



Article Four SUBDIVISION – PROCEDURES, SPECIFICATIONS & APPROVAL PROCESS

Section 4.01 General Procedure

- A. Classification of Subdivisions. Land proposed to be subdivided shall be classified according to one of the following:
1. Minor Subdivision. Any residential subdivision that meets all the following criteria:
 - a. The subdivision will not result in the creation of more than five (5) lots fronting on an existing street built to City standards and will not require the construction of any new street or road;
 - b. The subdivision will not require the extension of municipal facilities or the creation of any public improvements;
 - c. The subdivision is consistent with the applicable provisions and portions of the Comprehensive Plan;
 - d. The City Engineer has determined, following review of the applicant's preliminary drainage information, that no detailed drainage plan or improvements are needed; and
 - e. The proposed subdivision does not have any topography, access, sewage disposal or design concerns that would warrant review and consideration within the requirements of the Major Subdivision classification designation.
 2. Major Subdivision. Any subdivision not classified as a minor, staged or condominium subdivision, including but not limited to any sized subdivision requiring any new street, extension of municipal facilities or the creation of public improvements and which will be served with public sewer upon development. (#2202)
 3. Staged Subdivision. 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. In addition to the requirements of Article 4, staged subdivisions shall meet all the following criteria:
 - a. No parcel in existence on the effective date of this Ordinance shall be subdivided more than once according to the staged subdivision process regardless of change in ownership. No further subdivision of a lot created by the staged subdivision process shall be permitted unless it meets the requirements of Section 4.07.
 - b. Direct access to collector and arterial streets is prohibited unless meeting the minimum design requirements for access separation.
 - c. Each lot proposed shall demonstrate the ability to be resubdivided into future lots with areas no greater than 11,000 square feet. Each lot must



- show the ability to resubdivide without the cooperation of other lot owners in the subdivision by indicating future lot lines.
- d. Primary structures shall be located on no more than one (1) future lot, unless made necessary by site features and permitted by the Building Official. Prior to permitting a primary structure to span two (2) lots, a written request must be submitted explaining necessity. In no case shall the building pad span more than two (2) lots.
 - e. Accessory structures may be located on more than one future lot, but shall be oriented to the development of such future lots. Individual accessory structures shall not be located on more than one (1) lot.
 - f. The storm water drainage and sanitary sewer system shall be designed to accommodate full development based on the proposed ability to resubdivide. Surface drainage meeting requirements of this Ordinance shall be handled in a development-wide facility located on a separate lot to be maintained by a subdivision association or dedicated to the City so all resubdivided lots need only install on-site drainage improvements. Sanitary sewer improvements meeting requirements of this Ordinance are required.
4. **Condominium Subdivisions.** A subdivision that creates separate legal descriptions for lots, portions of lots, buildings and/or portions of buildings (units) intended for separate, private ownership within a property that is held in common ownership by the unit owners. All condominium subdivisions in the City of De Soto shall meet the State Statutes contained in K.S.A. 58-3101 through 53-3129 and incorporated herein by reference. (#2202)
- a. Subdivision by condominium requires the execution and recording of a Declaration whereby the common areas of the development are owned and administered by the unit owners or association of owners.
 - b. A condominium plat shall establish legal descriptions for lots, portions of lots, buildings and/or portions of buildings (units). Each portion shall be described as a building, a unit, a lot and/or a tract, all set within the boundaries of the property and labeled as such.
 - c. Where buildings are divided into separate units or contain common spaces, floorplans shall be created as part of the Final Plat that detail the area of the unit as well as that part of any building that is held in common ownership.
 - d. Conversion of an existing subdivision to a condominium subdivision may forego the requirement for a preliminary plat upon recommendation by the City Engineer.
 - e. Setback regulations shall not apply to individual units within buildings.
- B. **Procedure by Classification.** Before any land is subdivided, the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures:
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1. Minor Subdivision.
 - a. Sketch Plat
 - b. Final Plat

 2. Major Subdivision.
 - a. Sketch Plat
 - b. Preliminary Plat
 - c. Final Plat

 3. Staged Subdivision.
 - a. Sketch Plat
 - b. Preliminary Plat
 - c. Final Plat

 4. Condominium Subdivision (#2202)
 - a. Sketch plat
 - b. Preliminary Plat
 - c. Final Plat
 - d. Floorplans
 - e. Declaration
- C. Official Submission Dates. For the purpose of these regulations, for major, minor, staged and condominium subdivisions, the date of the Planning Commission meeting at which the application is first considered, shall constitute the official submission date of the plat on which the statutory period required for formal approval, conditional approval or disapproval of the Preliminary or Final Plat shall begin. (#2202)

