or mobile homes which are designed or intended to be used, in whole or in part, for one or more structures.

#### 4. GENERAL REQUIREMENTS:

- (A) Conveyance or Payment of Money Required:  
The owner of any property to which these regulations apply, which is to be developed for residential, commercial, or industrial purposes, shall convey for park purposes land, or make a payment of money in lieu of land, or a combination of both, to the city at the time of submitting the final plat to the Governing Body for approval of the dedication of rights-of-way, easements, or public use, to provide for the recreational needs created by new residential development, in accordance with the provisions of these regulations.
- (B) Proposed Number of Structures to Be Submitted:  
All plats, lots of record, replats, site plans or proposed improvements of land for new development, required to be submitted to the Commission and Governing Body, shall indicate the number of proposed structures to be constructed or placed within the development on such plat, lot of record, replat, or site plan.
- (C) Determination of Requirements:  
In reviewing any lot of record, plat, site plan, or proposed improvements of land for a new development, the Commission shall, make a recommendation of whether a conveyance of land, payment of money in lieu of land, or combination of both, shall be made to meet the requirements of these regulations.
- (D) Factors Considered:  
In making a recommendation of whether a proposed conveyance of land, money in lieu of land, or combination of both, shall be made to

meet the requirements of this chapter, the Commission shall consider what would be in the best interest of the city based upon relevant factors, which may include, but not be limited to, the following:

- (1) Whether the proposed land to be conveyed for park purposes would be suitable as a neighborhood or community park.
- (2) The recommendation of the Parks and Recreation Advisory Board or the Parks and Recreation Director.
- (3) Whether the proposed land to be conveyed for park purposes is adjacent to an existing or proposed school site.
- (4) Whether there is sufficient existing public or private park land in the area of the proposed development.
- (5) Whether the park needs of the area where the proposed development is located would be best served by expanding or upgrading existing parks; or
- (6) Land located adjacent to a linear park or greenway.
- (7) The guidelines of the current Lansing Comprehensive Plan.

(E) Suitability of Proposed Conveyance of Land for Park Purposes:

The Planning Commission shall make a recommendation as to the suitability of land proposed for conveyance. A proposed conveyance of land to meet the requirements of this ordinance shall not generally be considered suitable for neighborhood or community park purposes if it has one or more of the following characteristics:

- (1) Generally if more than 80% of the proposed park site is located within the 1% flood boundary, as shown on the latest flood insurance rate map or floodplain ordinance adopted by the city of Lansing on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. The city of Lansing may take more than the 80% floodplain land if it is determined in the best interest of the city of Lansing. (See paragraph 5c., Credit for Conveyance of Floodplains.)
- (2) The proposed park site dedication is of less than 5 acres for a neighborhood park, or 25 acres for a community park, unless the proposed dedication is located in such a manner in which it could be combined with other dedications to create a park of adequate size.

- (3) It has unusual topography or slope or any other conditions such as high pressure pipelines, overhead or underground utilities which render it unsuitable for organized recreational activities.
- (4) It does not or would not front an improved public street or would not be readily accessible, in whole or in part, to the public.
- (5) Parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants, and servants shall not be considered suitable to meet the requirements for conveyance of land for park purposes (except PUD).

(F) Combination of Land and Payment of Money:

The Commission may, when the best interest of the city would be served, make a recommendation to accept a combination of the dedication or conveyance of land and the payment of money in lieu of land to meet the requirements of these regulations.

(G) Payment of Money in Lieu of Land Dedication:

The Governing Body may, when the best interest of the city would be served, decline to accept the public dedication of park land and require a payment of money as set forth in the Schedule of Fees, Article 12, Section 6, in lieu of land dedication to meet the requirements of these regulations. Further, they may decline to accept the public dedications if they determine that the dedications are insufficient.

5. CONVEYANCE OF LAND REQUIREMENTS:

Where the Commission determines that a conveyance of land shall be recommended, in whole or in part, to meet the requirements of these regulations, the following provisions shall apply.

(A) Amount:

Any required conveyance of land shall be in an amount equal to 10% of the proposed development, exclusive of streets, alleys, easements, or other public ways.

(B) Manner and Method:

Plats of subdivisions required to be submitted for approval by the city in accordance with the Subdivision Regulations shall show thereon a fee simple conveyance to the city of the land required by this ordinance for park purposes as a condition to approval of such plat by the Commission, and the city may further require the conveyance of the park property by General Warranty Deed. As a condition to acceptance of the plat or deed by the city, the subdivider shall provide the city with

an Owner's Title Policy of Insurance in an amount equal to the value of the land conveyed, which amount shall be determined by the city.

If any zoning change results in a change from residential to commercial or industrial zoning, and money in lieu of land was received to satisfy the provisions of these regulations, the difference in the fee required as a result of the zoning change or use (in accordance with Article 12, Section 6) shall be made up by the developer as a fee in lieu of land dedicated to be paid prior to issuance of a building permit.

(C) Credit for Conveyance of Floodplains:

In cases where floodplain land or property is proposed to be conveyed to satisfy the park land requirement, a credit will be given based upon the following formula or ratio:

2 acres of floodplain shall equal one (1) acre of non-floodplain land.

(D) Location:

The land required to be conveyed may be located inside or outside the boundaries of the development so long as the land is so located and in such proximity to the development so as to serve or benefit persons residing therein, as approved by the Governing Body.

