

A tall, cylindrical water tower with a white top section and a grey, textured lower section. The word "LOUISBURG" is written in large, dark, block letters across the top white section. The tower is set against a blue sky with scattered white clouds. In the background, there are some trees and a building.

**LOUISBURG**

**City of Louisburg, Kansas**

**Subdivision Regulations**

**Of**

**2005**

**ADOPTED \_\_\_\_\_, 2005**  
**ORDINANCE NO. \_\_\_\_**

ORDINANCE NO. ???

**City of Louisburg, Kansas**  
**Subdivision Regulations**  
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**CITY OF LOUISBURG, KANSAS**  
**ZONING REGULATIONS**

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**ARTICLE 1 GENERAL PROVISIONS**

**SECTION 101 JURISDICTION.**

These regulations shall apply to all land located within the incorporated area of Louisburg, Kansas

**SECTION 102 PURPOSE AND INTENT.**

The purpose and intent of these regulations is to provide for the harmonious development of the community and the surrounding area to provide for the proper location and width of streets, building lines, open spaces, safety and recreation facilities, utilities, drainage, and for the avoidance of congestion of population through requirements of minimum lot width, depth and area and the compatibility of design; to require and fix the extent to which and the manner in which streets shall be graded and improved, and water, sewer, drainage, and other utility mains and piping or connections or other physical improvements shall be installed; and to provide for and secure the actual construction of such physical improvements.

**SECTION 103 APPLICABILITY.**

The owner or owners of any land located within the jurisdiction of these regulations subdividing said land into two or more lots and blocks or tracts or parcels, for the purpose of laying out any subdivisions, suburban lots, building lots, tracts or parcels or any owner of any land establishing any street, alley, park or other property intended for public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto, shall cause a plat to be made in accordance with these regulations, unless exempted under Section 104.

**SECTION 104 EXEMPTIONS.**

These regulations shall not apply in the following instances:

- A. A change in the boundary between adjoining lands which does not create an additional or substandard lot.
- B. Land used for street or railroad right-of-way, a drainage easement or other public utilities subject to local, state or federal regulations, where no new street or easement of access is involved.
- C. Whenever any lot, parcel, or tract of land located within the area governing by these regulations has been subdivided, resubdivided or replatted prior to the adoption of these regulations. However, any further resubdivision of lots, parcels or tracts must be done in accordance with these regulations.
- D. Any transfer by operation of law.

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- E. Lots which have been previously platted and zoned for industrial purposes may be divided into two or more tracts without replatting or resubdividing such lots in conformance with these subdivision regulations.

**SECTION 105 RESTRICTIVE COVENANTS.**

The Planning Commission shall have the right to confer with the subdivider regarding the maintenance of structures and properties in the subdivision. The Planning Commission may require that certain minimum regulations regarding this matter be incorporated in the restrictive covenants and the Governing Body may require such restrictive covenants to be established. Any restrictive covenants established to guarantee maintenance for commonly held or owned property within a subdivision shall be subject to the approval of the Governing Body.

**SECTION 106 APPROVALS NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS.**

All plans, plats or replats of land laid out in building lots, and the streets, alleys or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, shall be submitted to the Louisburg Planning Commission and City Council for their official review and action. The Register of Deeds shall not record any plat, as required by law, until such plat is approved by the Planning Commission and Governing Body and is signed by the Chairman and Secretary of the Planning Commission and by the Mayor and City Clerk of the City of Louisburg, Kansas.

**SECTION 107 PLAT PREPARATION.**

All plats shall be prepared by a professional surveyor licensed in the State of Kansas.

**SECTION 108 BUILDING PERMITS.**

The regulations contained herein shall apply to the issuance of a building permit.

**ARTICLE 2 ADMINISTRATION**

**SECTION 201 SECTION 201 DUTIES OF THE CODES ADMINISTRATOR.**

- A. Maintain permanent and current records with respect to these regulations including amendments thereto. Keep minutes and agendas of all meeting and hearings.
- B. File copies of all preliminary and final plats, together with applications and filing fees.
- C. Transmit preliminary and final plats to the Planning Commission, and Planning Commission recommendations regarding acceptance of plats to the Governing Body for its action.
- D. Transmit final plats to Register of Deeds for filing.

**SECTION 202 DUTIES OF THE PLANNING COMMISSION.**

- A. Review and approve, approve conditionally, or disapprove preliminary plats within sixty (60) days after the first meeting of the Planning Commission following the date of submission of the plat.
- B. Review and approve, approve conditionally or disapprove final plats within sixty (60) days after the first meeting of the Planning Commission following the submission of the plat. Transmit approved final plats, together with appropriate recommendations to the Governing Body for its acceptance of dedications of easements and rights-of-way.
- C. Make other determinations and decisions including making recommendations of amendments to these regulations as may be required of the Planning Commission from time to time.