Section 4.02 Sketch Plat

- A. Intent. The Sketch Plat gives general guidance in preparing a Preliminary or Final Plat. This plat is a conceptual representation of the applicant’s desire and ability to meet the standards of these regulations. The Sketch Plat is expected to be modified as more detailed planning and engineering is completed. Dimensions, measurements, and calculations shown on the Sketch Plat are assumed to be illustrative. Detailed planning and engineering following Sketch Plat review are expected to result in changes in detail, but not the overall concept.
- B. General. Before preparing and submitting a Preliminary Plat for Major, Staged or Condominium subdivisions or Final Plat for Minor subdivisions, the applicant shall schedule a meeting with the Planning and Zoning Staff to discuss the proposed subdivision and existing conditions, projected conditions, and the regulations and ordinances that will impact the development, including: (#2202)
1. The subdivision classification;
 2. The procedure for approval of plats;
 3. The availability of existing services, including sewer, water, emergency services, schools, etc.;



4. The Comprehensive Plan requirements for major streets, land use, parks, schools and public open spaces;
5. The zoning requirements for the property in question and adjacent properties;
6. The required improvements and design criteria; and
7. The applicable fees and excise tax.

In addition, staff shall direct the applicant, when appropriate, to discuss the proposed subdivision with those staff or officials who must eventually approve specific aspects of the subdivision plat falling within their jurisdiction or responsibility.

C. **Application Procedure and Requirements.** At the time of the Sketch Plat meeting, the land owner or his authorized agent shall submit:

1. A completed application as available in the adopted City of De Soto Procedures Manual or at the Planning and Zoning Department;
2. Identification of all contiguous holdings of the owner including land in “common ownership” as defined in these regulations, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page where each conveyance to the present owner is recorded in the County Register of Deeds. The affidavit shall identify the legal owner of the property, the contract owner of the property, the date the contract of sale was executed, and, if any corporations are involved, a complete list of all directors, officers, and stockholders of each corporation owning more than five percent of any class of stock; and
3. Copies of the Sketch Plat in accordance with the City’s Application and Review Schedule.

D. **Submittal Requirements.** Sketch Plats shall be drawn to a convenient scale of not more than 1” = 100’ and shall contain the following information:

1. Proposed or existing name of subdivision;
2. Graphic scale, north arrow and date;
3. Existing conditions, including:
 - a. Location of property lines, existing easements, rights-of-way, watercourses, major vegetation and location width and name of all existing or platted streets or other public ways within 200 feet;
 - b. Location and size of existing sewers, water mains, culverts and other utilities within the tract and immediately adjacent to the tract;
 - c. Existing buildings;
 - d. Existing topography (at the same scale as the Sketch Plat);
 - e. Existing floodplain;
 - f. Soil types and general location for all subdivisions proposed to be developed without access to public sanitary sewer; and
 - g. A vicinity map and/or aerial photography showing streets, street names and other general development of the surrounding area.



4. Proposed layout, including:
 - a. The approximate location of proposed streets;
 - b. Preliminary proposals for connection with existing utilities, or alternative means of providing services;
 - c. Preliminary provisions for collecting and discharging surface water drainage;
 - d. The approximate location, dimensions, and area of all land to be dedicated for public use including rights-of-way and park land.
 - e. For condominium subdivisions, the approximate location and dimensions of all common areas and facilities. (#2202)

- E. Classification and Notice to Proceed. Within five (5) working days of the date that the Sketch Plat meeting was held, Planning and Zoning Staff shall determine whether the Sketch Plat constitutes a minor, major, staged or condominium subdivision and notify the applicant of the classification and any issues to be addressed or conditions to be met prior to proceeding. Upon verification that any issues have been addressed and conditions met, staff shall issue a “notice to proceed” with the plat as required for the specified classification. (#2202)

Section 4.03 Preliminary Plat.