(E) Improvements to be Made:

The person required to convey land shall be responsible for, and pay the costs of, providing convenient access by improved streets, sidewalks, adequate drainage improvements so that the site is suitable for the purpose intended, and water, sewer, and electrical utilities to the property required to be dedicated or conveyed in accordance with the procedures applicable to other public improvements as specified in the Subdivision Regulations of the city of Lansing; provided, however, that the Governing Body may waive, in whole or part, such required improvements where an amount of land in excess of the requirements of this ordinance is conveyed, the value of which is equal to, or greater than, the cost of the improvements being waived. Such waivers shall be specified, on a case by case basis, in a facilities agreement between the developer and the city for the given subdivision.

6. MONEY IN LIEU OF LAND OR AMENITIES:

Where the Governing Body determines that a payment of money in lieu of land shall be made, the following provisions shall apply.

(A) Schedule of Filing Fees:

Fees shall be as set forth in Park Land (Money in Lieu of Land), Article 12, Section 6, of these regulations.

(B) Time of Payment:

Any payment of money required herein shall be paid as a condition to approval of any final plat or replat. Payment shall be made prior to the signing of the plat unless otherwise stated in a facilities agreement approved by the Governing Body.

(C) Park Development Fund:

All cash payments paid to the city in accordance with these regulations shall be deposited in the Capital Improvement Fund as a restricted reserve for park land development. The city shall account for all such payment with reference to each development for which the payment is made.

(D) Use of Funds:

Any payments made may be used for any lawful purpose approved by the Governing Body, to include the acquisition, development, expansion or upgrading of neighborhood or community parks.

7. AMENITIES IN LIEU OF LAND OR PARKLAND FEES:

(A) The Parks and Recreation Director will review proposed amenities designed to offset land or parkland fees subject to this section, and said recommendation will be considered by the Planning Commission for recommendation to the City Council for final approval:

(B) Amenity offset will equate to 150% or more of the calculated parkland fees.

(C) The developer must provide an estimate for the value of the offset.

(D) The City will consider the amenity offset subject to the following criteria:

(1) The amenity or benefit must be recreation related and desirable to the city of Lansing, and;

(2) The amenity or benefit may not restrict or prohibit access of any group of citizens or non-residents, but must be accessible to the public at-large, and;

(3) The amenity or benefit must have an approved mechanism for the continued and future maintenance and improvements of such amenity or benefit, and;

(4) The amenity or benefit must be equal to 150% of the parkland fee assessment. The City shall have sole discretion as to the determination value. *For illustration purposes only as to the 150% criterion, a parkland fee rate of \$10,000 could be offset for*

*any amenity or benefit valued at \$15,000 or more, and;*

- (5) If an approved amenity or benefit initially meets or exceeds the requirements of this section but is modified or changed over time and would no longer meet the requirements for the offset, the City may retroactively charge and/or assess parkland fees to the developer, Home Owners Association (HOA), or current real property owners of the lots subject to the requirements of this section.

8. PENALTIES, SANCTIONS, AND REDETERMINATIONS:

(A) Requirements to be Satisfied Prior to Development:

It shall be unlawful for any person who is required to convey land, or pay money, in lieu of land, as required by these regulations, to begin, or allow any other person or contractor to begin, any construction or improvements on any land within any development to which these regulations apply, until the required conveyance of land, or payment of money in lieu of land, is made to the city in accordance with these regulations and subject to the approved Facilities Use Agreement.

(B) Permits and Services to be Withheld:

No building permits shall be issued for, and no permanent utility services shall be provided to, any land within any development to which these regulations apply until the required conveyance of land, or payment of money in lieu of land, is made to the city in accordance with these regulations.

(C) Redetermination of Requirements for Proposed Additional Dwelling Units:

After the Governing Body has accepted the public dedications, or after the requirements of these regulations have been met, based upon the proposed number of residential dwelling units for any land to which these regulations apply, any person who desires to construct a number of dwelling units in excess of the number of dwelling units on an approved plat for which the requirements of these regulations were determined or met, must submit to the Commission a revised plat for additional dwelling units for the development. Once the Commission has approved a plat increasing the number of dwelling units allowed on a platted lot, block, tract, or subdivision, the developer shall pay a fee in lieu of land for the additional dwelling units at the time the Commission approves the new final plat or replat.

**ARTICLE 6. MINIMUM DESIGN STANDARDS**

1. BLOCKS:

- (A) Length:  
Intersecting streets which determine block length shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets in the neighborhood. In residential districts, where no existing plats are recorded, the blocks shall not exceed one thousand (1,000) 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 seven hundred fifty (750) feet, pedestrian ways and/or easements through the block may be required near the center of the block. Such pedestrian ways or easements shall have a minimum width of ten (10) feet.
- (B) Width:  
In residential development, the block width shall normally be sufficient to allow two tiers of lots of appropriate depth. In certain instances, however, a different arrangement may be required in order to provide better circulation or to protect a major circulation route. Blocks intended for business or industrial use shall be of such width and depth as may be considered most suitable for the prospective use.

2. STREETS AND ALLEYS:

- (A) Relationship to Adjoining Street Systems:  
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 be not less than the minimum street widths established herein. Streets arrangement must cause no hardship to owners of adjoining property when they plat their land and seek to provide for convenient access to it. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted and dedicated as a public way.
- (B) Street Names:  
Streets that are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. Street names should not be similar to already platted street names.
- (C) Arterial Streets:  
Arterial streets through subdivisions shall conform to the major street plan of the Comprehensive Plan as adopted by the Planning Commission and the Governing Body.

- (D) Cul-de-sacs:  
An adequate turnaround of not less than a 100-foot diameter right-of-way shall be provided at the closed end of a dead-end local street longer than one lot in length. Such local street segment shall not exceed five hundred (500) feet in length from the center line of an intersection of a cross street to the center of the cul-de-sac.
- (E) 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 sixty degrees.
- (F) Half-Streets:  
Half-streets shall be prohibited.
- (G) Minimum Requirements:  
The right-of-way widths for streets, dedicated and accepted, shall conform to the current edition of the City of Lansing Technical Specifications and Design Criteria for Public Improvement Projects.
- (H) Street Alignment:  
AllA streets shall be constructed in conformity with the current edition of the City of Lansing Technical Specifications and Design Criteria for Public Improvement Projects.
- (I) Street Layout:  
Proposed street shall conform to topography as nearly as possible to reduce drainage problems and grades.

