



SUBDIVISION REGULATIONS

CITY OF OSKALOOSA, KANSAS

**ADOPTED
AUGUST 21, 1997**

ROSTER OF CITY OFFICIALS
CITY OF OSKALOOSA, KANSAS

GOVERNING BODY

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City Engineer

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Chief of Police

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PREFACE

This volume contains the Subdivision Regulations of the City of Oskaloosa, Kansas, 1996. As expressed in the adopting ordinance, the code supersedes all subdivision regulations passed prior to October 17, 1995, which are not included herein or recognized as continuing by the City Attorney and Oskaloosa city officials under the authority of Section 12-707 et seq. of the Kansas Statutes Annotated.

These regulations are arranged in chapters, articles, and sections in a manner similar to the Kansas Statutes Annotated arrangement. Headnotes and footnotes are included; however, these do not constitute a part of the code and no implication or presumption of intent or construction is to be drawn therefrom.

Any section of these regulations may be amended or repealed by ordinary ordinance by referenced to the regulation section number as follows:

"That 1-105 of the Subdivision Regulations of City of Oskaloosa is hereby amended to read as follows: (the new provisions shall then be set out in full)."

A new section not heretofore existing in the regulations may be added as follows:

"The Subdivision Regulations of the City of Oskaloosa are hereby amended by adding a section (or article or chapter) which reads as follows: (the new provision shall be set out in full)."

All sections or articles or chapters to be repealed shall be repealed by specific referenced as follows:

"Section 1-105 (or article or chapter) of the Subdivision Regulations of the City of Oskaloosa is hereby repealed."

The user's attention is directed to the League of Kansas Municipalities publication, "HANDBOOK for the City Governing Body," with the supplement for cities of the third class, both as a source of general information and as a index to the pertinent sections of the Kansas Statutes Annotated.

An index is included in this volume, and the user's attention is also directed to indexes which may appear in standard codes incorporated by referenced in this Code.

Mike and Jan Hayes
City Attorney

CHAPTER I. GENERAL PROVISIONS

Article 1. General Provisions

Section 1-101	Title and Scope
Section 1-102	Purpose
Section 1-103	Jurisdiction
Section 1-104	Applicability
Section 1-105	Exemptions
Section 1-106	Vesting of Development Rights
Section 1-107	Definitions

ARTICLE 1. GENERAL PROVISIONS

1-101. TITLE AND SCOPE. These Regulations, entitled the City of Oskaloosa Subdivision Regulations, prescribed minimum design requirements and approval procedures for the development of new subdivisions and resubdivisions of land in the City of Oskaloosa, Kansas.

1-102. PURPOSE. The division and improvement of land for urban and nonagricultural development has significant and lasting impact upon the physical environment of the City of Oskaloosa, Kansas, and its places increasing demands upon public facilities and services. The creation of new streets, lots and utility systems requires significant public and private capital investments. Failure to properly size and construct adequate sewers and streets, ensure available water supplies, manage storm water runoff and erosion, and plan for extension of public streets and other public services in physical and environmental problems which are difficult and costly to resolve.

In accordance with K.S.A. 12-741 et seq., and amendments thereto, it is the purpose of these Regulations to provide for the: 1) efficient and orderly location of streets; 2) reduction of vehicular congestions; 3) reservation or dedication of land for open spaces; 4) off-site and on-site public improvement; 5) recreational facilities which may include, but are not limited to, the dedication of land area for park purposes; 6) flood protection; 7) building lines; 8) compatibility of design; and, 9) any other services, facilities and improvements deemed necessary.

These Regulations sets forth uniform rules and procedures for the division and improvement of real property to assure that new subdivisions are properly planned and integrated with existing streets, utilities and other public facilities systems; to prevent potential environmental hazards; to coordinate the use of private and public resources to achieve planned and orderly land development through proper location and design of streets, building lines, open spaces, and utilities and to establish standards by which streets, utilities and other physical improvements shall be erected, constructed or installed.

1-103. JURISDICTION. These Regulations shall apply to all undeveloped land in the City of Oskaloosa, Kansas and all new lands attached to the corporate limits of the City of Oskaloosa through annexation.

1-104. APPLICABILITY. These Regulations shall apply to any person desiring to do any of the following:

1. Subdivide or further subdivide any lot, tract or parcel of land into two or more parts.
2. Resubdivide any lot, tract or parcel of land that has previously been subdivided into two or more parts.
3. Establish any street, alley, sidewalk, park or other property intended for public use or for the use of prospective or existing owners of lots, tracts or parcels of land fronting on or adjacent to such property.

The owner(s) of any land located within the City of Oskaloosa, Kansas and who propose to attach any land to the City of Oskaloosa, Kansas through annexation in a manner previously cited shall cause to be prepared a subdivision plat in accordance with the provisions of these Regulations. No zoning certificate shall hereafter be issued by the City of Oskaloosa, Kansas, for construction of any land that has not been subdivided in compliance with these Regulations and all other applicable state laws and City of Oskaloosa regulations in effect at the time of the subdivision of the land.

1-105. EXEMPTIONS. These Regulations shall not apply in the following instances or transactions:

1. Any lot, tract or parcel of land located within the area governed by these Regulations that has been

legally subdivided or platted prior to the effective date of these Regulations.

2. A transaction between owners of adjoining tracts of land or lots which involves only a change in the boundary between the land owned by such persons, provided no additional lots are created and such tracts of land or lots comply with the design requirements for lots in Section 4-104 of these Regulations and applicable provisions of the City of Oskaloosa Zoning Regulations.
3. The use of land for right-of-way by railroads or public utilities subject to local, state or federal regulations, provided no new street is created or involved.
4. The division of a lot which creates no more than one additional lot, subject to the provisions for lot splits described in Chapter 3 of these Regulations. The creation of any new streets or easements shall comply with the design requirements for lots in Section 4-104 of these Regulations and applicable provisions of the City of Oskaloosa Zoning Regulations. Any further divisions of either of the lots shall be platted in compliance with the requirements of these Regulations.
5. The division of platted lot used for industrial purposes only in accordance with state statutes; provided, the creation of any streets or easements shall comply with the design requirements in Section 4-104 of these Regulations and applicable provisions of the City of Oskaloosa Zoning Regulations.

1-106. VESTING OF DEVELOPMENT RIGHTS. In conformance with the provisions of K.S.A. 12-764, and any subsequent amendments, the following shall apply:

1. The rights of landowners of properties platted or subdivided for residential development in conformance with these Regulations shall be protected for use of said land for the intended residential purpose for a period of five (5) years from the time in which such property was first platted or subdivided, provided:
 - a. Verifiable evidence is presented showing the date in which said plat or subdivision of land was first created. Acceptable evidence shall

be: signed and sealed certificates or plats of survey from a Registered Land Surveyor showing the several lots proposed to be created, either dated or dated and recorded with the Register of Deeds; recorded Restrictive or Protective Covenants for the development; recorded Affidavits of Equitable Interest on contracts for deed for said tracts of land.

- b. Within said five (5) year period actual sales occur resulting in separate owners of the tracts of land.
 - c. The division of the land was legally done in conformance with the then City of Oskaloosa Zoning and Subdivision Regulations.
- 2. Except for lots in a recorded plat, any remaining contiguous tracts of land within the area divided under this rule held in common ownership at the conclusion of said five (5) year period shall be considered an unplatted lot, as defined by these regulations, and subsequent divisions of said lot shall be in conformance with the Subdivision Regulations then in effect.
 - 3. Properties divided or platted for any use other than residential purposes shall not be permitted to develop or further develop except in conformance with these regulations and the City of Oskaloosa Zoning Regulations. Persons who obtain a validly issued permit under the previous City of Oskaloosa Zoning Regulations shall be permitted to develop the property so long as the permit issued under the previous City of Oskaloosa Zoning Regulations does not expire. Failure to start construction under said permit before the expiration of the permit shall not protect the owner from the provisions of these regulations or the City of Oskaloosa Zoning Regulations then in effect.