- A. Intent. The Preliminary Plat contains accurate preliminary planning and engineering. Although not a survey, the accuracy and design is such that only minor changes are to be expected in the Final Plat. Only minor revisions warranted by final engineering, surveying or other required changes are expected following approval of the Preliminary Plat. Unless part of a Planned Development district zoning or otherwise specified, the Preliminary Plat is not recorded. Rather it serves as a benchmark for reviewing and approving the Final Plat. A revised Preliminary Plat may be required for any subdivision that proposes a major deviation from a previously approved Preliminary Plat at the time of Final Plat application.

- B. General.
 1. Preliminary plat submittal is required for all Major and Staged Subdivisions.

 2. In order to proceed, the applicant shall submit an application for approval of a Preliminary Plat within 120 days of the Notice to Proceed. If the Preliminary Plat application is not filed within the 120-day period, the applicant must resubmit a Sketch Plat and meet with Planning and Zoning Staff per the requirements of Section 4.02, unless a reasonable extension is granted by staff.

 3. The Preliminary Plat shall generally conform to the Sketch Plat that formed the basis for the Notice to Proceed.



C. Application Procedure and Requirements.

1. Application: Preliminary Plat Application shall be made on forms available at City Hall or in the City of De Soto Procedures Manual. All applications shall be filled out in their entirety. Applications shall be reviewed for completeness within five (5) working days of filing. If the City determines that the application is complete, the application shall then be processed. If the City determines that it is incomplete, the City shall, within such five- day period, notify the applicant of the specific ways in which the application is deficient. Incomplete applications will not be accepted, or placed on an agenda for review and consideration. As such, applicants are encouraged to submit applications earlier than the deadlines specified in the adopted City of De Soto Application and Review Schedule.
2. Fees: A filing fee and deposit shall be charged and collected from the applicant in an amount as established by the Governing Body by ordinance or resolution. A separate filing fee and deposit shall be required for each Preliminary Plat application. The Preliminary Plat shall not be accepted for filing until the filing fee and deposit has been paid by the subdivider.
3. Submittal Materials: The subdivider shall submit one original and the required number of folded prints or copies of the Preliminary Plat, and a vicinity map (if not on the Preliminary Plat) showing the location of the proposed subdivision. These plans shall be filed with the Planning and Zoning Staff according to the adopted City of De Soto Application and Review Schedule.
4. Notification: The subdivider shall notify all owners of record of all land within 200 feet of property being proposed for subdividing or resubdividing of the intent to subdivide or resubdivide the subject property. Notification shall be sent via certified mail and a copy of a letter of notification shall be submitted with the Preliminary Plat. The subdivider shall also submit a complete list of the names and mailing addresses of, as prepared by the County Clerk or a title company. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Planning Commission.

In addition to such written notice, each applicant shall place one or more signs upon the lot, tract or parcel for which the application was filed, informing the general public that a meeting will be held at a specific date, time and place concerning the proposed plat. Said sign shall be furnished by the Planning and Zoning Department and posted by the applicant at least 20 days prior to the meeting. The sign shall be maintained throughout the approval process and removed by the applicant within ten (10) days after final action on the application by the Planning Commission or until withdrawal of the application. If consideration of the plat is tabled, the sign(s) shall be replaced or amended to accurately describe the new date, time and place for the meeting.



If the lot, tract or parcel of land has more than one abutting street, a sign shall be placed facing all streets. The applicant shall attach the sign to a wood or metal backing or frame and firmly affix the sign within five feet of the street right-of-way line, in a central position on the lot, tract or parcel of land. The bottom of the sign shall be a minimum of two feet above the ground, shall have no visual obstructions and shall be visible from the abutting streets. The status of the signs shall be checked frequently. Fallen or destroyed signs shall be immediately replaced. It shall be a public offense for any person to remove, deface or destroy any sign provided for in this subsection. Prior to the meeting, the applicant shall certify that the sign(s) have been posted and maintained as required. Certification forms shall be furnished by the Planning and Zoning Department. Failure to comply with these requirements may cause consideration of the plat to be continued to a later date.