3. LOTS:

- (A) Minimum lot width shall be measured at the building setback line. In addition, corner lots shall have a width fifteen (15) feet greater than the minimum width.
- (B) Minimum lot depth shall be one hundred (100) feet. Said measurement shall be made through the center of the lot and shall be perpendicular to the property line or radial to the property line on curved streets.
- (C) The maximum depth of residential lots shall not exceed three (3) times the width thereof, except where the lots are intended for single-family attached dwellings in which case the depth shall not exceed five (5) times the width.
- (D) Minimum lot area shall be subject to the Zoning Regulations of the

district in which the subdivision is located and the minimum design standards of this regulation. The more restrictive of the regulations shall govern.

- (E) All side lot lines shall bear between 60 and 90 degrees from the street right-of-way line on a straight street or from the tangent of a curved street.
- (F) Front building or setback lines shall be shown on the final plat for all lots in the subdivision and shall not be less than the setbacks required by the Zoning Regulations or any other regulations adopted by the Governing Body; the most restrictive setback requirement shall govern.
- (G) Double frontage lots shall be avoided unless, in the opinion of the Planning Commission, a variation to this rule will give better street alignment and lot arrangement.
- (H) Every lot shall abut on and have access to a public street other than an alley.
- (I) The subdivision or resubdivision 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 or the minimum design standards of these regulations, or creates a sub-standard lot.
- (J) Where possible, residential lots should not face on arterial street. The number of lots facing on collector streets shall be kept to a minimum in each subdivision. The street pattern shall be designed so that the side lines of lots abut collector streets wherever land shapes and topography permit.

4. EASEMENTS:

(A) Utility Easements:

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 seven and one-half (7.5) feet on each side of side lot lines, where necessary, for utility poles, wires, conduits, underground conductors, storm and sanitary sewers, gas, water and heat mains, and other public utilities. These easements shall provide for a continuous right-of-way. Where the utility company or agency has the need for a wider easement than required above for a specific location, this easement shall be shown on the plat. Utility easements shall not be obstructed by structures, retaining walls or trees. A property owner may install fences and landscape the easement with grass and shrubs at his or her own

risk.

(B) Drainage Easements:

If a subdivision is traversed by a water course, drainageway, or channel; is encroached upon by the regulatory floodplain; or includes construction of storm water facilities, then a public storm water easement shall be provided. Such easement or right-of-way shall encompass the lines of such water course and shall be of such width or construction, or both, as may be necessary to provide adequate storm water drainage and for access for heavy equipment for maintenance thereof, and to encompass the flows from an area inundated by a 1% chance precipitation event. The subdivider shall be required to have a storm water analysis prepared for the Planning Commission by a Kansas Licensed Professional Engineer to determine the required width and extent of such easement for each major water course or drainageway involved. Such study shall be based on a 1% chance (100-year) storm.

Fences, structures, retaining walls, and landscaping that are likely to restrict storm water flows will not be allowed in drainage easements.

(C) Access Easements:

The Planning Commission may require access easements as appropriate to the particular circumstances of the proposed subdivision.

5. SUBDIVISION DESIGN:

(A) Access Control:

In the interest of public safety and for the preservation of the traffic-carrying capacity of the street system, the Planning Commission 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.

(B) Subdivision Design:

The design of all subdivisions shall be in compliance with the current edition of the City of Lansing Technical Specifications and Design Criteria for Public Improvement Projects.

