



Article Three DEFINITIONS

Section 3.01 Usage

- A. For the purpose of these regulations, certain numbers, abbreviations, terms and words shall be used, interpreted and defined as set forth in Section 3.02.
- B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular.

Section 3.02 Definitions

Alley. A public or private right-of-way designed to serve as primary vehicular access to the side or rear of those properties whose principal frontage is on some other street.

Applicant. The owner of land proposed to be subdivided or its representative who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises. See also Developer, Owner, and Subdivider.

Block. A tract of land entirely surrounded by streets, or by a combination of streets and public rights-of-way, or as otherwise determined by the planning commission or its authorized representative.

Bond. Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the governing body. All bonds shall be approved by the governing body wherever a bond is required by these regulations.

Building. See Structure.

Building Inspector. The person or persons authorized and empowered by the City Council to administer and enforce the permitting and inspecting process within the City.

Cash in Lieu of Land. Payment of money into fund earmarked by the City of De Soto to provide for acquisition of facilities off-site in place of dedicating land or providing such facility on site.

Certificate of Occupancy. An official certification indicating that a use or building (as built) conforms to the provisions of these regulations and may be used or occupied.

Certify. Whenever these regulations require that an agency or official certify the existence of some fact or circumstance, the City of De Soto by administrative rule may require that such certification be made in any manner, oral or written, which provides reasonable assurance of the accuracy of the certification.

City. The City of De Soto, Kansas.



City Council. See Governing Body.

City Engineer. The licensed engineer designated by the Governing Body to furnish engineering assistance for the administration these regulations.

Common Areas and Facilities. Those areas within a condominium development including the following unless otherwise provided within the Declaration: (#2202)

- The land on which the building is located;
- The foundations, columns, girders, beams, supports, main walls, roofs, halls corridors, lobbies, stairs, stairways, fire escapes, and entrances and exits of the building;
- The basements, yards, gardens, parking areas and storage spaces;
- The premises for the lodging of caretakers or persons in charge of the property;
- Installations of central services such as power, lights, gas, hot & cold water, heating, refrigeration, air conditioning and incinerating;
- The elevators, tanks, pumps, motors, fans, compressors, ducts and in general all apparatus and installations existing for common use;
- Such community and commercial facilities as may be provided for in the declaration; and
- All other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.
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Common Ownership. Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockbroker, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Condominium Building. A building, containing one or more condominium units and comprising a part of the property. (#2202)

Condominium Property. Means and includes the land, building(s), all improvements and structures thereon, all owned in fee simple absolute and all easements, rights and appurtenances belonging thereto, and all articles of personal property intended for use in connection therewith, which have been or are intended to be submitted to the provisions of the apartment Ownership Act. (#2202)

Condominium Subdivision. A subdivision that creates separate legal descriptions for lots, portions of lots, buildings and/or portions of buildings intended for separate, private ownership within a property that is held in common ownership and intended for condominium use. (#2202)

Condominium Unit. A part of a property intended for any type of independent use, whether residence or commercial, including one or more rooms or enclosed spaces located on one or more floors (or parts thereof) in a building, and with a direct exit to a public street or highway or to a common area leading to such street or highway. (#2202)



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Construction Documents. The maps or drawings showing the specific location and design of improvements to be installed in a subdivision in accordance with the requirements of the Planning Commission as a condition of the approval of the plat.

Convertible Land. A building site for one or more proposed additional condominium units within the submitted land which may be created in accordance with the declaration. (#2202)

Cul-de-Sac. A local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Declaration. The instrument by which a condominium property is administered. A declaration must be prepared in accordance with state statutes K.S.A. 58-3101 through 58-3129. (#2202)

Dedication. The transfer of private to public or common ownership for a public purpose. The transfer may be in fee simple title or less than fee simple interest including easements. Dedication requires the acceptance of the interest to be complete.

Developer. The owner of land proposed to be subdivided or its representative who is responsible for any undertaking that requires review and/ or approval under these regulations. See also Owner and Subdivider.

Easement. A permanent or temporary grant of right by a property owner to the public, a corporation or other persons, of the use of a portion of a lot or tract of land for specified purposes where title to said portion of the lot or tract of land remains with the landowner.

Escrow. A deposit of cash with the local government or escrow agent to secure the promise to perform some act.

Escrow Agent. A title company, bank, savings and loan association, trust company, attorney or any other person or agency approved by the City to act as an escrow agent.

Fair Market Value. The fair market value of a designated unit at the time such value is approved by the Governing Body.

Frontage. The length of the property abutting on one side of a street measured along the dividing line between the property and the street.

Governing Body. The duly elected Mayor and City Council of the City of De Soto.

Homeowners Association. See Property Owners Association.

Improvement. Any roadway, drainage ditch, sidewalk, pedestrianway, parkway, tree, lawn, off street parking area, lot improvement or other facility for which the City of De Soto may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which the City of De Soto responsibility is established.



Limited Common Areas and Facilities. Those common areas and facilities designated in a declaration as reserved for use of certain unit(s) to the exclusion of the other units. (#2202)

Lot. A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose whether immediate or future, of transfer of ownership, or possession, or for building development.

Lot Split. The division of a single lot into not more than two (2) tracts, per these regulations, with out having to resubdivide sail lot, providing that the resulting lots shall not again be divided without replatting.