**SECTION 203 DUTIES OF THE GOVERNING BODY.**

- A. Consider Planning Commission recommendations on final plats and accept or reject dedications of easements and rights-of-way within thirty (30) days after the first meeting of the Governing Body following the date of the submission of the plat to the City Clerk of Louisburg, Kansas.
- B. Take other action as required from time to time including the consideration of amendments to these regulations.
- C. Accept or reject financial guarantees from subdividers in lieu of immediate completion or installation of improvements required by the regulation.

**ARTICLE 3 DEFINITIONS**

**SECTION 301 DEFINITIONS.**

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

- A. Alley. A public or private right-of-way which affords only a secondary means of access to abutting property from a street or road.
- B. City Engineer. The person responsible to perform the duties of the City Engineer including any and all special engineers as appointed by the Governing Body.
- C. Comprehensive Plan. The Louisburg Comprehensive Plan.
- D. Cul-de-sac. A vehicular turnaround which is located at the closed end of a dead-end street or alley.
- E. Design. The location of streets, alignment of streets, grades, and widths of streets, alignment of easements, grades and widths of easements, alignment and right-of-way for drainage and sanitary sewers, and the designation of minimum lot area, width and length.
- F. Easement. A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.
- G. Final Plat. A plan or map prepared in accordance with the provisions of this regulation and those of any other applicable local regulation, which plat is prepared to be placed on record in the office of the Register of Deeds of the County.
- H. Governing Body. The Mayor and City Council of Louisburg, Kansas.
- I. Improvements. Street work, utilities, sidewalks, drainage structures and other physical improvements which are to be installed or constructed by the subdivider for the benefit of the lot owners and for the proper development of the community, as a condition precedent to the approval and acceptance of the final plat.
- J. Lot. A portion of land in a subdivision or other parcel of land, intended as a unit for transfer or ownership or for development.
- K. Open Space. An area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas, or required front, rear or side yards.
- L. Pedestrian Way. A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
- M. Planning Commission. Shall mean the Planning Commission of the City of Louisburg, Kansas.



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- N. Preliminary Plat. A map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it.
  
- O. Public Sanitary Sewer System. A sanitary sewer system which is a part of the City of Louisburg sanitary sewer system or such other type of sanitary sewer systems as approved by the Louisburg City Council.
  
- P. Secretary. Secretary of the Planning Commission.
  
- Q. Setback Line or Building Line. A line on a plat generally parallel to the street right-of-way, indicating the minimum yard to be provided as required by the Zoning Regulations.
  
- R. Street. A right-of-way, dedicated to the public use, or a private right-of-way which provides principal vehicular and pedestrian access to adjacent properties.
  
- S. Subdivider. A person, firm, corporation, partnership, or association who owns land which is to be subdivided.
  
- T. Subdivision. The division of a lot, parcel, or tract of land into two or more lots, tracts, or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term "subdivision" includes "resubdivision". The term "resubdivision", as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided.

**ARTICLE 4 MINIMUM DESIGN STANDARDS**

**SECTION 401 BLOCKS.**

- A. Length. Intersecting streets shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets in the neighborhood. In residential districts, where no existing plats are recorded, the blocks shall not exceed 1,200 feet in length, except that a greater length may be permitted where topography or other conditions justify a departure from this maximum. In blocks longer than 800 feet, pedestrian ways and/or easements through the block may be required near the center of the block. Such pedestrian ways or easements shall have a minimum width of ten feet.
- B. Width. In residential subdivisions, the block width shall normally be sufficient to allow two tiers of lots of appropriate depth. In certain instances, however, a different arrangement may be required in order to provide better circulation or to protect a major circulation route. Blocks intended for business or industrial use shall be on such width and depth as may be considered most suitable for the prospective use.

**SECTION 402 STREETS AND ALLEYS.**

- A. Relationship to Adjoining Street Systems.
1. The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining additions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall be not less than the minimum street widths established herein. Alleys, when required, and street arrangement must cause no hardship to owners of adjoining property when they plat their land and seek to provide for convenient access to it. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted and dedicated as a public way.
  2. Where topographical conditions make such street continuance or conformity impracticable, the Commission may approve an alternative layout.
  3. Where the plat submitted covers only a portion of the contiguous land owned by the subdivider, a sketch of the prospective future street system of the entire ownership shall be submitted.
  4. Where a tract is subdivided into lots of an acre or more, the Commission may require an arrangement of lots and streets such as to permit a later subdivision in conformity with the street requirements specified in these regulations.
- B. Street Names. All streets which are oriented in an east-west alignment shall be numbered streets. The numbering of streets shall be consistent with the Kansas City addressing grid system. All streets which are oriented in a north-south alignment shall be named. Streets

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that are in alignment with other already existing and named streets shall bear the names of the existing streets. Street names should not be similar to already platted street names.