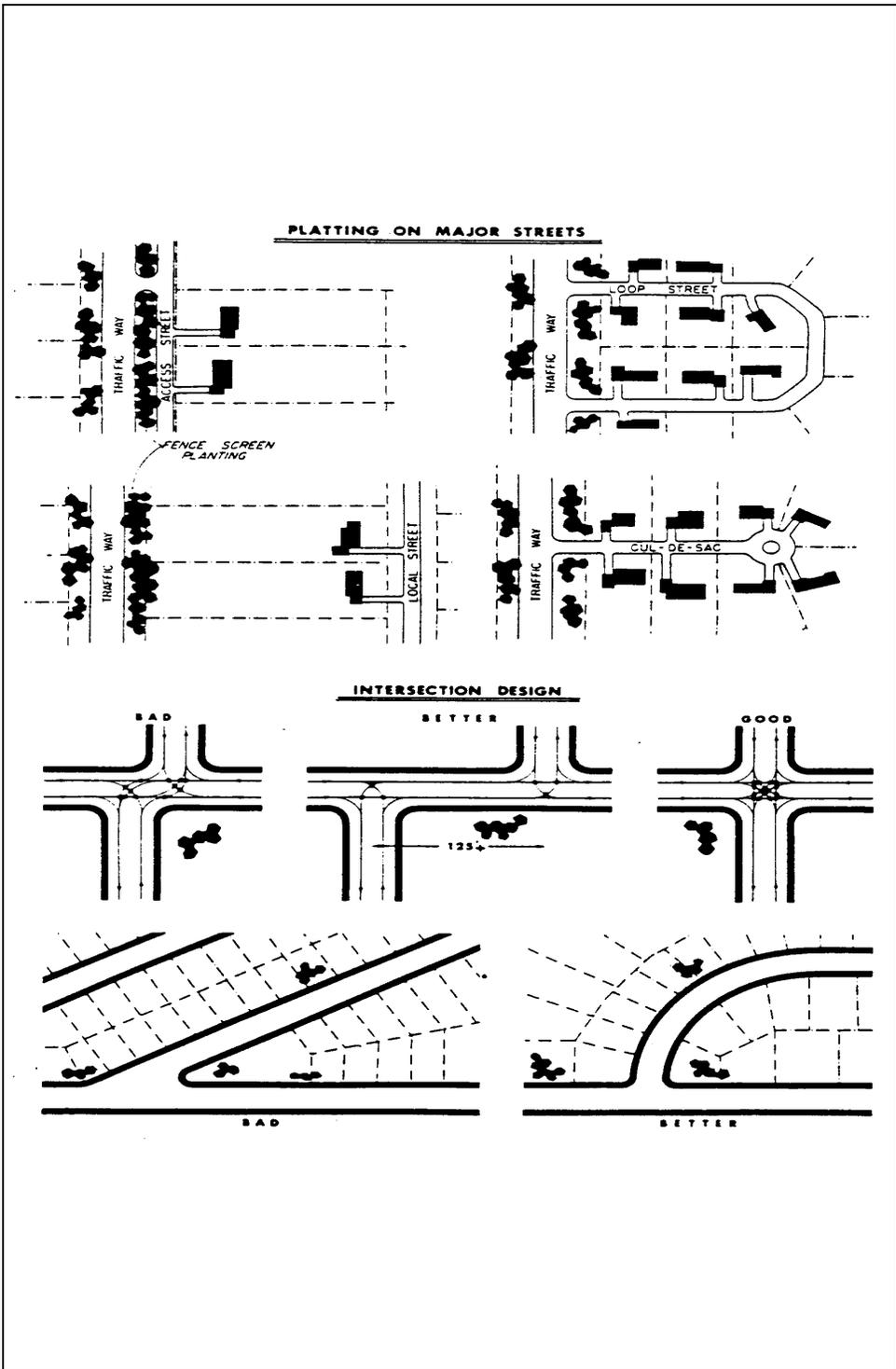
(C) Storm Water Runoff Plan:

The subdividers shall be required to have an engineer's study prepared on the amount of increased storm water runoff which will be created by proposed development and a plan of how this runoff will be accommodated. The City may require design modification of the proposed storm water system to reduce increased runoff, or to retain or

detain runoff on-site. No net increase in the rate of stormwater runoff shall be allowed in accordance with the current edition of the City of Lansing Technical Specifications and Design Criteria for Public Improvement Projects.

(D) Design Techniques:

The following illustrations are examples which may be used as guides in the review of the subdivision applications:



## ARTICLE 7. IMPROVEMENTS

### 1. REQUIRED IMPROVEMENTS:

The subdivider shall install, or provide for the installation of, the following improvements:

(A) Streets:

The subdivider shall provide for the installation of pavement and curb and gutter on all streets. No grading or other construction shall take place within a street right-of-way until the construction plans have been examined by the City Engineer and approved. All street pavings shall be located in the center of the right-of-way. All street construction shall conform to the current edition of the City of Lansing Technical Specifications and Design Criteria for Public Improvement Projects, adopted by the Governing Body, and compliance therewith shall be confirmed by the Public Works Director and City Engineer prior to the release of the surety by the Governing Body.

(B) Sidewalks:

Sidewalks shall be installed on both sides of all arterial and collector streets, and sidewalks shall be required on one side of all other streets. All sidewalks shall be not less than five (5) feet in width and shall comply with the current edition of the City of Lansing Technical Specifications and Design Criteria for Public Improvement Projects. Sidewalks shall be located in the platted street right-of-way, six (6) inches from the property line. Walks shall also be installed in any pedestrian easements as may be required by the Planning Commission.

(C) Storm Drainage:

The subdivider shall install culverts, storm sewers, rip-rap slopes, stabilized ditches, and other improvements in compliance with the current edition of the City of Lansing Technical Specifications and Design Criteria for Public Improvement Projects, and such plans shall be examined and approved by the Public Works Director prior to construction.

(D) Sanitary Sewers, Water Supply and Other Utilities:

The subdivider shall be responsible to provide for and pay the full cost of the proper installation of all utilities, including sanitary sewers and connection to approved treatment facilities, water supply, fire hydrants, natural gas, electricity and telephone services. Such utilities shall be installed according to the current edition of the City of Lansing Technical Specifications and Design Criteria for Public Improvement Projects, and specifications of the controlling utility company or public agency and must be placed underground beginning at that point where said utilities enter the subdivision. The subdivider shall be required to

have an engineer's study prepared on the impact of the proposed development on the capacity of the receiving sanitary sewer. The proposed development and existing use may not exceed the capacity of the receiving sanitary sewer in accordance with the current edition of the City of Lansing Technical Specifications and Design Criteria for Public Improvement Projects.

(E) Street Signs:

The City shall install street signs at all intersections within a subdivision, the cost of which shall be paid for by the subdivider.

(F) Permanent Monuments:

Permanent monuments shall be placed at all lot and block corners, angle points, point of curve in streets, and at intermediate points as required prior to the final acceptance of the plat by the City. Said permanent monuments shall be 3/4 inch iron bars or pipe, eighteen (18) inches long, and shall be set with top of monument flush with existing ground line. Each exterior boundary corner of the subdivision shall be marked with a permanent monument which at a minimum shall be a 3/4" iron or steel bar of 24" in length, with the top set flush with the planned finish grade, encased in concrete at least 6" in diameter and 24" deep, with the registered land surveyors cap placed on the bar.. All monuments must be topped with a cap with the Kansas Registered Land Surveyor's or Corporate License Number. If the developer wishes to file the plat but delay monumentation of the interior lot corners until street improvements and utilities construction has been completed, a bond in an amount sufficient to complete the monumentation work by separate contract, as determined by the Public Works Director, shall be furnished by the developer prior to filing the plat.