1-107.

DEFINITIONS. For the purposes of these regulations, certain terms and words are hereby defined. Words used in the present tense shall include both the past and the future, and words used in the future tense shall include the present; words in the singular number shall include the plural and words in the plural number shall include

the singular; the word "building" shall include the word "structure"; the word "dwelling" shall include the word "residence" ; the word "lot" shall include the word "plot"; the word "person" shall include individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities; the word "shall" is mandatory and not directory while the word "may" is permissive; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for". Words or terms not herein defined shall have their ordinary and customary meaning in relations to the context.

1. ACCESS. The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.
2. AGRICULTURAL PURPOSES, LAND USED FOR: The use of a tract of land for the production of plants, animals or horticultural products, including but not limited to: Forages; grains and feed crops; dairy animals and dairy products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental or greenhouse products. Land use for agricultural purposes shall not include the following:
 - a. Lands which are used for recreational purposes; suburban residential acreage; rural residential home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of the plants or animals listed herein.
 - b. The operation or maintenance of greenhouses, nurseries or hydroponic farms operated at retail.
 - c. Wholesale or retail sales as an accessory use unless the same are permitted by these Regulations.
 - d. The operation or maintenance of a commercial stockyard or feedlot.
 - e. The operation of an auction sales yard.

3. ALLEY. A public or private thoroughfare which provides only a secondary means of access to abutting property.
4. BLOCK. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroads, rights-of-way, shoreline or waterways, or boundary lines of the City.
5. BOND. Any form of security including cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the City of Oskaloosa. All bonds shall be approved by the City of Oskaloosa whenever a bond is required by these Regulations.
6. CITY: City shall mean the City of Oskaloosa, Kansas.
7. CITY ATTORNEY: The City Attorney, or such licensed attorney designated by the City Attorney or Governing Body, to furnish legal assistance for the administration of these regulations and responsible for the prosecution of all violations of these regulations in accordance with the provisions contained herein, and as established by the law.
8. CITY ENGINEER: The City Engineer, or such licensed engineer designated by the City Engineer or Governing Body, to provide engineering assistance in administering these and other regulations governing areas of normal responsibilities assigned to the City Engineer.
9. CITY HEALTH OFFICER: The Director of the Jefferson County Health Department, or such other person designated by the Governing Body to administer the Health Regulations of the City.
10. CORNER LOT: A lot abutting upon two or more streets at their intersection.
11. DEVELOPER: The owner, or any other person, firm or corporation authorized by the owner, undertaking proceeding under the provisions of these Regulations.

12. DOUBLE FRONTAGE: A lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.
13. EASEMENT: A grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes. Also, a right acquired by prescription.
14. FINAL PLAT: The map, plan or record of a subdivision and any accompanying materials, as described in these Regulations.
15. FLAG LOT: A lot, tract or parcel of land that provides minimum frontage to a road or street by a narrow strip of land and whose main body of land lies to the rear of the property.
16. FRONTAGE:
 - a. Street Frontage: All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street; or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
 - b. Lot Frontage: The distance for which the front boundary line of the lot and the right-of-way are coincidental.
17. GOVERNING BODY: The City of Oskaloosa, Kansas.
18. GRADE: The slope of a road, street or other public way (rise/run) specified in percent (%).
19. IMPROVEMENTS: All facilities constructed or erected by the developer and/or public entity within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, commercial or industrial use.
20. LOT: A portion of a subdivision or other parcel of land intended as a unit of ownership and occupied or intended to be occupied by one main building and an accessory building or a complex of buildings, including the open spaces and parking required by these Regulations and/or the City of Oskaloosa

Zoning Regulations. A lot may be more than one lot of record under single ownership or control, or may be a metes-and-bounds described tract under single ownership or control having its principal frontage upon a street.

21. LOT SPLIT: The dividing or redividing of a lot or lots into not more than two tracts or lots, subject to the criteria within these Regulations.
22. MONUMENT: The device, usually a metallic bar or tube, used to mark and identify the corners in the boundaries of subdivisions or lots.
23. OWNER: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in a tract of land.
24. PRELIMINARY PLAT: The preliminary drawing or drawings, described in these Regulations, indicating the proposed manner or layout of the subdivision.
25. RESUBDIVISION: A change in a map of an approved or recorded subdivision plat if such change affects any street layout shown on such map, any area reserved thereon for public use, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions. Tract or lot splitting may be allowed as specified within these Regulations.
26. RIGHT-OF-WAY: A strip of land dedicated or reserved for use as a public way, which normally includes streets, sidewalks, or other public utility or service areas.
27. SETBACK: The distance between a building and the lot line, or road right-of-way line, whichever provides the desired minimum distance.
28. SHORT-FORM PLAT: A map or drawing of a proposed subdivision containing four lots or less giving, in form suitable for filing in the office of the County Register of Deeds, necessary affidavits, dedications and acceptances, and containing a

complete legal description (including referenced to field markers) sufficient to locate on the ground all streets, alleys, blocks, lots and other divisions of the subdivision.

29. SIDEWALK: A paved walkway located along the side of a street.
30. STREET: An easement or right-of-way, other than an alley, which provides principal access to adjacent properties.
 - a. Arterial Street: An arterial or thoroughfare which primarily serves as a transportation link for vehicular traffic and which prohibits direct access from residential lots. An arterial may be classified as either a Major Arterial or a Minor Arterial, as defined in the Highway Functional Classification system of the U.S. Department of Transportation, Federal Highway Administration.
 - b. Collector Street: A street intended to move traffic from local streets to arterial streets. A collector street serves a neighborhood or large subdivisions and should be designed to discourage residential properties from facing onto it. A collector may be classified as either a Major Collector or Minor Collector, as defined in the Highway Functional Classification system of the U.S. Department of Transportation, Federal Highway Administration.
 - c. Local Street: A street intended to provide access to other streets from individual properties.
 - d. Cul-de-sac: A local street with only one outlet and having a circular turnaround for the safe and convenient reversal of traffic movement.
 - e. Dead End Street: A street having only one outlet.
 - f. Frontage Street: A public or private, marginal access roadway, general paralleling and contiguous to a street or highway, providing access to abutting properties. A frontage

road is designed to promote safety by eliminating unlimited ingress and egress to the principal street or highway by providing points of access at generally uniformly spaced intervals.

- g. Major Street: For purposes of these Regulations, a Major Street shall consist of all arterial and collector streets.
 - h. Offset Street: A contiguous street whose centerline is not tangent through an intersection.
- 31. SUBDIVISION: Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots or interests for the purpose of offering the same for sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions, including resubdivision. A subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes-and-bounds description, map, plat or other recorded instruments.
 - 32. SUBDIVISION, NON-RESIDENTIAL: A subdivision which is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these Regulations.
 - 33. WALKWAY: Any pathway, surfaced or otherwise, intended for pedestrian use only.
 - 34. ZONING ADMINISTRATOR: The person or persons authorized and empowered by the Governing Body to administer the requirements of these Regulations.