- C. Arterial and Collector Streets. Arterial and collector streets through subdivisions shall conform to the major street plan of the Comprehensive Plan as adopted by the Planning Commission and Governing Body.
- D. Local Streets. Local streets should be designed so as to discourage through or non-local traffic.
- E. Cul-de-sacs. An adequate turnaround of not less than a 100-foot diameter right-of-way shall be provided at the closed end of a dead end local street longer than one lot in length. Such local street segment shall not exceed 500 feet in length from the centerline of an intersection of a cross street to the center of the cul-de-sac. The cul-de-sac shall be a minimum of 80 feet in diameter as measured from the back of curb
- F. Right-Angle Intersections. Under normal conditions, streets shall be laid out to intersect, as nearly as possible, at right angles. Where topography or other conditions justify a variation from the right-angle intersection, the minimum angle shall be 75 degrees.
- G. Streets Adjacent to a Railroad Right-of-Way. Limited Access Freeway, Principal Highway or Arterial-Street. Where lots front or side, but do not back on railroad rights-of-way, limited access freeways, or principal highways or arterial streets, a marginal access street or frontage road may be required parallel and adjacent to the boundary of such rights-of-way. The distance from said rights-of-way shall be determined, with due consideration to minimum distance required for approach connections to future grade-separated intersections.
- H. Half-Streets. Half-streets shall be prohibited, except where no lots front on such half-street and except where it is essential to the reasonable development of the subdivision.
- I. Alleys. Alleys may be required in commercial, industrial, and residential areas. Dead-end alleys shall be avoided, wherever possible; but if unavoidable, such alleys shall be provided with adequate turnaround facilities at the dead-end. Alleys should be avoided in residential areas except where alleys of adjoining subdivisions would be closed or shut-off by failing to provide alleys in the adjoining subdivision.
- J. Minimum Requirements.
  - 1. Unless otherwise specified within- these regulations all streets shall be designed and constructed in accordance with the standards specified in Division III of the Standard Specifications and Design Criteria of the Kansas City Metropolitan Chapter of the American Public Works Association (K.C.A.P.W.A.). Road cross sections shall conform to Typical Cross Section Drawings ST-1A, ST-1B, ST-2A, ST-2B, ST-3 and ST-4 as shown in Appendix A of these regulations.

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2. The right-of-way grades and widths for streets and alleys, dedicated and accepted, shall conform to the designation in the Comprehensive Plan and shall not be less than the minimum for each classification as follows:

	Minimum Right-of-Way Width	Maximum Grade
<u>Major Streets:</u>		
Arterials.....	100 feet	5%
Residential Collectors .....	60 feet	8%
Commercial and Industrial Collectors .....	80 feet	8%
<u>Local Streets:</u>		
Residential.....	50 feet	10%
Industrial & Commercial .....	60 feet	65
Cul-De-Sacs .....	100 feet diameter	
<u>Marginal Access Streets or Frontage Roads:</u>		
Two-Way .....	50 feet	10%
One-Way .....	50 feet	10%
Alleys .....	20 feet	10%
Pedestrian Ways.....	10 feet	

When existing or anticipated traffic on arterial and collector streets warrants greater widths of rights-of-way, the additional width shall be dedicated.

The absolute minimum gradient on a street shall be 0.50% and a minimum gradient shall be 1.0% wherever practical.

- K. Street Alignment. Minimum horizontal and vertical alignment on all streets, except in unusual cases, shall be as follows:

1. Minimum Horizontal-Radii at the Centerline:
 

Arterial Streets .....	510 feet
Collector Streets.....	380 feet
Local Streets.....	200 feet
  
2. Minimum Sight Distance on Vertical Curves:
 

Arterial Streets .....	350 feet
Collector Streets.....	300 feet
Local Streets.....	200 feet

- L. Street Alignment. On streets with reverse curves, a reasonable tangent shall be provided between curves to permit a smooth flow of traffic.