(G) Lighting:

The subdivider shall install street lighting in accordance with the current edition of the City of Lansing Technical Specifications and Design Criteria for Public Improvement Projects. All street light locations shall be shown on the construction drawings for the development. The cost of installation for such street lighting shall be paid by the subdivider.

(H) Perimeter Streets:

Prior to receiving final plat approval, the subdivider shall provide for the grading, installation of pavement, curb and gutter, and the storm drainage system for all perimeter streets which are either not in existence or which are not constructed to the standards stipulated in the most current edition of the City of Lansing Technical Specifications and Design Criteria for Public Improvement Projects. All perimeter streets which are contiguous to or adjacent to the subdivision shall be

constructed full width according to the street classification designated on the functional classification map of Lansing.

In lieu of the actual construction of proposed perimeter streets prior to the filing of the final plat, the Governing Body may at its option, accept cash or a cashier's check into an escrow account for general street improvements, in an amount that will guarantee one-half of the construction costs, as determined by the City Engineer and Public Works Director, of the perimeter streets.

(l) Construction Entrance:

To reduce heavy traffic loads over existing roadways, contractor shall construct a construction entrance into the proposed subdivision, and prior to any preliminary construction required for the installation of any improvements.

Exception: The requirement for a construction entrance may be waived by the Governing Body if the contractor submits the following:

- (1) A video of the main roadway into the new phase to illustrate the existing condition of the roadway.
- (2) A traffic engineering study to show that the construction traffic will not significantly impact existing traffic.
- (3) A bond that would cover the maintenance and repair of the main roadway into the project. Said bond shall be fifty percent (50%) of the cost to replace the main roadway into the project.

2. EXCEPTIONS FOR EXISTING IMPROVEMENTS:

- (A) Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements as previously set out, and where such improvements meet the requirements of this article and are in good condition as determined by the Governing Body upon its consideration of the opinion of the Public Works Director and City Engineer, no further provision need be made by the subdivider to duplicate such improvements. However, where such existing improvements do not meet said requirements as determined by the Governing Body upon its consideration of the opinion of the Public Works Director and City Engineer, the subdivider shall provide for the repair, correction, or replacement of such improvements so that all final improvements will then meet said requirements as determined by the Governing Body.
- (B) Where the proposed subdivision is a resubdivision or concerns an area presently abutting or continuing any existing public street of less than

the minimum required right-of-way width or roadway width, land shall be dedicated so as to provide a minimum street right-of-way width established by these regulations and/or by the policy of the Governing Body, and the subdivider of such proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by these regulations and the Governing Body. The City Engineer and Public Works Director shall determine what adjustment to make where the aforesaid widenings merge with existing streets which are of smaller width at the boundary of such proposed subdivision. The City Engineer and Public Works Director may permit a reduction of the minimum roadway width if the extension of such roadway is already improved at each end of the roadway in the subdivision and the roadway in the subdivision to be reduced is two (2) blocks or less in length.

3. GENERAL IMPROVEMENT PROCEDURES:

After the approval, but prior to the recording of the final plat, the subdivider may construct the required improvements in accordance with this Article.

In lieu of the actual construction of all physical improvements prior to the filing of the final plat, accept one or a combination of the following:

(A) Performance Bond:

A performance bond, in the form of a corporate surety bond, cashier's check, or escrow account in the amount of one hundred, twenty-five percent (125%) of construction costs as based on the City Engineer's estimate, to 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 and shall be released in segments upon written approval of the City.

4. BUILDING PERMITS:

Unless the required improvements have been completed and accepted by the City Engineer and Public Works Director, no building permits shall be issued for that lot or tract.

5. OCCUPANCY PERMITS:

No occupancy permit shall be issued until all improvements have been installed and accepted by the city of Lansing.

6. PLANS AND SPECIFICATIONS:

Upon the approval of the final plat, the subdivider shall have prepared by a licensed professional engineer, engineering drawings for proposed required

improvements containing the data and information specified below:

(A) Content of Engineering Drawings:

Engineering drawings for required improvements shall contain the following data and information:

- (1) Plans, profiles, details, specifications and cost estimates for roadway and sidewalk construction, including plans and profiles for each street with a typical cross section of the roadway. The profiles of grade lines shall be shown to a scale of 1" = 50' horizontal, and 1" = 5' vertical. This information shall be shown on standard plan and profile sheets unless otherwise required. These documents must meet the requirements of the current edition of the City of Lansing Technical Specifications and Design Criteria for Public Improvement Projects.
- (2) Plans, profiles, details, specifications and cost estimates of proposed storm drainage improvements. These documents must meet the requirements of the current edition of the City of Lansing Technical Specifications and Design Criteria for Public Improvement Projects.
- (3) Plans, profiles, details, specifications and cost estimates of proposed water distribution systems and proposed water supply facilities and hydrants, if any.
- (4) Plans, profiles, details, specifications and cost estimates of sewerage systems and of any required sewage treatment facilities. These documents must meet the requirements of the current edition of the City of Lansing Technical Specifications and Design Criteria for Public Improvement Projects.
- (5) Grading plans which shall indicate plans for handling drainage for all lots and other sites in the subdivision. These documents must meet the requirements of the current edition of the City of Lansing Technical Specifications and Design Criteria for Public Improvement Projects.
- (6) When unusual site conditions exist, the Governing Body may require such additional plans, specifications and drawings as may be necessary for an adequate review of the improvements to be installed.