CHAPTER II. PROCEDURE FOR APPROVAL OF SUBDIVISION

Article 1. General Provisions

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- Section 2-101 General Provisions
 - Section 2-102 Preliminary Plat
 - Section 2-103 Final Plat
 - Section 2-104 Short-Form Plat

ARTICLE 1. GENERAL PROVISIONS

- 2-101. GENERAL PROVISIONS. This Article establishes uniform procedures and platting requirements for subdivisions subject to these Regulations. No final plat shall be filed or recorded with the 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 herein.
- 2-102. PRELIMINARY PLAT.
1. APPLICATION. A subdivision application form shall be filed with the Zoning Administrator and shall be accompanied by 10 copies of the preliminary plat. 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 plot.
 - (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" = 100'; however, with special conditions and prior approval of the Zoning Administrator, this scale may be exceeded.

- (6) The general description of the property.
- 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 1,000 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; provided, contour intervals may be modified or replaced with spot elevation following site inspection by the Zoning Administrator and the City Engineer for Short Form plats and plats proposing few lots, but only where conditions warrant. All elevations and contours shall be referenced to USGS datum.
 - (3) The location, width and names of all existing platted or private ways within or adjacent to the tract, together with easements, railroad and utility right-of-way, parks and other significant features such as city limit lines and survey monuments.
 - (4) Environmental features including the location and direction of drainage channels and areas subject to flooding by the Intermediate Regional Flood (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, water mains, and gas mains.
- (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. ITEMS TO ACCOMPANY THE PRELIMINARY PLAT.

- (1) The names and addresses of all owners of property within 1,000 feet of the proposed platted area. The applicant may submit the same list of owners of property within 1,000 feet submitted for the zoning application provided the application for preliminary plat is made within six months of the application for such rezoning.

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. He shall then place the preliminary plat on the agenda for consideration at the first available meeting of the Planning Commission.

4. GENERAL CITY STAFF AND UTILITY REVIEW. The Zoning Administrator shall distribute copies of the preliminary plat to the appropriate City of Oskaloosa 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 of which notice shall be published once in the official City newspaper at least 20 days prior to the date of the hearing. In addition, notices of the public hearing on the proposed preliminary plat shall be mailed to all property owners within 1,000 feet of the proposed plat. 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 2-103. The Zoning Administrator shall forward a statement of 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 the City of Oskaloosa, Kansas. 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. The applicant shall file a final plat application along with the required documents described in Section 2-103 within one (1) year of the approval of the preliminary plat by the Planning Commission and/or 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.

2-103. 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 10 copies of the final plat with the Zoning Administrator along with the additional information required herein. Said final plat shall be prepared by a registered land surveyor, and so sealed. In addition to the 10 copies, one (1) original final plat shall be submitted at least ten (10) days prior to the Planning Commission meeting.

Said original final plat shall be clearly and legibly drawn in waterproof black ink on Mylar. The page sizes shall be 22 inches by 36 inches. Larger or smaller sizes will not be accepted. The scale shall be not less than 1" = 100', except that a variation in scale may be allowed where the Zoning Administrator determines it is necessary for a proper exhibit of the subdivision. When more than one sheet is used for any plat, each such sheet shall be numbered consecutively and each such sheet shall contain a notation showing the whole number of sheets in the plat and its relation to other sheets (e.g. sheet 1 of 3 sheets).

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.
- (5) Suitable primary control points, approved by the City Engineer, or description 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 benchmark.
- (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; shall be balanced and closed; and shall be made by a qualified 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 (10) in 10,000.
- (10) An identification system for all lots and blocks, and the area in square feet on each lot.
- (11) The certification of the land surveyor making the plat, his seal and signature.
- (12) The acknowledgment of a notary.
- (13) A certification of the Planning Commission showing its approval to the plat.
- (14) The approval of the Governing Body.
- (15) The certificate of the Register of Deeds.
- (16) Title insurance certification or a certificate of title prepared by a competent attorney showing that the proposed subdivider owns all the property within the plat in fee, and that it is free from encumbrances and liens; but if encumbered, the mortgagee shall be required to consent to the plat.
- (17) Statement by the owner dedicating streets, rights-of-way, and sites for public use.
- (18) Such other certificates, affidavits, endorsements, or dedications as may be required by the Planning Commission in the enforcement of these Regulations.

- (19) Purpose for which sites, other than residential lots, are dedicated or reserved.
- (20) Marginal lines encircling the sheet. All lettering, signatures and seals shall be within this margin.
- (21) Legal description of the subdivision.

b. ITEMS PERTAINING TO THE FINAL PLAT.

- (1) Two (2) copies of separate drawings, prepared by a professional engineer, showing a profile and cross section of all streets, alleys or public ways to be dedicated for public use, as well as any drainage or other improvements required by the Planning Commission, Governing Body and/or City Engineer. The profiles and cross sections shall be drawn to specifications as on file and acceptable to the City Engineer's office.
- (2) A certificate which states that the person or person whose names are signed to this document and/or appear on the plat are the sole 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 of the public for the specific purposes stated therein or thereon. Ownership shall be verified by the City Clerk.
- (3) Certification by the County Treasurer showing that all due or unpaid taxes have been paid in full.
- (4) 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.

- (5) Three (3) copies of a properly executed written agreement by the developer to undertake and complete, to the satisfaction of the City, all public improvements required as a conditions 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 City, 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 costs 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 referenced, the plans and specifications for said improvements. The developer's agreement and bond for required public improvements shall be approved as to the form and content by the City Engineer and the City Attorney. The Governing Body may defer the submission of the written agreement until after the final has been approved.
2. 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. He shall then place the final plat on the agenda for consideration at the next regular meeting of the Planning Commission which is held no less than 10 days after said application or no more than 45 days thereafter.
3. GENERAL CITY STAFF AND UTILITY REVIEW. The Zoning Administrator shall transmit copies of the final plat, along with the other documents submitted, to the appropriate City of Oskaloosa departments including: City Attorney, City Engineer, Water and Waste Department, Street Department, Police Department, Fire District Chief, and utility companies as the Zoning 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.

4. 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 plat 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 action taken by the Planning Commission together with the minutes and the original and 8 copies of the final plat to the Governing Body.
5. 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.
6. RECORDING OF FINAL PLAT. The final plat shall be recorded and filed with the Register of Deeds of Jefferson County, Kansas, after approval of the final plat by the Governing Body as required by State law. The Owner is responsible for all filing fees.

2-104. SHORT-FORM PLAT.

1. APPLICATION. A short-form plat procedure is included within these Regulations for the purpose and intent of providing a means of approving a subdivision of land that contains four lots or less and, in all other respects, meets the requirements of these Regulations. As such, a short-form plat shall serve as the final plat of the subdivision.

The submission and approval of a preliminary plat is not required as a prerequisite for a short-form plat approval; provided, that the public hearing requirements outlined herein for preliminary plats shall be applicable and all short-form plats shall be subject to a public hearing.

If the proposed subdivision qualifies for a short form plat, the applicant shall file 10 copies of the plat with the Zoning Administrator along with the information required herein.

2. SHORT-FORM PLAT CONTENTS. A short-form plat must be drawn with waterproof black ink on mylar and must be drawn to a scale of not less than 1" = 100'. In addition, contour information must be provided on a Separate drawing to the same requirements as specified in Section 2-102(2)(b)(2) herein. Except for the above requirements, a short-form plat must meet all of the requirements necessary for the approval of a final plat as stated herein, including but not limited to all bonding requirements.
3. SHORT-FORM PLAT REVIEW AND ACTION. The review and approval procedures for a short-form plat are the same as specified herein for a final plat, except that a public hearing shall be held in compliance with the requirements and procedures outlined herein for a preliminary plat.