D. Preliminary Plat Features. All Preliminary Plats shall contain:

1. Scale of the plat, 1" = 100' or larger.
2. A vicinity map at a scale of 1" = 1000' or larger, showing streets and street names within 500 feet of the boundaries of the proposed subdivision.
3. The proposed name of the subdivision. The name shall not duplicate or too closely resemble the name or names of an existing subdivision(s).
4. The location of the boundary lines of the subdivision and reference to the section or quarter section lines.
5. The names and addresses of the subdivider, developer, owner, and the engineer or land surveyor who prepared the plat.
6. Date of preparation and north point.
7. Existing conditions:
 - a. Current zoning classification, existing, projected and proposed land use.
 - b. Location, width and name of platted streets or other public ways, railroads and utility rights-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision.
 - c. All existing sewers, water mains, gas mains, culverts, or other underground installations, within or adjacent to the proposed subdivision, with pipe size and manholes, grades and location.
 - d. Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsplit land.
 - e. Topography with contour intervals of not more than two feet, referred to City or U.S.G.S. datum; where the ground is too flat for contours, spot elevations shall be provided.



- f. Location of watercourses, bridges, wooded areas, lakes, ravines, floodplain, and such other features as may be pertinent to the subdivision.
 - g. Soil types and location for all subdivisions proposed to be developed without access to public sanitary sewer.
8. Proposed improvements:
- a. The general arrangements of lots and their approximate size. All preliminary plats shall show the proposed gross lot size which is the area contained within the property lot lines or tract boundaries. On subdivision plats where an on-site waste treatment system will be used, the net lot area for each lot shall also be shown. The net lot area is defined as the gross lot area less any existing or proposed rights-of-way or easements on the lot/site. (# 2183) Staged subdivisions shall indicate lots to be developed initially as well as future lots. Additional sheets may be warranted based upon the size of the proposed development or to show staged development plans.
 - b. Location and width of proposed streets, alleys, and pedestrian ways and easements, including easements required for staged subdivision as applicable.
 - c. The general plan of sewage disposal, water supply and drainage, including a map showing the drainage area of each major drainage way.
 - d. Location and size of proposed parks, playgrounds, churches, school sites or other special uses of land to be considered for reservation or dedication for public use. Including calculations for required open space dedication. For condominium subdivisions, locate and dimension all areas to be held in common or limited common use and any convertible land. (#2202)
 - e. General street layout of adjacent property within 200 feet to show how streets and other public facilities in the proposed subdivision relate to the adjacent property.
 - f. Approximate gradient of streets.
 - g. Relation to adjacent unsubdivided land.
 - h. A table showing gross acreage of the subdivision; acreage of each applicable zoning district; acreage dedicated to streets and other public uses; total number of buildable lots for each use proposed; maximum, minimum and average lot sizes for each use proposed; and overall density.
- E. Supplemental Data: The following additional information shall be submitted with the Preliminary Plat at the time of application:
- 1. Review by Public Utilities: The subdivider shall have the proposed plat reviewed by all affected utility companies or agencies to ensure that adequate easements are provided and shall submit a letter from each utility or agency regarding their review and comments on the plat.
 - 2. Preliminary Grading Plan: The subdivider shall submit a preliminary grading plan including, existing and proposed land elevations, contours, and slopes. This plan



shall be forwarded to the City Engineer. These plans are not intended to be detailed suitable for construction.

3. Preliminary Landscaping Plan: The subdivider shall submit a preliminary landscaping plan, showing at a minimum landscaping easements required per the City of De Soto Zoning Regulation requirements for landscaping and buffering. This plan is not intended to be detailed suitable for construction.
 4. Drainage Study: The subdivider shall submit a drainage study for the proposed site. The content of said drawings is set out in Section 4.05.
- F. Preliminary Plat Action: After the Planning Commission has reviewed the Preliminary Plat, applicable reports submitted, and any additional materials submitted, the Planning Commission shall approve, conditionally approve, or disapprove the Preliminary Plat within sixty (60) days from the Official Submission date. If the Preliminary Plat is approved conditionally or tabled for further consideration, the applicant shall be advised of any required changes and/or additions necessary for approval.
- G. Action by the Planning Commission shall be conveyed to the subdivider in writing within seven (7) working days after the meeting at which the plat was considered. One (1) copy of the Preliminary Plat shall be returned to the developer with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat. The approval of the Preliminary Plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the platting process.
- H. Standards for Approval of a Preliminary Plat: No Preliminary Plat of a proposed subdivision shall be approved by the Planning Commission unless the applicant proves by clear and convincing evidence that:
1. Provisions have been made for adequate public facilities. The water supply system shall be sufficient in terms of quantity, dependability and quality to provide an appropriate supply of water for the type of subdivision proposed. If a public sewage system is proposed, adequate provision has been made for such a system and if other methods of sewage disposal are proposed, that such systems will comply with federal and state laws and regulations in addition the requirements of these regulations;
 2. All areas of the proposed subdivision that may involve soil or topographic conditions presenting hazards or special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions;
 3. The proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels; and
 4. The subdivider has taken every effort to mitigate the impact of the proposed subdivision on the public health, safety and welfare.