- (7) All plans shall be based on North American Vertical Datum of 1988 for vertical control.
- (8) That all plans and specifications shall be drawn in accordance with the current edition of the City of Lansing Technical Specifications and Design Criteria for Public Improvement Projects.

(B) Review of Plans:

The City Engineer and Public Works Director shall review all engineering drawings and supporting information in order to advise the Governing Body as to whether or not such engineering documents are consistent with the approved final plat and comply with the design standards. In the event the drawings do not so conform or comply, the Public Works Director shall notify the subdivider's engineer of the specific manner in which such drawings do not conform or comply. The subdivider's engineer may then correct any defective drawings and resubmit the corrected drawings. Upon a determination by the City Engineer and Public Works Director that the engineering documents comply with the current edition of the City of Lansing Technical Specifications and Design Criteria for Public Improvement Projects, the Public Works Director will so inform the Governing Body with a recommendation that they accept the engineering documents. The final plat shall not be filed until the engineering documents have been approved by the Governing Body.

7. CONSTRUCTION OF IMPROVEMENTS:

No improvements shall be constructed nor shall any work preliminary thereto be done until all of the following have been completed:

- (A) Final plat approved by the Planning Commission;
- (B) The public improvement plans (PIP, engineering drawings) approved by the Governing Body;
- (C) Facilities Use Agreement is signed and approved by the Governing Body, and associated fees are paid.
- (D) For developments of 1 acre or more, or for sensitive sites of less than 1 acre, KDHE has approved a NPDES Notice of Intent.
- (E) The Public Works Director has approved a Storm Water Pollution Prevention Plan.
- (F) The Public Works Director has issued a site disturbance permit.
- (G) The developer's engineer and contractor(s) have attended a pre-

construction conference scheduled by the Public Works Director.

8. INSPECTION:

All improvements constructed or erected shall be subject to inspection by the City or its designated representative for setting and enforcing the applicable design and construction standards of the required improvement. The subdivider shall pay all inspection fees as established by the City and set forth in current edition of City of Lansing Technical Specifications and Design Criteria for Public Improvement Projects.

After such inspection has been made, said official shall notify the Public Works Director of his or her opinion thereof. If the City Engineer and Public Works Director shall determine, that such work does not comply with the approved engineering plans and specifications, the Public Works Director shall so notify the subdivider, and may require the subdivider to terminate all further work until necessary steps are taken to correct any defect, deficiency, or deviation to the satisfaction of the City Engineer and Public Works Director.

9. FINAL INSPECTION:

Upon completion of all improvements within the area covered by the final plat, the subdivider shall notify the Public Works Director who shall thereupon conduct a final inspection of all improvements installed with the City Engineer. If the Public Works Director or his representative and the City Engineer shall determine that there are defects, deficiencies, or deviations in any such improvements as installed, or if there are any deviations in such improvements as installed from the approved engineering plans and specifications, the Public Works Director shall so notify the subdivider in writing, and the subdivider shall, at its sole expense, correct such defects, deviations, or deficiencies. When such defects, deficiencies or deviations have been corrected, the subdivider shall notify the City that the improvements are ready for final inspection.

10. ACCEPTANCE OF IMPROVEMENTS:

Upon determination by the City Engineer and Public Works Director that there are no defects, deficiencies, or deviations in the improvements, and 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 Public Works Director shall thereupon by letter, respectively, formally accept such improvements. The improvements shall become the property of the Governing Body.

11. IMPROVEMENT MAINTENANCE GUARANTEE:

Prior to the acceptance by the City of the improvements required herein, the subdivider shall provide one of the following as a maintenance bond:

- (A) A corporate surety bond written by a bonding company; or
- (B) Cash deposited in escrow (from which the subdivider would be entitled to any interest income) guaranteeing each improvement that the subdivider installs or has installed against defects in workmanship and materials for a period of three (3) years from the date of acceptance of such improvements. Such guarantee shall be in the amount of twenty-five percent (25%) of the estimated cost of the improvements, but shall not be less than four hundred dollars (\$400) per lot or not less than \$10,000.00 minimum per subdivision, and shall be filed with the Public Works Department prior to the acceptance of the improvements by the City.

## **ARTICLE 8. LOT SPLITS**

1. GENERAL:  
The intent of this section is to provide for the issuance of building permits for previously platted lots divided into not more than two tracts without having to replat said lot. The Building Inspector may issue building permits for such lots in accordance with the following regulations.
2. APPLICATION PROCEDURE:  
Requests for lot split approval shall be made to the Administrative Clerk of the Department of Community Development by the owner of the land. The application shall include:
  - (A) ten (10) copies of a scale drawing;
  - (B) legal description of the lots;
  - (C) the location of any structure(s) on the lot or lots thereon together with the precise nature, location and dimensions; and
  - (D) name, signature, and seal of the licensed engineer or the registered land surveyor who prepared the drawing.
3. REQUIREMENTS FOR LOT SPLITS:  
No lot split shall be approved if:
  - (A) A new public street or alley or other public improvement is needed or proposed.
  - (B) A vacation of streets, alleys, setback lines, access control or easements is required or proposed.



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 Commission Expires: \_\_\_\_\_

5. FILING FEE:  
The filing fee as set forth in the Schedule of Filing Fees, Article 12, Section 6, shall accompany the application for lot split.
6. BUILDING PERMIT:  
No building permit shall be issued for any site which contains a division of a platted lot of record, unless such division has been ratified in the manner provided by these regulations.