CHAPTER III. LOT SPLITS

Article 1. General Provisions

Section 3-101	Objective
Section 3-102	Authorization for Approval of Lot Splits
Section 3-103	Application Procedure
Section 3-104	Approval Guidelines

ARTICLE 1. GENERAL PROVISIONS

- 3-101. OBJECTIVE. The objective of this Article is to provide for the division of a lot into not more than two (2) lots without having to comply with the platting requirements described in Chapter 2. Such lot split shall be subject to the guidelines established in Section 3-104 and any further divisions of the lot(s) shall be platted in compliance with the requirements of Chapter 2. In conformance with the definition of Lot, Section 1-106(20) herein; a lot may be either more than one lot of record under single ownership or control, or may be a metes-and-bounds described tract under single ownership or control having its principal frontage upon a street.
- 3-102. AUTHORIZATION FOR APPROVAL OF LOT SPLITS. The Zoning Administrator is hereby authorized to approve or disapprove a lot split after review by the Planning Board in accordance with the provisions of this Chapter. Appeals from a decision made by the Zoning Administrator may be made by the applicant to the Governing Body for a final determination.
- 3-103. APPLICATION PROCEDURE. The application for a lot split shall be made to the Zoning Administrator on forms provided and shall be accompanied by the following information.
1. Three copies of a drawing to scale of not less than 1"=100' showing the lots involved, the precise location of any structures thereon, and the location and dimensions of the original and proposed lots. Said drawing shall be a certificate of survey from a licensed land surveyor to determine the exact location of the structures and the precise dimensions of the lots.

3-104. APPROVAL GUIDELINES. No lot split shall be approved if one or more of the following applies:

1. A new street or alley is needed or proposed; unless dedication can be made by separate instrument.
2. Such action will result in significant increase in service requirements, e.g., utilities, traffic control, streets, etc.; or will interfere with maintaining existing service levels, e.g., additional curb cuts or points of access, repaving, etc.
3. There is less street right-of-way than required by these Regulations, unless dedication of additional right-of-way can be made by separate instrument.
4. Any easement requirements have not been satisfied.
5. Such split will result in a lot without direct access to and/or less than the required frontage on a street as specified in the City of Oskaloosa Zoning Regulations.
6. A substandard sized lot will be created according to these Regulations or the City of Oskaloosa Zoning Regulations; except as provided in Section 3-106 herein.

The Zoning Administration shall, in writing, either approve, with or without conditions, or disapprove the lot split within 15 working days of planning board review.

The Zoning Administrator may make such additional requirements as deemed necessary to carry out the intent and purpose of these Regulations. Such requirements may include, but not be limited to, installation of public facilities or dedication of right-of-way and/or easements.

CHAPTER IV. SUBDIVISION DESIGN STANDARDS

Article 1. General Provisions

Section 4-101	Applicability
Section 4-102	Street Standards
Section 4-103	Block Standards
Section 4-104	Lots
Section 4-105	Easements
Section 4-106	Drainage
Section 4-107	Water and Sewer Facilities
Section 4-108	Large Lot Subdivisions
Section 4-109	Public Sites and Open Spaces
Section 4-110	Benchmarks, Corner Monuments and Other Markers
Section 4-111	Community Assets

ARTICLE 1- GENERAL PROVISIONS

4-101. APPLICABILITY. All subdivisions of land subject to these Regulations shall conform to the following minimum design standards. Such design criteria shall govern the approval of the subdivision plats by the Planning Commission and the Governing Body. All plats shall be designed under the direct supervision of a registered Professional Engineer of the State of Kansas and all submittals shall bear the seal of said Professional Engineer. All plats shall be prepared under the direct supervision of a registered land surveyor of the State of Kansas and all submittals shall bear the seal of said registered land surveyor.

All subdivisions shall be platted with due consideration toward sound traffic engineering principals, safe and accessible building sites, adequate methods of storm water drainage and provisions for a sanitary water supply, an effective sewage disposal system. All subdivision plats shall be consistent with applicable City of Oskaloosa development plans and policies and shall be coordinated with existing, planned or committed public improvements. All subdivision plats shall comply with all local, state and federal laws and regulations.

4-102. STREET STANDARDS.

1. EXTERNAL STREET CONSIDERATIONS. The arrangement, alignment, and width of streets in new subdivisions shall be properly integrated with the existing principal street or road system and where

appropriate shall provide for the continuation of existing principal streets in adjoining subdivisions or their projection where adjoining property is not platted. In no case shall the width of streets in new subdivisions be less than the minimum street widths established in this Article.

2. INTERNAL STREET LAYOUT, GENERAL. The location, arrangement, character and type of all streets shall be designed in relation to topographical conditions, the extent and impact of storm water runoff, the safe and convenient circulation of traffic within the subdivision, and the uses of the land to be served by such streets. When possible, local streets shall be planned so as to discourage through traffic and to conveniently channel traffic onto collector and arterial streets.
3. INTERNAL STREET LAYOUT, RESIDENTIAL DEVELOPMENT. The use of curvilinear streets, cul-de-sacs, u-shaped streets, or cluster developments shall be encouraged in residential areas when appropriate. However, the excessive use of cul-de-sacs shall be discouraged. No streets shall be laid out so as to intersect with themselves, unless topographic conditions warrant.
4. INTERNAL STREET LAYOUT, NON-RESIDENTIAL DEVELOPMENT. In commercial or industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, the provision of alleys, truck loading and maneuvering areas, walks, and parking areas as to minimize conflict of movement between the various types of traffic, including pedestrian.
5. STREET INTERSECTIONS. Streets shall be designed to intersect as nearly as possible at right angles, except where topography or other natural conditions justify a variation. However, in no instances shall two local streets intersect at an interior angle of less than 75 degrees without the written consent of the City Engineer.
6. MULTIPLE INTERSECTIONS. Intersection involving the junction of more than two (2) streets shall be avoided whenever possible.
7. INTERSECTION CURVATURE. When connecting streets deflect from each other with an interior angle of

less than 75 degrees they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than two hundred (200) feet for local and collector streets, and of such greater radii as the City Engineer shall determine for arterial streets.

8. INTERSECTION PAVEMENT RADII. Street pavement at intersections shall be rounded by the following minimum radii:

<u>Street Classification</u>	<u>Intersection with</u>	<u>Minimum Curb Radii</u>
Arterial or Collector	Arterial or Collector	50 feet
Local	Arterial	30 feet
Local	Collector or Local	25 feet

The Planning Commission may set specifications for intersection pavement radii, upon advice of the City Engineer, greater than the minimum standards herein.

9. OFFSET STREETS. Offset streets whose centerlines are separated by less than 150 feet shall be avoided, except where topography or other conditions justify variation.
10. RESERVE STRIPS. There shall be no reserve strips controlling access to streets. The subdividing of land shall be such as to provide each lot with satisfactory access to an existing public highway or street.
11. PRIVATE STREETS. There shall be no private streets platted in any subdivision.
12. HALF STREETS. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these Regulations and where the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
13. VISIBILITY. Clear visibility, measured along the centerline of a street, shall be provided for at least two hundred (200) feet on all streets.