The Planning Commission is authorized to disapprove the Preliminary Plat even though the land proposed for subdivision is zoned for the use to which the proposed subdivision will be put and the proposed use is consistent with the Comprehensive Plan.

- I. **Effective Date:** The approval of a Preliminary Plat shall be effective for a period of twelve (12) months from the date that the Preliminary Plat is approved by the Planning Commission. At the end of this period the applicant must have submitted a Final Plat for approval or the Planning Commission must have granted an extension to the validity of the Preliminary Plat at the request of the property owner.

Section 4.04 Final Plat.

- A. **Intent.** The Final Plat should be in substantial conformance with the Preliminary Plat or Sketch Plat and should reflect a final subdivision layout based upon completed Construction Documents. The Final Plat is the document to be recorded. All construction shall be in accordance with the Final Plat and Construction Documents.
- B. **General.**
 1. Final plat submittal is required for all subdivision classifications.
 2. In order to proceed, the applicant shall submit an application for approval of a Final Plat within 120 days of the Notice to Proceed, or twelve (12) months of the approval of a Preliminary Plat. If the Final Plat application is not filed within the 120-day or twelve (12) month period, the applicant must resubmit a Sketch Plat and/or a Preliminary Plat as required for the subdivision classification, unless an extension is granted by staff.
 3. The Final Plat shall conform substantially to the Sketch Plat or Preliminary Plat as applicable.
 4. The Final Plat may constitute only a portion of the Preliminary Plat that the subdivider proposes to record and develop.
- C. **Application Procedure and Requirements.**
 1. **Application:** Final Plat Application shall be made on forms available at City Hall or in the City of De Soto Procedures Manual. All applications shall be filled out in their entirety. Applications shall be reviewed for completeness within five (5) working days of filing. If the City determines that the application is complete, the application shall then be processed. If the City determines that it is incomplete, the City shall, within such five-day period, notify the applicant of the specific ways in which the application is deficient. Incomplete applications will not be accepted, or placed on an agenda for review and consideration. As such, applicants are encouraged to submit applications earlier than the deadlines specified in the adopted City of De Soto Application and Review Schedule.
 2. **Fees:** A filing fee and deposit shall be charged and collected from the applicant in an amount as established by the Governing Body by ordinance. A separate filing fee and deposit shall be required for each Final Plat application. The Final Plat



shall not be accepted for filing until the subdivider has paid all applicable filing fees and deposits.

3. Submittal Materials: The subdivider shall submit one original on mylar, the required number of folded prints or copies, and an electronic copy of the Final Plat. Electronic copies shall be in a format compatible with the City's designated software. These materials shall be filed with the Planning and Zoning Staff according to the adopted City of De Soto Application/Review Schedule.

D. Final Plat Features. All Final Plats shall contain:

1. Scale of plat, 1" = 100' or larger, on 24" x 36" sheets. If more than one sheet is required to cover the entire development, an index map of the same dimensions shall be filed showing the entire development at a smaller scale. The dimensions indicated are standard for all Final Plats and shall be complied with.
2. The proposed name of the subdivision. The name shall not duplicate or too closely resemble the name or names of any existing subdivision(s).
3. Location of the proposed subdivision in relation to section, township, range, county and state, including the description boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions that must be mathematically correct. The allowable error of closing on any portion of the plat shall be one foot in five thousand (1': 5,000').
4. The location of existing monuments or bench marks shall be shown and described on the Final Plat. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including the true angles and distances to such reference points or monuments.
5. The location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet with the length of radii on all curves, and other information necessary to reproduce the plat on the ground. In the case of a condominium Subdivision, also show the location of all buildings, building units, common facilities and areas, limited common areas and convertible land in the same manner. This may necessitate the submittal of additional sheets with detailed floor plan of each building, floor and/or unit. (#2202)
6. Lots and tracts, buildings and building units shall be numbered or lettered clearly. Blocks shall be numbered or lettered clearly in the center of the block. Common areas and facilities shall be clearly labeled. (#2202)
7. The exact locations, widths and names of all streets and alleys to be dedicated.
8. Boundary lines and description of the boundary lines of any area other than streets and alleys that are to be dedicated or reserved for public use.