## **ARTICLE 9. AMENDMENTS**

1. AMENDMENT PROCEDURE:  
These regulations may be amended at any time after the Planning Commission has held a public hearing on the proposed amendment. A notice of such public hearing shall be published in the official newspaper for a minimum of twenty (20) days prior to the public hearing.
2. PUBLIC HEARING:  
The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the Planning Commission may from time to time prescribe by rule. Any interested person or party may appear and be heard at the hearing in person, or by agent, representative or attorney.
3. ACTION BY THE PLANNING COMMISSION:
  - (A) Quorum: For action on amendments to these regulations, a quorum of the Planning Commission is more than one-half of all the members.
  - (B) Recommendations: Upon the conclusion of the public hearing, the Planning Commission shall prepare and adopt its recommendations and shall submit the same, together with a record of the hearing therein, to the Governing Body.
4. ACTION BY THE GOVERNING BODY:

When the Planning Commission submits a recommendation of approval or disapproval of such amendment, the Governing Body may adopt such recommendation by ordinance, or take no further action.

5. PUBLICATION AND EFFECTIVE DATE:

If the Governing Body adopts an amendment by ordinance, said amendment shall not become effective until its publication in the official City newspaper.

**ARTICLE 10. APPEALS AND VARIANCES**

1. APPEALS:

The subdivider of a proposed subdivision may appeal to the Governing Body decisions made in the enforcement or interpretation of these regulations by the Building Inspector, Planning Commission or the appropriate engineer. Any such appeal shall provide a hearing de novo. In the event the Governing Body sustains such decisions, the prior enforcement or interpretation shall be final, except as otherwise provided by law. If the Governing Body overrules the Planning Commission, the Governing Body shall state its decisions and the reasons therefore in writing and submit the decision and plat to the Planning Commission, seeking concurrence. In case of nonconcurrence, the decision of the appropriate governing body shall be final.

2. VARIANCES:

Whenever the Planning Commission deems full conformance to the provisions of these regulations is impractical or impossible due to the size, shape, topographic location or condition, or such usage of land included in a subdivision plat being presented for approval, the Planning Commission may authorize variances of these regulations. In authorizing such variances or exceptions, the Planning Commission shall find the following:

- (A) That strict application of these regulations will create an undue hardship upon the subdivider.
- (B) That the proposed variance is in harmony with the intended purpose of these regulations.
- (C) That the proposed variance will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

3. WAIVERS:

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

## ARTICLE 11. RULES, REGULATIONS AND DEFINITIONS

### 1. INTERPRETATION AND CONSTRUCTION:

The following rules and regulations regarding interpretation and construction of the Lansing, Kansas, Subdivision Regulations shall apply:

- (A) Where the conditions imposed by the provisions of these regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- (B) The provisions of these regulations are not intended to abrogate any easement, covenant or other private agreement; provided, that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of these regulations shall govern.
- (C) A subdivision of land which was not lawful at the time of the adoption of these regulations shall not become or be made lawful solely by reason of adoption of these regulations.
- (D) The provisions of these regulations are cumulative and are additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter in the provisions of these regulations.
- (E) In the construction of these regulations, the provisions and rules of this section shall be preserved and applied, except when the context clearly requires otherwise:
  - (1) Words used in the present tense shall include the future.
  - (2) Words in the singular number include the plural number, and words in the plural number include the singular number.
  - (3) The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
  - (4) The word "shall" is mandatory.
  - (5) The word "may" is permissive.
  - (6) The word "person" includes individuals, firms, corporations,

associations, governmental bodies and agencies, and all other legal entities.

- (7) Unless otherwise specified, all distances shall be measured horizontally.
- (8) Any word or phrase which is defined in this Article or elsewhere in these regulations shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.
- (F) When the condition imposed by the provisions of these regulations are either more restrictive or less restrictive than the Lansing Technical Specifications Manual for Public and Private Improvements, the Technical Specifications Manual for the City of Lansing for Public and Private Improvements shall control and in all ways be dispositive of any conflict or question pertaining to which regulation shall control, and in the event of a need to resort to a court of competent jurisdiction to interpret any such alleged difference or conflict, that the Technical Specifications Manual for Public and Private Improvements for the City of Lansing shall be deemed by such court of competent jurisdiction and by their adoption, as a statement by the Governing Body that said Technical Specifications Manual for Public and Private Improvements for the City of Lansing shall supersede any subdivision or zoning ordinance held to be in conflict therewith.

2. DEFINITIONS:

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

- (A) Alley: A public or private right-of-way which affords only a secondary means of access to abutting property from a street or road.
- (B) Arterial Street: A street serving major traffic movements, designed primarily as a traffic carrier between, around and across cities, and between various sections of the county and which forms part of the through-street network.
- (C) Block: A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way or parks, etc., or a combination thereof.
- (D) Building Line: A line on a plat generally parallel to the street right-of-way indicating the limit beyond which no buildings or structures may be erected.
- (E) City Engineer: The person responsible to perform the duties of the City

Engineer including any and all special engineers as appointed by the Governing Body.

- (F) Collector Street: A street which is designed to serve traffic needs between arterial and local streets and to provide access to abutting properties.
- (G) Comprehensive Plan: The Lansing Comprehensive Plan, as amended.
- (H) Cul-de-sac: A vehicular turnaround which is located at the closed end of a dead-end street or alley.
- (I) 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.
- (J) Design Standards or Design Requirements: All requirements and regulations that relate to design and layout of subdivisions.
- (K) 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.
- (L) Engineer: A professional engineer licensed by the State of Kansas or licensed to practice in the State of Kansas.
- (M) 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.
- (N) Governing Body: The Governing Body of Lansing, Kansas.
- (O) Half-Street: A street bordering one or more property lines of a subdivision tract to which the subdivider has allocated only a portion of the required street width.
- (P) Improvements: Street work, utilities, sidewalks, drainage structures and other physical modifications which are to be installed or constructed by the subdivider for the benefit of the lot owners and for the property development of the community, as a condition precedent to the approval and acceptance of the final plat.
- (Q) Land Surveyor: A professional land surveyor licensed by the State of Kansas to practice Land Survey in the state of Kansas.
- (R) Local Street: A street or road which provides primarily for direct access

to adjoining properties and it designed to serve minor traffic needs.