14. ACCESS TO MAJOR STREETS.

- a. Where a proposed commercial or industrial subdivision borders on or contains an existing or proposed limited access arterial, the Planning Commission may require a street system design which affords separation of through and local traffic. This may be accomplished through reverse frontage lots with access control provisions along the rear property line, deep lots with rear service areas, frontage roads, or other similar means.
- b. Where a residential subdivision borders on or contains an existing or proposed major street, the Planning Commission may require that access to such streets be limited by any of the following means:
 - (1) The subdivision of lots so as to back onto the major street and front onto a parallel local street. No access shall be provided directly to any lot from the major street, and screening may be required of the developer in a screening easement along the rear property lines of such lots.
 - (2) A series of cul-de-sacs, u-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the street lines of their terminal lots backing onto the major street. No direct access to the major street shall be allowed.
 - (3) A frontage road having access to the major street at suitable points.

15. RAILROAD RIGHT-OF-WAY. Where a subdivision borders on or contains a railroad right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land, such as for park purposes in residential districts or for commercial and industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

16. DEAD-END STREETS AND CUL-DE-SACS. Permanent dead-end streets shall be cul-de-sacs. A cul-de-sac shall be no

longer than 528 feet in length, measured along the centerline of the cul-de-sac from the centerline of the intersecting street to the radius point, and shall have an adequate turnaround with a minimum 75 foot radius right-of-way at the closed end. Temporary dead-end streets longer than 100 feet intended to be continued for access to adjoining property shall have a temporary turnaround area to provide service equal to the cul-de-sac requirements stated above.

17. RIGHT-OF-WAY AND STREET WIDTHS. In order to provide for streets of suitable location, width and improvements to accommodate future traffic and afford satisfactory access to emergency and service vehicles (particularly fire trucks and school buses), and to coordinate streets so as to develop a convenient system that avoids undue hardships to adjoining properties, the following design standards are hereby required. Street classifications may be indicated on the Comprehensive Plan or other plans or standards as adopted, or shall be as determined by the Planning Commission and/or City Engineer.

IMPROVEMENT

Minimum Right-of-Way (in feet)

Major Arterial	*
Minor Arterial	120
Major Collector	100
Minor Collector	80
Local	70
Cul-de-sac	70
Cul-de-sac Turnaround Radius	75

* per KDOT

Minimum Roadbed and Surface Width (in feet)

	<u>Driving Surface Width</u>
Major Arterial	*
Minor Arterial	36
Major Collector	31
Minor Collector	31
Local	31
Cul-de-sac	28
Cul-de-sac Turnaround Radius	50
* per KDOT	

18. STREET WIDTHS. In front of areas designated and zoned for a commercial or industrial use, or where a petition for a change in zoning is contemplated for a commercial or industrial use, to permit such use, the street width shall be increase by such amount on each side deemed necessary by the Planning Commission after review and recommendation of the City Engineer to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide safe parking space for such commercial or industrial districts.
19. CENTERED IMPROVEMENTS. The improved portion of streets shall be centered within the right-of-way, except in the cases where the Planning Commission, after review and recommendation of the City Engineer, may allow.
20. VERTICAL CURVES. Vertical curves are required for changes in grade.
21. REVERSE CURVES. A tangent shall be provided between all reverse curves of a sufficient length, as related to the radius of the curves, so as to provide for a smooth flow of traffic.
22. ROAD GRADES. No street grade shall be greater than seven percent (7%) nor less than four-tenths of one percent (0.4%).
23. STREET NAMES. Streets which are substantially in alignment with existing streets shall, unless otherwise illogical or due to severe directional change, bear the names of the existing streets. The names of such new streets shall be approved by the Planning Commission
24. STREET SURFACING. Arterial and collectors shall be paved with 8-inch thick asphaltic concrete or seven (7) inches of Portland cement concrete, either meeting the Standard Specifications for Road and Bridge Construction, latest edition. Local streets and Cul-de-sacs shall be paved with four (4) inches of granular rock base and four (4) inches of asphaltic concrete or Portland cement concrete, either per the above Standard Specification. All streets will be built with two foot wide (minimum width) reinforced Portland cement concrete curb and gutters on each side of the street width listed above.
26. SIDEWALKS. Sidewalks with a minimum width of four (4) feet shall be installed on at least one side of the street as near to the property line as possible. The sidewalks shall be constructed out of three and one-half (3 1/2) inches of portland cement concrete or another

suitable material. Said sidewalks shall be constructed concurrently with the paving of the adjacent streets.

4-103.

BLOCK STANDARDS.

1. LENGTHS. Blocks shall be delineated by intersecting streets at intervals as to sufficiently provide for cross traffic and to furnish access to existing streets adjoining the new subdivision. All block lengths shall be determined by a recommendation of the design engineer and review by the City Engineer and approval by the Planning Commission upon review and recommendation of the City Engineer in instances where topography or other conditions prohibit compliance.
2. DESIGN. The configuration of blocks shall be determined with regard given to:
 - a. Zoning requirements as to lot sizes and dimensions.
 - b. Provision of adequate building sites suitable to the particular needs of the type of use intended.
 - c. Topography as it affects storm water drainage and erosion.
 - d. Need for convenient circulation, access, safety and control of vehicular and pedestrian traffic.

4-104.

LOTS.

1. FRONTAGE REQUIREMENTS. Every lot shall have frontage on a street at least equal to the requirements of the zoning district in which it is located; except those lots fronting on the end of a cul-de-sac, which shall meet the frontage requirements as measured on a radius at the front yard setback line.
2. SIZE. The size, width, depth, shape and orientation of lots and any minimum building setback lines shall be appropriate to provide safe and adequate building sites based upon the location of the subdivision and for the type of development and use intended. At a minimum, lots shall have dimensions and sizes and provide for space requirements no less than as required by the City of Oskaloosa

Zoning Regulations.

3. SIDE LOT LINES. All side lot lines shall be at right angles to straight street lines and radial to curved street lines where practicable.
4. COMMERCIAL/INDUSTRIAL LOTS. Lots reserved or laid out for commercial and/or industrial purposes shall be of adequate size to provide for the off-street service and parking facilities required by the type of use, zoning district and development contemplated.
5. DOUBLE FRONTAGE. Double frontage lots shall be avoided for single-family residential dwellings except where the lots abut upon a limited-access highway, arterial or major streets, or where the topography of the land prevents reasonable subdivision into additional lots. Double frontage lots shall not have vehicular access between such lots and an abutting limited access highway, or arterial or major street.
6. MAJOR STREETS. When possible, lots intended for residential use facing on major streets shall be avoided. It is preferable that the sides or backs of such lots adjoin major streets with the vehicular egress from such lots being oriented to a local street.
7. CORNER LOTS. Corner lots intended for residential use shall have additional width to allow appropriate building setback and orientation to both streets and to provide adequate corner visibility.
8. FLAG LOTS. Flag lots are prohibited.
9. ADDRESSING OF LOTS. House numbers shall be assigned to each lot by the Zoning Administrator, or his designee, and shall be displayed and legible in accordance with City standards.

4-105.

EASEMENTS.

1. UTILITY. Permanent easements shall be provided where necessary for the location and servicing of utility poles, wires, conduits, storm and sanitary sewers, water and gas mains and other public utilities. Utility easements located along rear lot lines shall measure at least 20 feet wide and be

centered on such rear lot line. Utility easements located along side lot lines shall measure at least 15 feet wide and shall be centered on such side lot line; provided, whenever utility easements are located around the perimeter of the area to be subdivided, they shall be contained wholly within such area. Utility easements located along front lot lines shall measure at least 10 feet wide. No utilities shall be buried within the driving surface of the street.

2. DRAINAGE. A drainage easement may be required for a proposed subdivision which is traversed by a watercourse, drainage way or drainage channel. Such easement shall conform substantially to the lines of such watercourse and shall be of such width as may be necessary to provide adequate storm water drainage and access for maintenance.