9. All Building setback lines with dimensions.
 10. The location of any floodplain located within the proposed subdivision and a statement regarding compliance with the City’s adopted floodplain regulations.
 11. Name, signature and seal of the licensed land surveyor preparing the plat.
 12. Scale of the plat (scale to be shown graphically and in feet per plat scale inch), date of preparation and north point.
 13. Statement dedicating all easements, streets, alleys, and all other public areas not previously dedicated.
 14. Additional information required for Preliminary Plats deemed necessary by staff to determine the appropriateness of the proposed subdivision (Minor Plats only).
 15. The following certificates, which may be combined where appropriate (see appendix for specific language):
 - a. Certificate of Ownership, Consent and Dedication
 - b. Certificate of Accuracy
 - c. Certificate of Approval of Fire Protection Measures
 - d. Certificate of the Approval of Public Improvements
 - e. Certificate of the Approval of the Final Plat
- E. Supplemental Data: The following additional information shall be submitted with the Final Plat at the time of application:
1. Restrictive Covenants: A copy of any restrictive covenants applicable to the subdivision.
 2. Proof of Ownership: A title report by an abstract or a title insurance company, or an attorney’s opinion of title, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on the plat and any easements or other constraints.
 3. Review by the County Surveyor: The subdivider shall submit the Final Plat to the Johnson County Surveyor to ensure the accuracy and acceptance of the survey/legal description of the proposed subdivision.
 4. A certificate showing that all taxes and special assessments due and payable have been paid in full; or if such taxes have been protested as provided by law, monies or other sufficient escrows guaranteeing such payment of taxes in the event the protest is not upheld, may be placed on deposit with such official or governing bodies to meet this requirement.



5. Owner's Acknowledgment: The names and signatures of the owner or owners of the property duly acknowledged and notarized shall appear on the original and copies or prints submitted.
 6. Final Landscaping Plan: The subdivider shall submit a final landscaping plan, per the City of De Soto Zoning Regulation requirements for landscaping and buffering. This plan is intended to be detailed suitable for construction.
 7. Construction Documents: The subdivider shall submit a letter from the City Engineer that Construction Documents and specifications for all required developer installed improvements have been approved. The content of said drawings is set out in Section 4.06.
- F. Final Plat Action by the Planning Commission: After the Planning Commission has reviewed the Preliminary Plat, applicable reports submitted, and any additional materials submitted to determine conformance with the subdivision regulations and Preliminary Plat, the Planning Commission shall approve, conditionally approve, or disapprove the Final Plat within sixty (60) days from the Official Submission date. If such determination is not made within sixty (60) days after the first meeting of the Planning Commission following the date of the submission of the plat to the Planning and Zoning Staff, such plat shall be deemed to have been approved and a certificate of approval shall be issued by the secretary of the Planning Commission upon demand.
- If the Planning Commission finds that the plat does not conform to the requirements of the subdivision regulations or the Preliminary Plat and is approved conditionally or tabled for further consideration, the applicant shall be advised of any required changes and/or additions the Planning and Zoning Staff shall notify the owner or owners of such fact in writing within five (5) working days of the meeting in which the plat was considered. If the plat conforms to the requirements of the regulations and the Preliminary Plat, there shall be endorsed thereon the fact that the plat has been submitted to and approved by the Planning Commission. The action of the Planning Commission on final subdivision plats shall be taken by a majority vote of the entire membership of the Planning Commission.
- G. Standards for Approval of a Final Plat: The Final Plat of a proposed subdivision shall be approved by the Planning Commission if the applicant proves by clear and convincing evidence that:
1. The plat meets the requirements of these regulations;
 2. The construction documents have been approved by the City Engineer; and
 3. The plat is in substantial compliance with the approved Preliminary Plat (Major and Staged Subdivisions) or Sketch Plat (Minor Subdivision). The Final Plat shall be deemed to be in substantial compliance with the approved Preliminary Plat provided any modification to the plat does not:



- a. Vary the proposed gross residential density or intensity of use by more than five percent (5%) or involve a substantial reduction in the area set aside for common open space, nor the substantial relocation of such area, nor;
 - b. Substantially change the design of plat so as to significantly alter, as determined by the Planning Commission:
 - (1) Pedestrian or vehicular traffic flow.
 - (2) The arrangement of the site.
 - (3) The relation of open space to residential development.
 - (4) The proposed phasing of construction.
- H. The Governing Body shall accept or refuse the dedication of land for public purpose within thirty (30) days after the first meeting of the Governing Body following the date of the submission of the plat to the Planning and Zoning Department from the Planning Commission. The Governing Body may defer action for an additional thirty (30) days for the purpose of allowing for modifications to comply with the requirements established by the Governing Body. No additional filing fees shall be assessed during that period. If the Governing Body defers or refuses such dedication, it shall advise the Planning Commission of the reasons therefore.
- I. Expiration of Development Rights Created by Final Plat. For the purpose of single-family residential development, development rights for land shall vest upon recording of the final plat for such land. If construction has not begun within five years of recording the plat, the development rights created thereby shall expire and become null and void unless an extension of the development rights is granted as provided for pursuant to subsection 10 of Article 3 of the Zoning Regulations. Whenever development rights created by a final plat expire pursuant to this subsection -- and no extension of the same is granted -- then no development shall take place on the land until a replat of the land is approved and recorded or the existing final plat is shown to conform to the Subdivision and Zoning Regulations, as amended. (**Subsection I added 2/24/05/Ord. 2078**)

Section 4.05 Drainage Study

- A. General.
 - 1. A Drainage Study shall be submitted for all Major, Staged and Condominium Subdivisions at the time of Preliminary Plat application. (**#2202**)
- B. Submittal Procedure and Requirements.
 - 1. Submittal: The Drainage Study is to be submitted with the Preliminary Plat application as specified in Section 4.03.E.4.



2. Submittal Materials: The subdivider shall submit copies of the Drainage Study in accordance with the City's Application and Review Schedule. These documents shall be submitted at the time of Preliminary Plat application.

C. Drainage Study Contents.

1. Existing Conditions: The existing conditions of the site must be evaluated to determine the impact of on and off-site drainage. As such, the following information shall be provided. Additional information may be required by the City Engineer as deemed necessary to provide an accurate assessment of existing conditions.
 - a. Area of the proposed subdivision.
 - b. Area of pervious and impervious surfaces within the proposed subdivision.
 - c. Hydrologic soil types within the proposed subdivision.
 - d. Map of the proposed subdivision indicating existing drainage areas.
 - e. Map of the surrounding area indicating drainage areas contributing run-off to the proposed subdivision, with time of concentration, and run-off coefficient or SCS curve numbers and calculations for each area.
 - f. 2-, 10- and 100-year flow from each on-site drainage area, across the proposed subdivision from off-site areas, and to each discharge point in the proposed subdivision.
 - g. Nature and size of any downstream conveyance system.
 - h. The identification and explanation of any downstream restrictions or limitations.
 - i. Any assumptions used in the examination of existing conditions.
2. Proposed Conditions: The proposed condition of the site must be evaluated to determine the extent and capacity of on-site storm sewer systems. As such, the following information shall be provided. Additional information may be required by the City Engineer as deemed necessary.
 - a. Approximated area of the pervious and impervious surfaces within the proposed subdivision upon build out.
 - b. Hydrologic soil types within the proposed subdivision.
 - c. Map of the proposed subdivision indicating proposed drainage areas.



- d. Map of the surrounding area indicating drainage areas contributing run-off to the proposed subdivision, with time of concentration, and run-off coefficient or SCS curve numbers and calculations for each area.
- e. 2-, 10- and 100-year flow from each on-site drainage area, across the proposed subdivision from off-site areas, and to each discharge point in the proposed subdivision.
- f. The size, material, slope and capacity of the proposed storm sewer.
- g. Location, area, depth and volume of detention area, and a drawing of such, including the discharge structure (required only if proposed).
- h. Inflow, outflow and elevation curves for the proposed system.
- i. The ability of the existing elements to convey proposed flows.
- j. The identification and explanation of any additional improvements proposed.
- k. Any assumptions used in the examination of existing conditions.
- l. The comparison of the existing and proposed flows from the site.

