

ARTICLE 4. PROCEDURE FOR APPROVAL OF PRELIMINARY AND FINAL PLATS

- 100 Submittal of Sketch Plan.** The subdivider may, if deemed desirable, submit a sketch plan at least 20 days prior to their meeting in order to receive the pre-plat comments of the Subdivision Committee and/or the Planning Commission which may prove helpful in designing the preliminary plat. Ten copies of the sketch plan should be submitted to the Subdivision Administrator in a simple format sufficient to convey the location of proposed streets and utilities, the general layout of lots, and to note any particular design situations which could benefit from an early discussion of the problems. One copy of the sketch plan shall be returned to the subdivider with notations marked as to the comments resulting from such a review process. No fee shall be charged for the sketch plan review.
- 101 Filing of Preliminary Plat.** An application shall be filed with the Subdivision Administrator at least 30 days prior to the next regular meeting of the Planning Commission and such number of copies of the preliminary plat as may be determined necessary by the Administrator for proper review by affected and interested governmental and public and private organizations. Such plat shall not be accepted for filing until the fee as provided for in Section 3-109 has been paid by the subdivider to the Clerk. The preliminary plat shall contain the information as set out in Section 5-100 of these regulations.
- 102 Distribution and Review of Preliminary Plat.** After the filing of the preliminary plat, the Subdivision Administrator shall distribute copies to affected and interested governmental and public and private organizations as appropriate. Organizations receiving copies shall have 15 days to review the preliminary plat and to make their comments and recommendations to the Planning Commission. A lack of response in 15 days shall, at the discretion of the Commission, signify approval, unless during this period a written request for an extension of one time only not to exceed 15 days is submitted to the Commission.
- 103 Action by the Planning Commission on Preliminary Plat.** The Planning Commission shall review the preliminary plat and consider the comments and recommendations of the organizations to whom the preliminary plat had been submitted for review. If deemed desirable, the Commission may mail notices or copies of agendas to interested parties and conduct a public hearing for the purpose of receiving information supporting or opposing the preliminary plat.
- A. The Planning Commission shall determine whether the preliminary plat generally meets the design standards and requirements of these regulations, the Comprehensive Plan, the applicable zoning regulations and other applicable provisions of the ordinances of the City.
 - B. If satisfied, the Planning Commission shall approve the preliminary plat with or without conditions by a majority vote of the members present and voting, and so notify the subdivider in writing.

- C. If the Planning Commission determines that the preliminary plat does not satisfy the foregoing conditions, it may suggest modifications so as to satisfy such conditions and in such event:
1. The subdivider may amend the preliminary plat so as to incorporate such modifications and resubmit the plat to the Commission, which shall then grant its approval if such amendments satisfactorily incorporate the suggested modifications; or
 2. The subdivider may reject the suggested modifications or, within the time allowed for Commission action, may refrain from taking any action thereon. In either event, the preliminary plat shall be deemed to have been disapproved and the Commission shall thereupon furnish the subdivider with a written statement setting forth the reasons for disapproval of the preliminary plat.
- D. If the Planning Commission determines that the preliminary plat does not satisfy the conditions of these regulations and that modifications would be too extensive or impractical, it shall disapprove the preliminary plat and immediately notify the subdivider in writing of its action, all within 60 days.

104 Failure of Planning Commission to Act on Preliminary Plat. If the Planning Commission fails to approve or disapprove a preliminary plat within 60 days after the date such plat is filed with the Subdivision Administrator or from the date the subdivider has filed the last item of required data, whichever date is later, then such preliminary plat shall be deemed to have been approved, unless the subdivider shall have consented in writing to extend or waive such time limitation.

105 Effect of Approval of Preliminary Plat.

- A. Approval of the preliminary plat shall not constitute approval of the subdivision by the Planning Commission, but shall signify in general the acceptability of the proposed subdivision.
- B. Such approval shall be considered permission to submit the final plat accompanied by the information required by Section 5-101R.
- C. Such approval shall be effective for no more than 12 months from the date approval was granted, unless, upon application from the subdivider, the Planning Commission grants an extension of time beyond such period. If a final plat for the entire subdivision or a unit thereof has not been filed with the Subdivision Administrator within such period, or any extensions granted thereto, the preliminary plat must be resubmitted to the Commission as if such plat had never been approved, except that no additional fee shall be charged for such resubmittal if there are no substantive changes from the previous preliminary plat approval.