4-106. DRAINAGE.

1. DRAINAGE PLANS. The developer shall include a drainage plan, as required by Section 2-102(2)(b)(4), and shall design required storm water facilities according to the standards established by the City Engineer. Drainage plans shall include, but are not limited to:
 - a. A complete drainage-area map showing the natural drainage area boundaries, direction of surface flow, any large impervious areas, existing and proposed streets, man-made or natural obstructions to be avoided for storm drainage locations, runoff calculations for existing and for developed conditions, and proposed inlet locations.
 - b. A grading design so that drainage from each lot should flow directly to a channel or detention area without crossing more than four (4) adjacent lots.
2. DRAINAGE DESIGN. Drainage structures and storm sewers shall be designed for a storm frequency based on the rational method. According to the following table of design value:

<u>Portion of Drainage Area</u>	<u>Design Storm Frequency</u>
Upper 20 Acres of Drainage Area (Residential Only)	5 Year Frequency
Next 20 to 100 Acres of Drainage Area	10 Year Frequency
Next 100 to 550 Acres of Drainage Area	25 Year Frequency
Next 550 2,000 Acres of Drainage Area	50 Year Frequency
Over 2,000 Acres	100 Year Frequency

If the upper 20 acres of the drainage area is to be business or industrial, the minimum design storm return frequency shall be ten years.

Provisions for handling the runoff in excess of the minimum design storm may include, but not be limited to, temporary detention facilities, gutter flows to curb depth, drainage easements for overland flow, or simply limiting development to elevations above the flood plain. If provisions cannot be made otherwise to handle the excess runoff, the storm drain system shall be designed for the total runoff, with approval of the City.

3. DETENTION FACILITIES. The developer shall install detention facilities when the Planning Commission determines that a subdivision provides enough area for runoff control and determines that detention facilities are necessary, and will not adversely affect downstream conditions. Storm water detention shall be strongly considered for all commercial and multi-family residential development.

4. STORM SEWERS. The dedicated non-pavement street right-of-way may be utilized for storm sewer facilities.

4-107. WATER AND SANITARY SEWER FACILITIES.

1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS. The type of water supply system and sewage disposal system utilized to serve the subdivision shall be subject to the requirements of the Code of the City of Oskaloosa. The plans for water supply systems and sewage disposal systems to serve the platted area shall give due consideration to the present and/or foreseeable future needs of the subject property and adjoining properties intended to develop, as well as the over all effectiveness of the system based on the characteristics of the land and the nature of the development. The construction of the water supply system and the sewage disposal system shall be subject to the regulations and approval of the Kansas Department of Health and Environment.

2. FIRE HYDRANTS. Fire hydrants shall be located on all streets at least every six hundred (600) feet. The Planning Commission may require the location of hydrants closer than six hundred (600) feet based on the recommendation of the Fire Chief of the Fire District effected by the development.
 3. LOCATION. Water, sanitary sewer, may be located within utility easements.
- 4-108. LARGE LOT SUBDIVISIONS. When a proposed subdivision involves lots of one (1) acre or more in area, consideration shall be given in the design and layout of the subdivision to any re-subdivision that might take place in the future, with proper provisions being made for such street extensions and utility improvements as may be necessary.
- 4-109. PUBLIC SITES AND OPEN SPACES. Where deemed necessary by the Planning Commission, upon consideration of the particular type of development proposed in the subdivision, the Planning Commission may require the dedication or reservation of such other areas or sites of a character, extent, and location suitable to the needs created by such development for schools, parks, and other public or open spaces. The requirement of the dedication of such public sites and open spaces by the Planning Commission shall not constitute an acceptance of the dedication by the City.
- 4-110. BENCH MARKS, CORNER MONUMENTS, AND OTHER MARKERS.
1. BENCH MARKS.
 - a. All elevations shown on the plats shall be based on USGS datum.
 - b. The permanent bench mark location and description that is used to extend datum to the project shall be noted on the Preliminary Plat and Final Plat.
 2. MONUMENTS. All monuments shall be installed prior to the issuance of any building or zoning permits.
 - a. Monuments at the main controlling corners of a subdivision shall consist of one-half ($\frac{1}{2}$) inch iron bar, three (3) feet long, and be encased concrete. Variations to the three (3) foot length may be allowed based on subsurface conditions.

- b. All lot corners and control points for horizontal curves within the subdivision shall be marked with a one-half ($\frac{1}{2}$) inch iron bar at least two (2) feet long.
- 3. U.S. GOVERNMENT CORNERS. Whenever a survey originates from a United States public land survey corner or any related accessory, the land surveyor shall file a copy of the completed survey and referenced to the corner or accessory with the Department of Archives, Kansas State Historical Society and with the City Engineer. Such survey shall be filed within thirty (30) days of the date the references are made.
 - a. Any altered, removed, damaged or destroyed corner shall be restored by a registered land surveyor licensed in the State of Kansas.
 - b. Whenever such a corner or any related accessory is restored, reestablished or replaced due to construction activities, a restoration report shall be filed with the Department of Archives, Kansas State Historical Society as specified in K.S.A. 21-3724, as amended.
- 4. EXISTING MARKERS. At any time during construction of the subdivision, if a stone marker should be found, the developer shall place an iron disc next to the stone to facilitate the location of the stone in the future.
- 4-111. COMMUNITY ASSETS. In all subdivisions, due regard shall be given to the preservation of any historical sites, drainage courses, areas of particular aesthetic value, or large and/or valuable trees.

CHAPTER V. REQUIREMENTS FOR IMPROVEMENTS

Article 1. General Provisions

Section 5-101	Applicability
Section 5-102	Required Improvements
Section 5-103	Financing
Section 5-104	Relation to Plat Approval
Section 5-105	Relocation of Existing Facilities
Section 5-106	Acceptance
Section 5-107	Off-Site Improvements

ARTICLE 1. GENERAL PROVISIONS

5-101. **APPLICABILITY.** Prior to and as a condition of approval of any final plat by the Governing Body, the developer shall agree to install or provide for the installation of certain improvements within the proposed subdivision. Such improvements installed by the developer shall comply with the standards and specifications of the City, utility company or public agency having jurisdiction and shall be subject to any applicable surety requirements to guarantee their proper installation.

5-102. **REQUIRED IMPROVEMENTS.** Every developer shall install, or through the appropriate public agency and/or utility company provide for the installation of, the following improvements in accordance with the conditions and specifications required herein.

1. **WATER SUPPLY AND SEWAGE DISPOSAL.**

- a. **WATER SUPPLY SYSTEM.** Every subdivision shall be supplied with water by the City's public water supply system. The developer shall provide an extension of the City's public water supply system to the proposed subdivision. The proposed extension shall be subject to the requirements of the Code of the City of Oskaloosa and the specifications for the proposed extension to the City's public water supply system shall be approved by the City Engineer. All water supply extension plans and profiles shall be subject to the approval of the Kansas Department of Health and Environment. Fire hydrants shall be provided as an integral part of the proposed

extension.