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- M. Street Layout. Proposed streets shall conform to topography as nearly as possible to reduce drainage problems and grades.
- N. Paving Material. All streets must be hard surfaced with asphalt, concrete or asphaltic concrete subject to the specifications of the City. All paving must be provided with a stabilized sub-base and curb and gutter.

**SECTION 403 LOTS.**

- A. Minimum lot width shall be measured at the building setback line and shall not be less than required by the Zoning Regulations. In addition, corner lots should have a width fifteen (15) feet greater than the minimum width.
- B. Minimum lot depth shall be 110 feet. (Said measurement shall be made through the center of the lot and shall be perpendicular to the property line or radial to the property line on curved streets.
- C. The maximum depth of residential lots shall not exceed two and one-half  $2 \frac{1}{2}$  times the width thereof, except where the lots are intended for single-family attached dwellings in which case the depth shall not exceed six (6) times the width.
- D. If the proposed subdivision is served by a public water supply and sewer system, the minimum lot area shall be subject to the Zoning Regulations of the district in which the subdivision is located.
- E. If the proposed subdivision is to be served with an approved public water system, but not with an approved public sanitary sewer system, and the subdivider proposes to use individual septic tanks or other alternative on-site wastewater treatment systems for each lot, the type of on-site sanitary sewer system shall be determined by soil analysis consistent with the requirements and adopted procedures of the Miami County Health Department. The soil analysis shall be made by a registered professional engineer or a professional environmental health sanitarian. In no case shall lots be less than three (3) acres in size. The lots shall be so proportioned as to permit future replatting consistent with good subdivision design.
- F. If the proposed subdivision is served with an approved public sanitary sewer system, but not with an approved public water system, the preliminary plat shall be submitted on the basis of one-half (1/2) acre lots and said lots shall be so proportioned that future replatting will be consistent with good subdivision design. The optimum proportion shall be one hundred forty (140) feet of frontage by one hundred fifty-five (155) feet of depth.
- G. If the proposed subdivision is not served with an approved public water system or an approved public sanitary sewer system, and the subdivider proposes to use individual septic tanks or other alternative on-site wastewater treatment systems and wells for the lots in the subdivision, the type of on-site sanitary sewer system shall be determined by a soil analysis consistent with the requirements and adopted procedures of the Miami County Health Department. The soil analysis shall be made by a registered professional engineer or a professional environmental health sanitarian. In no case shall lots be less

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than three (3) acres in size. The lots shall be so proportioned as to permit future replatting consistent with good subdivision design.

- H. All side lot lines shall bear between 60 and 90 degrees from the street right-of-way line on a straight street or from the tangent of a curved street.
- I. Front building or setback lines shall be shown on the final plat for all lots in the subdivision and shall not be less than the setbacks required by the Zoning Regulations or any other regulations adopted by the Governing Body. The greater setback requirement shall govern.
- J. Double frontage lots shall be avoided unless a variation to this rule will give better street alignment and lot arrangement.
- K. Every lot shall abut on a public street other than an alley. L. The subdivision or resubdivision of a tract or lot shall not be permitted where said subdivision or resubdivision places an existing permanent structure or land area in violation of the requirements of the Zoning Regulations or the minimum design standards of these regulations.
- L. Where possible, residential lots shall not face on arterial streets. The number of lots facing on collector streets shall be kept to a minimum in each subdivision. The street pattern shall be designed so that the side lines of lots abut collector streets wherever land shapes and topography permit.

### SECTION 404 EASEMENTS:

- A. Where alleys are not provided, permanent easements of not less than seven and one-half (7 1/2) feet in width shall be provided on each side of all rear lot lines, and on side lot lines, where necessary, for utility poles, wires, conduits, underground conductors, storm and sanitary sewers, gas, water and heat mains, and other public utilities. These easements shall provide for a continuous right-of-way. Where the utility company or agency has the need for a wider easement than required above for a specific location, it shall be provided. All easements shall be shown on the plat. Permanent easements shall not be obstructed by structures, retaining walls or trees. A property owner may install fences and landscape the easement with grass and shrubs at his or her own risk. Where easements are required, a twelve (12) foot temporary construction easement shall be provided on each side of all lot lines for initial construction of water, sewer and other utility lines.
- B. Drainage Easements. If a subdivision is traversed by a water course, drainage way or channel, then a storm water easement shall be provided. Such easement or right-of-way shall conform substantially to the lines of such water course and shall be of such width or construction, or both, as may be necessary to provide adequate storm water drainage and for access for maintenance thereof. Parallel streets or parkways may be required in connection therewith. The subdivider shall have an engineer's study prepared for the

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Planning Commission as to the required width of such easement for each major water course or drainageways involved. Such study shall be based on a 100-year storm