Off-Site. Any premises not located within the area of the property to be subdivided, whether or not in the common ownership of the applicant for subdivision approval.

Owner. The record owners of the fee or a vendee in possession, including 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 the land sought to be subdivided under the definition of Same Ownership.

Person. Any individual or group of individuals, or any corporation, general or limited partnership, joint venture, unincorporated association, or governmental or quasi-governmental entity.

Plat, Final. A drawing of a permanent nature showing the precise location and dimension of such features as streets, lots, easements and other elements pertinent to transfer of ownership and prepared to be recorded after approval by the Planning Commission and including any accompanying material as described in these regulations.

Plat, Preliminary. A drawing described in these regulations, showing the proposed general patterns of streets, lots and land uses within a tract to be subdivided, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.

Plat, Sketch. A sketch preparatory to the preliminary plat (or final plat in the case of a minor subdivision or a conversion to condominium subdivision) to enable the subdivider to save time and expense in reaching general agreement with the Planning and Zoning Department as to the form of the plat and the objectives of these regulations. (#2202)

Planning Commission. The De Soto City Planning Commission.

Planning and Zoning Department. The person or persons authorized and empowered by the City Council to administer the requirements of these zoning regulations.

Plot. One or more contiguous parcels of land under single ownership or control, designated by its owner, at the time of filing an application for a building permit, as a tract to be used, developed or built upon as a unit. It may or may not coincide with the deed description thereof or the boundaries of the same as shown on a map thereof filed for record or otherwise, and it may subsequently subdivided into two (2) or more plots, provided all such



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plots conform to all the regulations of the district. The boundaries of any plot for which a building permit or certificate of occupancy is requested, shall be accurately drawn on the application therefore.

Professional Surveyor. A practicing survey licensed in the State of Kansas.

Property Owners Association. An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision-be it a lot, parcel site, unit plot, condominium, or any other interest-is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro-rated share of expense of the association which may become a lien against the lot, parcel, unit, condominium, or other interest of the member.

Public Utilities. Publicly owned or regulated utilities including, water, sewer, telephone, gas, and electric.

Resubdivision. The act of amending or changing an approved Final Plat, including any change in any street layout or other public improvement, any lot line, the amount of land reserved for public use or the common use of lot owners, or any easements shown on the approved plat.

Right-of-way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, are not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Sale or Lease. Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, or other transfer of an interest in a subdivision or part thereof, whether by metes and bounds or lot and block description.

Sanitary Sewer System. A totally enclosed system consisting of an underground collection system and a treatment system so installed that when the treatment is completed, the affluent discharge meets the standard of the jurisdictional health agency.

Setback. The required minimum horizontal distance between the structure line and the related front, side, or rear property line.

Street. A way set aside for vehicular traffic, regardless of size or designation, but excluding private driveways serving only one (I) parcel of land.



Street, Arterial. A streets or highways designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic.

Street, Collector. A street that carries or will carry intermediate volumes of traffic from local streets to arterial streets.

Street, Dead-End. A street or a portion of a street with only one (1) vehicular-traffic outlet. See also Cul-de-Sac.

Street, Local. A street that is used or will be used primarily for access to abutting properties and which carry or will carry limited volumes of traffic.

Street, Marginal Access. A street that is parallel to and adjacent to arterial streets and highways and that serves to reduce the number of access points to the arterial streets and thereby increase traffic safety.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences or public items such as utility poles, street light fixtures, and street signs.

Subdivider. Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who; (2) directly or indirectly, sells, leases or develops or offers to sell, lease or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit or plot in a subdivision, or who; (3) engages directly or through an agent in the business of selling, leasing, developing or offering for sale, lease or development a subdivision or any interest, lot, parcel, site, unit or plot in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or interests for the purposed of offer, sale, lease or development either on the installment plan or upon any and all other plans, terms and conditions, including resubdivision or conversion of a subdivision to condominium units. Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bound description, map, plat or other recorded instrument.
(#2202)

Subdivision Improvement Agreement. A contract entered into by the applicant and the Governing Body by which the applicant promises to complete the required public improvements, as specified within these regulations, within the subdivision within a specified time period following final subdivision plat approval.

Subdivision, Major. All subdivisions not classified as minor subdivisions.

Subdivision, Minor. Any subdivision containing not more than five (5) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities or the creation of any public improvements, and not adversely affecting the remainder of the



parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Official Map, Zoning Regulations, or these regulations.

Subdivision, Staged. Any subdivision within a drainage sub-basin in which public sewer is projected to be developed in the future, but for which it is not feasible to provide public sewer at the time of development, and meeting the requirements of these regulations.

Subdivision Regulations. The term “Subdivision Regulations” or “these regulations” shall mean the requirements stipulated in the regulations herewith attached, and shall mean the lawfully adopted Subdivision Regulations of the City of De Soto.

Tract. A lot. The term "tract" is used interchangeably with the term "lot," particularly in the context or subdivision, where a "tract" is subdivided into several lots, parcels, sites, plots, tracts, or interests. See also Lot and Plot.

Vested Rights. Right to initiate or continue the establishment of a use which will be contrary to a restriction or regulation coming into effect prior to or following completion of the project associated with the use.



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