- 106 Filing of Final Plat.** An application for final plat approval, together with a sufficient number of copies as determined by the Subdivision Administrator for proper review, shall be filed with the Administrator at least 20 days prior to the next regular meeting of the Commission and within 12 months after the date that the preliminary plat has been approved. The Administrator shall transmit the final plat to the Commission and to other affected and interested governmental and public and private organizations as desirable for any further recommendations. The final plat shall contain the information as set out in Section 5-101 of these regulations. An application for a replat approval is processed in the same manner as a final plat. (See Section 2-102 for definition of a REPLAT under the heading of PLAT.)
- 107 Planning Commission Action on the Final Plat.** The Planning Commission shall, within 60 days after the first meeting of the Commission following the date that the plat with all required data is filed with the Subdivision Administrator, review and approve the final plat by a majority vote of the members present and voting if:
- A. It is substantially the same as the approved preliminary plat; or
 - B. There has been compliance with all conditions which may have been attached to the approval of the preliminary plat; and
 - C. It complies with all of the provisions contained in these regulations and of other applicable regulations or laws.
- 108 Failure of Planning Commission to Act on Final Plat.** If the Planning Commission fails to approve or disapprove the final plat within the 60 days designated by state law for its consideration as stated in Section 4-107, it shall be deemed to have been approved and a certificate shall be issued by the Secretary upon demand, unless the subdivider shall have consented in writing to extend or waive such time limitation. (See K.S.A. 12-752[b].)
- 109 Submittal to Governing Body of Final Plat.** Before a final plat is recorded, it shall be submitted to the Governing Body for its acceptance of dedications for street rights of way and other public ways, drainage and utility easements, and any land dedicated for public use and accompanied by guarantees for the installation of required improvements according to Section 7-104.
- 110 Governing Body Action on Final Plat.** The Governing Body shall either accept or not accept the dedication of any land for public purposes by a majority vote within 30 days after the first meeting of the Governing Body following the date of the submission of the plat to the Clerk. The Governing Body may defer action for an additional 30 days for the purpose of allowing for modifications to comply with the requirements established by the Governing Body. If the Governing Body defers action on the plat or declines to accept the dedications thereto, it shall advise the Planning Commission and the subdivider in writing of the reasons therefor. Acceptance of the dedications on the plat shall be shown over the signature of the Mayor and attested to by the Clerk.

- 111 **Acceptance of Dedications by County.** All final plats outside the City shall also be submitted by the subdivider to the appropriate County official for presentation to the Board of County Commissioners for their acceptance of dedications for street rights of way and other public ways, drainage and utility easements, and any land dedicated for public use and accompanied by guarantees for the installation of required improvements according to Section 7-104.
- 112 **Recording of Final Plat.** The final plat with all required signatures and in the exact form as accepted by the Governing Body shall be recorded by the subdivider with the County Register of Deeds. The subdivider shall pay the recording fee and any outstanding real estate taxes and special assessments. Approval of the final plat by the Planning Commission and acceptance by the Governing Body shall be null and void if (1) the plat is not acceptable for recording in the office of the Register of Deeds; or (2) is not recorded within 60 days after final acceptance by the Governing Body; or (3) is not recorded within 15 days after final acceptance by the applicable County Governing Body under the preconstruction procedures of Section 7-104C. The subdivider shall submit to the Subdivision Administrator such number of copies of the recorded plat as is necessary for record keeping purposes of the City and other affected governmental agencies as well as a DWG or DXF file. (See Section 5-101R1 for title report and Section 10-100C for Vacation of Unrecorded Plat.)
- 113 **Unit Developments.** The foregoing provisions of these regulations to the contrary notwithstanding, an approved preliminary plat may be submitted for final approval in separate geographic units rather than as a whole, provided the following conditions are met:
- A. Each unit of a plat of subdivision shall contain an area of sufficient size based on physical conditions and ability to install improvements economically.
 - B. The approval of the Planning Commission as to the feasibility of such development, in separate units, including the feasibility of the proposed sequence of development, shall be secured.
 - C. A final plat of at least one unit shall be filed within 12 months from the date of approval of the preliminary plat, and final plats of all such units shall be filed within five years from the date that the preliminary plat was approved. The Planning Commission on application of the subdivider, may, from time to time, grant extensions of time within which to submit such final plats, provided that each such extension shall be for no more than one year.
 - D. All steps required for the approval of final plats, including the recording thereof, shall be adhered to with respect to each unit so submitted.
 - E. A replat of all or a portion of a recorded final plat may be submitted at any time.

114 Approval of Plats for Small Tracts.

- A. Authorization. Any other provision of these regulations to the contrary notwithstanding, if a proposed plat of subdivision or resubdivision complies with the requirements of Section 4-114B, then the Planning Commission may approve a final plat of such subdivision or resubdivision when neither a sketch plan nor a preliminary plat has been filed by the subdivider and a preliminary plat has not been approved by the Planning Commission.
- B. Requirements. In order to qualify for approval in the manner provided in Section 4-114A, a proposed plat of subdivision shall comply with the following requirements:
1. The proposed plat of subdivision shall include not more than 10 acres if a residential plat, nor more than five acres for any other type of plat, unless approved for a larger acreage by the Planning Commission.
 2. The proposed plat of subdivision shall create not more than 10 lots, tracts or parcels of land, unless approved for a larger number by the Planning Commission.
 3. No public street or easement of access, e.g., a utility or drainage easement, is sought to be dedicated or is contemplated or projected through (as opposed to adjacent to) the lot, tract or parcel proposed to be subdivided or resubdivided.
 4. The proposed plat of subdivision shall be in the form required by Section 5-101 and shall contain all the data, information and certificates required on final plats as well as the supplemental information.
 5. Submission of the fees as required by Section 3-109.
- C. Procedures.
1. Final plats filed for approval pursuant to Section 4-114 shall be filed with the Subdivision Administrator who may submit such plat for review and recommendations to affected and interested governmental agencies and public and private utility providers as deemed desirable. The Administrator may require the subdivider to submit topographic information whenever the property proposed to be subdivided or resubdivided is traversed by or is adjacent to a known watercourse, including intermittent streams or is subject to flooding as defined in Section 6-104.
 2. The approval of final plats by the Planning Commission pursuant to Section 4-114 shall be subject to the same procedural provisions of a final plat, except insofar as the said sections require prior approval of, or compliance with, an approved preliminary plat.