Section 4.06 Construction Documents

A. General.

- 1. Construction Documents must be submitted for all required improvements.
- 2. Upon the approval of the Preliminary Plat, the subdivider shall have prepared by a licensed professional engineer, Construction Documents for the required improvements.

B. Application Procedure and Requirements.

- 1. Application: Construction Documents are to be submitted with any Final Plat application as specified in Section 4.04.E.7.
- 2. Submittal Materials: The subdivider shall submit copies of the construction drawings in accordance with the City's Application and Review Schedule. These documents shall be submitted at the time of Final Plat application.

C. Construction Documents Contents.

- 1. Plans, profiles, details, specifications and cost estimates for roadway and sidewalk construction, including plans and profiles for each street with a typical cross section of the roadway. The profiles of grade lines shall be shown to a scale of 1" = 50' horizontal, and 1" = 5' vertical. The City Engineer may require a larger



format as necessary to show adequate detail. This information shall be shown on standard plan and profile sheets unless otherwise required. Where steep slopes exist, cross-sections of all proposed streets at one-hundred-foot stations may be required as follows: On a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, each property line and points twenty-five (feet) inside each property line.

2. Plans, profiles, details, specifications and cost estimates of proposed storm drainage improvements.
 3. Plans, profiles, details, specifications and cost estimates of proposed water distribution systems and proposed water supply facilities and hydrants, if any.
 4. Plans, profiles, details, specifications and cost estimates of sewerage systems and of any required sewage treatment facilities.
 5. Grading plans for all lots and other sites in the subdivision.
 6. Erosion control plan for the subdivision
 7. Copies of all State and Federal permits required to begin construction.
 8. When unusual site conditions exist, staff may require such additional plans, specifications and drawings as may be necessary for an adequate review of the improvements to be installed.
 9. All plans shall be based on City or U.S.G.S. datum for vertical control.
- D. Review of Plans: The City Engineer shall review all Construction Documents in order to determine that they comply with City design standards. The City Engineer shall notify the subdivider and the planning staff, in the event that the drawings do not so conform or comply, and shall specify the specific manner in which such drawings do not so comply. The subdivider shall then correct any defective drawings and resubmit the corrected drawings.
- E. Approval by Planning Commission: The Planning Commission shall approve a Final Plat only after consideration of the City Engineer's opinion that the drawings are consistent with the approved Sketch Plat and/or Preliminary Plat and comply with their design standards.

Section 4.07 Resubdivision of Land

- A. Procedure for Resubdivision. Whenever a developer desires to resubdivide an already approved final subdivision plat, the developer shall first obtain approval for the resubdivision by the same procedures prescribed for the subdivision of land.



- B. Resubdivision. Resubdivision includes:
1. Any change in any street layout or other public improvement;
 2. Any change in any lot line;
 3. Any change in the amount of land reserved for public use or the common use of lot owners; or
 4. Any change in any easements shown on the approved plat.
- C. Procedure When Future Resubdivision is Indicated as Required for Staged Platting. Whenever land proposed for resubdivision includes land for which future resubdivision is indicated as required for staged platting per these regulations, such resubdivision shall conform to the criteria specified in Section 4.01.A.3.
- D. Waiver. Whenever the Planning Commission, in its sole discretion, makes a finding on the record that the purposes of these regulations may be served by permitting resubdivision by the procedure established in this Section, the Planning Commission may waive the requirements of Section 7.06.A.

The Planning Commission, after an express request for waiver, shall approve, approve conditionally or disapprove such request based upon staff recommendation, and other relevant considerations including, but not limited to the following:

1. The proposed changes to the Final Plat;
 2. The extent of development completed within the subdivision and the impact the proposed changes on such development;
 3. The impact of the proposed changes on surrounding development; and
 4. Conformance with the regulations herein.
- E. Request for Waiver Content. All requests for waiver shall include the following:
1. The number of copies of the Final Plat in accordance with the City’s Application and Review Schedule, illustrating the proposed changes;
 2. A written statement describing the proposed changes, the need for such and how the changes meet the matters to be considered from Section 4.07.C above;
 3. Any additional documents which may further explain the proposed changes; and
 4. Any additional information needed to determine the appropriateness of the proposed changes.