- b. SEWAGE DISPOSAL SYSTEM. Every subdivision shall dispose of its sewage through the City's sanitary sewer system. The developer shall provide an extension of the City's sanitary sewer system to the proposed subdivision. The proposed extension shall be subject to the requirements of the Code of the City of Oskaloosa and the specifications for the proposed extension to the City's sanitary sewer system shall be approved by the City Engineer. All sanitary sewer extension plans and profiles shall be subject to the approval of the Kansas Department of Health and Environment.
2. PROVISION FOR STORM DRAINAGE. The developer shall make adequate provision for the control and discharge of storm water from the platted area and in doing so shall give consideration to the alternatives and principles of storm water management. When necessary, the construction of storm sewers shall be properly integrated with any existing storm sewer system and shall provide for the anticipated extension of said system to serve additional areas. The storm drainage plan and subsequent installation of culverts, storm sewers, stabilization ditches, storm water detention or retention ponds and other improvements shall follow accepted engineering standards and principles of design and construction. All storm drainage plans shall be prepared by a registered engineer of the State of Kansas and shall bear the seal of said registered engineer and must receive approval of the City Engineer.
3. PROVISIONS FOR STREETS. The developer shall provide for the improvement of all new streets within the platted area. Such street improvements should adequately reflect the classification of the particular street, its location and anticipated volume of traffic. All grades, drainage facilities and surfacing requirements shall be constructed according to the standards and specifications of the City. All street plans and specifications shall be approved by the City Engineer and final acceptance of the construction of said streets shall be made by the City Engineer.

4. INSPECTIONS. All construction and installation shall be inspected by the City Engineer. The developer shall pay for inspection personnel furnished by the City, under the supervision of the City Engineer, on all improvements constructed by the developer as contractor or subcontractor. A schedule of fees shall be prepared by the City Engineer.
5. INSTALLATION OF UTILITY LINES & APPURTENANCES. The developer shall be responsible for making the necessary arrangements with the appropriate utility companies for the installation of utility lines and appurtenances. The installation of such utilities shall be done in such a manner as to not interfere with other underground utilities and their installation shall be coordinated through the City Engineer. Underground utility lines which cross underneath the right-of-way of a street shall be installed prior to the improvement of such street in order to reduce the damage caused by street cuts. Incidental appurtenance, such as transformer enclosures and meter cabinets, shall be located so as not to be hazardous to the public and shall be approved by the City Engineer. Any utilities to be installed under an existing street shall be installed by construction methods other than open cut.
6. INSTALLATION OF MONUMENTS. The developer shall be responsible to have a licensed surveyor install monuments within the area to be subdivided. Such monuments shall be of the size and type and placed as required by the City Engineer.
7. EXCEPTIONS. All improvement requirements as set out within this Article shall be provided in all subdivisions with the following exceptions:
 - a. Upon specific request from the developer and concurrence of the Governing Body, certain improvements may be waived. Such waiver may include, but not be limited to, instances where the proposed subdivision is a resubdivision and/or concerns an area presently having any or all of the required improvements as set out in Section 5-102 and where such improvements comply with the requirements of said Section and are in acceptable condition as determined by the City Engineer.

- b. The Governing Body may make other reasonable requirements for dedications or installations of public improvements or facilities deemed necessary to meet the public needs caused by the new subdivision. Such additional requirements may include, but not be limited to, the provision of park or open space land as is warranted by the reasonably foreseeable future population and use of the area as a result of the proposed subdivision.

5-103. FINANCING.

- 1. SUBDIVISION IMPROVEMENTS. A method for financing proposed improvements and a breakdown of anticipated costs shall be submitted with the Final Plat. This shall be accomplished by filing a Subdivision Improvements Agreement or a Benefit District Petition, and shall be required for all subdivisions of land except Lot Splits or for developments which require no improvements. The Governing Body shall have sole responsibility to accept or reject the Subdivision Improvements Agreement or Benefit District Petition. Financing methods may include, but are not limited to, the following guarantee:

- a. PETITION FOR ESTABLISHMENT OF A BENEFIT DISTRICT. The percentage split of costs shall be based on the policy established by the Governing Body. The City may decide not to participate in Benefit Districts that do not comply with the Capital Improvements program, or those which are inconsistent with the Comprehensive Plan.

- b. SURETY BONDS. The developer shall provide the City Engineer with all calculations and information needed to check the cost estimates of said improvements. This cost shall be estimated by the developer and shall be verified by the City Engineer. The developer shall then be required to obtain a security bond from a surety bonding company authorized to do business in the State of Kansas. The bond shall be made payable to the City of Oskaloosa, Kansas and shall be a percentage of the total improvements costs as recommended by the City Engineer or such other financial assurance accepted by the Governing Body. The

duration of the bond shall be until such time as the improvements are completed, inspected and accepted by the City.

- c. ALTERNATIVES. Other financing methods may include cash or collateral, Escrow Accounts, Property Escrow Accounts, or any other guarantee the Governing Body shall deem acceptable.
2. DEFAULTING. The Governing Body may, upon advice of the City Engineer find that the developer is in default of the Subdivision Improvements Agreement. Such finding shall occur at a regularly scheduled meeting of the Governing Body. Two (2) weeks prior to such scheduled meeting, the developer shall be notified by registered mail of possible default proceedings. At the meeting the developer shall be given the opportunity to rebut findings of default. Defaulting results from:
- a. Improper construction standards and specifications.
 - b. Failure to install agreed upon improvements.
 - c. Construction of improvements not according to agreed upon time schedule, allowing for unexpected or unavoidable delays.
 - d. Other financial and/or contractual conditions which might lead to the developer being unable to complete the agreed upon improvements.
3. DEFAULT PROCEEDING: The Governing Body may find the developer not in default, extend the time limit, or:
- a. Should the Governing Body find the Subdivision Improvements Agreement to have been violated, it may liquidate the improvements guarantee, in whatever form it takes, and apply the proceeds of this guarantee to the construction of the improvements set out in the Subdivision Improvements Agreement.
 - b. Should the proceeds of the guarantee not be sufficient to cover the costs of said improvements, the Governing Body may assess to the developer, property owners, or both, the construction costs of the improvements that

exceed the amount provided by the developer. This may take the form of a lien against the property covered in the Subdivision Improvements Agreement.

- c. Should the proceeds of the guarantee exceed the actual costs of improvements and any cost incurred in the default procedures, the City shall return the unexpended balance to the individual named on the Subdivision Improvements Agreement as the one having secured the guarantee.
4. GUARANTEE RELEASE. When all improvements have been completed and have been inspected, approved and accepted, the City shall authorize the release of the guarantee.
5. MAINTENANCE BOND. As a guarantee that all public improvements, especially street improvements, have been done in a satisfactory manner, the developer shall provide a maintenance bond to the City for all subdivisions subject to these Regulations. Said maintenance bond shall be for a period of two (2) years. The time period shall begin upon final acceptance of all improvements within the subdivision. Said final acceptance shall be made by the City Engineer. The maintenance bond shall be in an amount acceptable to the City Engineer and shall be in a form acceptable to the Governing Body, based upon advice from the City Attorney.

5-104. RELATION TO PLAT APPROVAL.

1. ADEQUATE PUBLIC FACILITIES. Prior to approval of the Preliminary Plat, the Planning Commission shall find that sufficient public facilities and services are either available, shall be available within a reasonable time as programmed in the Capital Improvements Program, or shall be provided by the developer in accordance with the requirements of these Regulations to adequately service the type of subdivision and development being proposed.
2. SUBDIVISION IMPROVEMENTS. When the construction or installation of street improvements, public water supply, sanitary sewer systems, natural gas supply, storm sewer systems or other drainage improvements, or other facilities is required to serve the proposed development within a subdivision, a prerequisite of the consideration of the Final Plat

shall be the submission of a Benefit District Petition or Subdivision Improvements Agreement specifically setting forth the extent, time schedule, and method of financing such construction or installation as proposed by the owner or developer. The Benefit District Petition or the Subdivision Improvements Agreement shall contain sufficient information to make a determination that the proposed construction or installation shall meet or exceed the standards set forth in the Subdivision Regulations herein. A phased construction time schedule may be recommended by the Planning Commission, subject to Governing Body approval, which is based on the owner's or developer's estimate of the pace at which development will proceed within the subdivision.