- (S) Lot: A portion of land in a subdivision or other parcel of land, intended as a unit for transfer of ownership or for development.
- (T) Lot Depth: The mean horizontal distance between the front lot line and the rear lot line.
- (U) Lot Width: The mean horizontal distance between the side lot lines.
- (V) Minimum Elevation for Building: The finished floor elevation of the lowest floor.
- (W) Open Space: An area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas, or required front, rear or side yards.
- (X) Owner: Any person or persons, firm or firms, corporation or corporations, or any other legal entity having title to land.
- (Y) Pedestrian Way: A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
- (Z) Performance Bond: A surety bond or cash deposit made out to the City of Lansing in an amount equal to the full cost of the improvements which are required by these regulations, said cost being estimated by the City Engineer, and said surety bond or cash deposit being legally sufficient to secure to the City of Lansing that the said improvements in lieu of completion will be constructed in accordance with these regulations.
- (AA) Planning Commission: Shall mean the Lansing Planning Commission.
- (BB) 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.
- (CC) Public Improvements: All public facilities constructed or erected by a subdivider within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, business or manufacturing purpose.
- (DD) Public Water: Water supplied for domestic purposes by a municipality

or county and approved by the Kansas State Department of Health.

- (EE) Public Works Director: The person responsible to perform the duties of the Public Works Director, and his designees.
- (FF) Resubdivision: The further subdivision of a tract of land which has previously been lawfully subdivided and for which a plat of such prior subdivision has been duly recorded.
- (GG) Road or Roadway: The paved or improved area of a street right-of-way, exclusive of sidewalks, driveways, or related uses.
- (HH) Secretary: Secretary of the Planning Commission will be the Administrative Assistant of the Office of Community Development.
- (II) Setback Line or Building Line: A line on a plat generally parallel to the street right-of-way, indicating the minimum open space to be provided between buildings or structures and the edge of the street right-of-way.
- (JJ) Street: A right-of-way, dedicated to the public use, or a private right-of-way which provides principal vehicular and pedestrian access to adjacent properties.
- (KK) Street Width: The distance measured perpendicular to the centerline of the paved portion of the right-of-way; either to the back of the curb, where a curb exists, or to the edge of the pavement where no curb exists.
- (LL) Subdivider: A person, firm, corporation, partnership or association who causes land to be divided into a subdivision for itself or for others.
- (MM) Subdivision: The voluntary division of a lot, parcel or tract of land into two or more lots for the purpose, whether immediate or future, of transfer of ownership or building development, including resubdivision.

## **ARTICLE 12. ADMINISTRATION**

### **1. DUTIES OF THE ADMINISTRATIVE CLERK OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT:**

- (A) Maintain permanent and current records of these regulations, including amendments thereto. Keep minutes and agendas of all Planning Commission meetings and hearings.
- (B) Accept applications, filing fees, and preliminary and final plats.

(C) Transmit preliminary and final plats to the Planning Commission.

2. DUTIES OF THE CITY CLERK:

(A) Maintain permanent and current records of all ordinances passed relating to these regulations.

(B) Transmit Planning Commission recommendations regarding acceptance of dedications of easements to the Governing Body for its action.

(C) Transmit final plats to Register of Deeds for filing.

3. DUTIES OF THE PLANNING COMMISSION:

(A) Review and approve, approve conditionally, or disapprove preliminary plats.

(B) Review and approve, approve conditionally, or disapprove final plats and transmit the same together with appropriate recommendations to the Governing Body for its acceptance of dedications of easements and rights-of-way.

(C) Make other determinations and decisions as may from time to time be required by these regulations, and by the applicable sections of the Kansas Statutes Annotated.

4. DUTIES OF THE GOVERNING BODY:

(A) Consider Planning Commission recommendations on final plats and accept or reject dedications of easements and rights-of-way, and other public rights or property.

(B) Accept engineering drawings and supporting documents of proposed improvements prior to construction upon the recommendation of the Public Works Director.

(C) Accept or reject financial guarantees from subdividers in lieu of immediate completion or installation of improvements required by the regulations.

(D) Take other actions as required from time to time including the consideration of amendments to these regulations.

5. SEVERABILITY: It is hereby declared to be the intention of the City that the several provisions of these regulations are severable, in accordance with the

following rules:

- (A) If any court of competent jurisdiction shall adjudge any provision of these regulations to be invalid, such judgment shall not affect any other provisions of these regulations.
- (B) If any court of competent jurisdiction shall adjudge invalid the application of any provision of these regulations to a particular property or structure, such judgment shall not affect the application of said provisions to any other property or structure.

6. PENALTY: Any person violating the provisions of these Subdivision Regulations is guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of one hundred dollars (\$100.00), plus costs, and shall stand committed to jail until such fine and costs be paid or otherwise discharged according to law. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense.

7. SCHEDULE OF FILING FEES

|                  |                                    |
|------------------|------------------------------------|
| Preliminary Plat | \$5.00 per lot<br>\$300.00 minimum |
| Final Plat       | \$5.00 per lot<br>\$300.00 minimum |
| Lot Split        | \$100.00                           |

8. SCHEDULE OF PARKLAND FEES

|                                   |                                     |
|-----------------------------------|-------------------------------------|
| Residential Development           | \$400.00 per unit                   |
| Commercial/Industrial Development | \$0.10 per sq. ft. of structure(s). |