3. FINAL APPROVAL. If the Planning Commission finds that the overall development is inconsistent with any established policies and plans, then the Planning Commission is not obligated to approve the proposed plat.

5-105. RELOCATION OF EXISTING FACILITIES.

1. FINANCING OBLIGATIONS. Whenever any existing improvements and/or utilities are required to be relocated or upgraded due to the subdivision or construction of improvements required as a condition for approval of the subdivision plat, and in the event such was not known at the time of initial construction, the costs of such relocation or upgrading shall be sole responsibility of the new subdivision. Franchise agreements between the City and private utilities in effect at the time of construction, may dictate the responsibility for absorbing costs associated with relocating or repairing utility lines. Responsibility may also depend on whether the relocation or repair is a private or public benefit.
2. DUPLICATION OF IMPROVEMENTS. Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements as set out above, and where such improvements meet the requirements of these Regulations and are in good condition as determined by the City Engineer, no further provision need be made by the developer to duplicate such improvements. ~~The developer shall~~ provide for the repair, correction or replacement

of improvements so that all improvements will then meet the said requirements.

3. STREET WIDENING OR REDUCTION. Where the proposed subdivision is a resubdivision or concerns an area presently abutting or containing any existing public street with 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 City policy. The developer of such proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by these Regulations and the City Engineer. The City Engineer shall determine what adjustment to make where the widening merge with existing streets which are of smaller width at the boundary of such proposed subdivision. The City Engineer may approve reduction of the minimum roadway width, as required by these Regulations, to match an existing roadway system where physical consideration warrants such action.

5-106. ACCEPTANCE. No improvements may be accepted until the City Engineer has inspected said improvements and certified that they meet the applicable standards.

5-107. OFF-SITE IMPROVEMENTS. The Planning Commission may, upon advice and findings, require the developer to submit a Subdivision Improvements Agreement or a Benefit District Petition, in accordance with the provisions of this Article, for the installation or upgrading of off-site improvements if such need is substantially created by a proposed subdivision. Off-site improvements should be within dedicated easements or rights-of-way and serve a public purpose. The financing of such improvements shall be handled as if they were on-site improvements. The Governing Body may require such subdivision to participate in the following facilities and improvements, or any other off-site improvements as recommended by the Planning Commission, if the need is created by a proposed subdivision:

1. Special grading requirements;
2. Street improvements;
3. Drainage improvements;
4. Traffic control devices; or,
5. Landscaping.

CHAPTER VI. ADMINISTRATION

Article 1. General Provisions

Section 6-101 Rule Exceptions

Section 6-102 Appeals

Section 6-103 Penalty for Violations

ARTICLE 1. GENERAL PROVISIONS

- 6-101. RULE EXCEPTIONS. The standards and procedures required in these Regulations shall be interpreted and applied literally in the case of all subdivision plats submitted after the date of adoption of these Regulations. In case, however, of hardship caused by size, location or configuration of land, topography or other factors which affect a specific tract or subdivision or portion thereof, the applicant may request a rule exception from one or more of the requirements contained herein. A rule exception may be requested, on forms provided, at the filing of the preliminary or final plat application. A rule exception may be approved by the Governing Body, provided, that in its judgment, such action will not violate the public interest, unnecessarily burden the City, or will annul the intent and purpose of these Regulations.
- 6-102. APPEALS. Any decision of the Planning Commission or the Zoning Administrator on matters contained herein may be appealed to the Governing Body and the Governing Body may reverse or affirm such decision.
- 6-103. PENALTY FOR VIOLATIONS, ACTIONS. The violation of any provision of these Regulations shall be deemed a misdemeanor and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine not to exceed \$500.00 or by imprisonment, for not more than 6 months for each offense, or by both fine and imprisonment, and that each day's violation shall constitute a separate offense. The Governing Body shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of these Regulations and to abate nuisances maintained in violation thereof; and in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful construction, erection, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of any building, structure or land.

CHAPTER VII. MISCELLANEOUS

Article 1. General Provisions

Section 7-101	Validity
Section 7-102	Accrued Rights and Liability
Section 7-103	Severability
Section 7-104	Effective Date
Section 7-105	Repealing Clause

ARTICLE 1- GENERAL PROVISIONS

- 7-101. VALIDITY. In any section, paragraph, subdivision, clause, phrase, or provision of these Regulations shall be adjudged invalid or held unconstitutional the same shall not effect the validity of these Regulations as a whole or any part or provisions thereof, other than the part so decided to be invalid or unconstitutional. All regulations or parts of regulations in conflict herewith are hereby repealed.
- 7-102. ACCRUED RIGHTS AND LIABILITIES SAVED. The repeal of regulations provided in Section 7-105 herein, shall not affect any rights accrued, fines, penalties, forfeitures, or liabilities incurred thereunder, or actions involving any of the provisions of said Regulations or parts thereof. Said Regulations below repealed are hereby continued in force and effect, after the passage, approval and publication of these Regulations, for the purpose of such rights, fines, penalties, forfeitures, liabilities or actions thereof.
- 7-103. SEVERABILITY. Each chapter, article, section and subdivision or a section of these Regulations are hereby declared to be independent of every other chapter, article, section, or subdivision or section, so far as inducement for the passage of these Regulations is concerned.
- 7-104. EFFECTIVE DATE. These Regulations, being designated as the subdivision Regulations of the City of Oskaloosa, Kansas," shall be in full force and effect from and after its passage and publication in accordance with K.S.A. 12-3301 through 12-3302.
- 7-105. REPEALING CLAUSE. These Regulations repeal any existing Subdivision Regulations of the City of Oskaloosa, Kansas, in their entirety.
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ORDINANCE NO. 97-16-401

**AN ORDINANCE AMENDING ORDINANCE NUMBER 16-401 AMENDING
SUBDIVISION REGULATIONS OF THE CITY OF OSKALOOSA, KANSAS.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OSKALOOSA
Ordinance number 16-401 is amended to read as follows:

- Section 1. The existing subdivision regulations are hereby repealed and deleted.
- Section 2. The Proposed Subdivision Regulations for the City of Oskaloosa, KS are hereby adopted.
- Section 3. That said Subdivision Regulations for the City of Oskaloosa, KS were prepared in book form by Cecil Kingsley of BG Consultants, Lawrence, KS under the date of May ____, 1997, and the same is hereby declared to be approved and incorporated by reference as if set out herein.
- Section 4. There shall be not less than three (3) copies of the subdivision regulations incorporated by reference in this article kept on file in the office of the city clerk, marked "Official Copy as Incorporated by Ordinance Number 97-16-401" and kept available for inspection by the public at all reasonable business hours. A published copy of this Ordinance shall be attached to said copies.
- Section 5. That any provision of this ordinance which shall be declared invalid shall not affect the validity and authority of other sections.
- Section 6. That this ordinance is made under and in compliance with the laws of the State of Kansas and shall constitute and be in force as therein provided.
- Section 7. That all with this ordinances heretofore enacted which are now inconsistent with this ordinance are hereby repealed to the extent of their inconsistent provisions.
- Section 8. This ordinance shall be in effect after one publication in the official Newspaper of the City of Oskaloosa, Kansas.

Mayor

ATTEST:

PASSED AND APPROVED:
PUBLISHED:

-97

-97

City Clerk