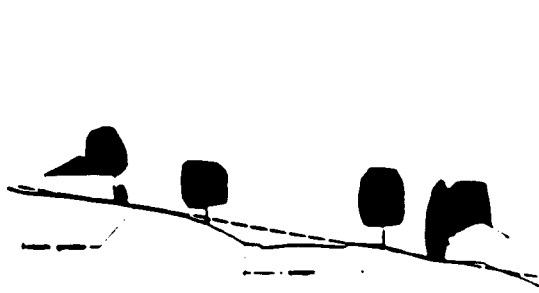
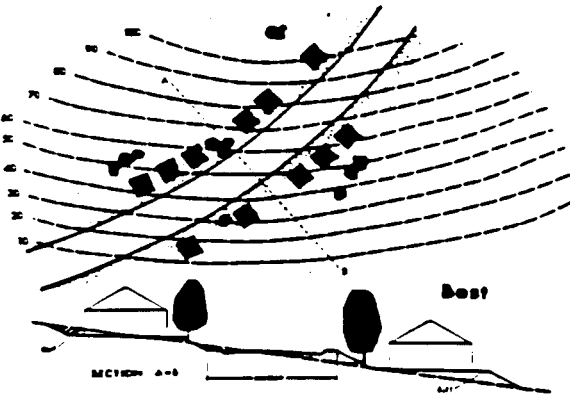
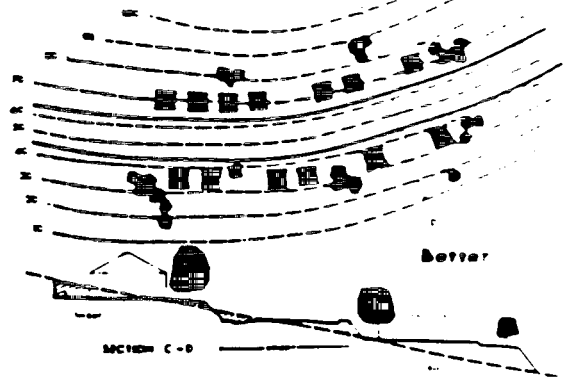
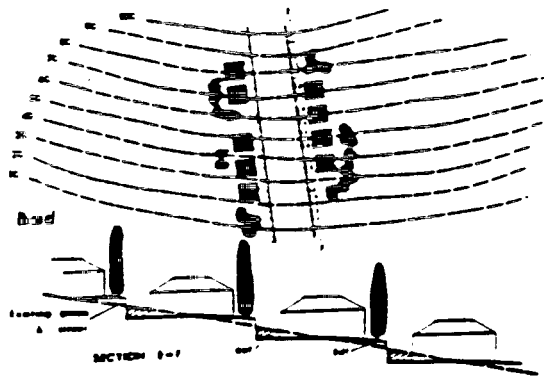
**SECTION 405 SUBDIVISION DESIGN:**

- A. Access Control. In the interest of public safety and for the preservation of the traffic-carrying capacity of the street system, the Planning Commission shall have the right to restrict and regulate points of access to all property from the public street system. Such restrictions shall be indicated on the final plat.
- B. Subdivision Design. The design of the subdivision shall provide for efficient traffic flow, proper mixing of land uses, and a logical link between surrounding, existing development, and the proposed layout. The Comprehensive Plan should be used as a guide in determining if the design of the proposed subdivision is proper. The Planning Commission shall have the authority to deny a plat or request redesign, if, in its opinion, the layout is not suitable for the site, or if the development of the subdivision would be premature.
- C. Storm Water Runoff Plan. The subdivider may be required to have an engineer's study prepared to determine the amount of increased storm water runoff that will be created by the proposed development and a plan of how this runoff will be accommodated. The City may require design modification of the proposed storm water system to reduce increased runoff. If a storm water runoff plan is required the standards specified in Section 5600 of the Standard Specifications and Design Criteria of the Kansas City Metropolitan Chapter of the American Public Works Association (K.C.A.P.W.A.) shall apply.
- D. Design Techniques. The following illustrations are examples which may be used as guides in the review of the subdivision applications:

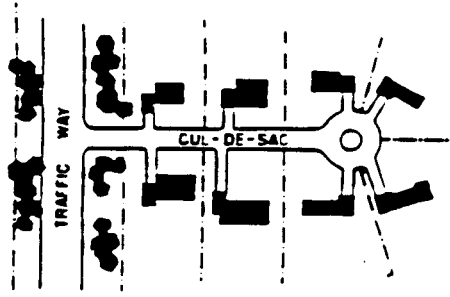
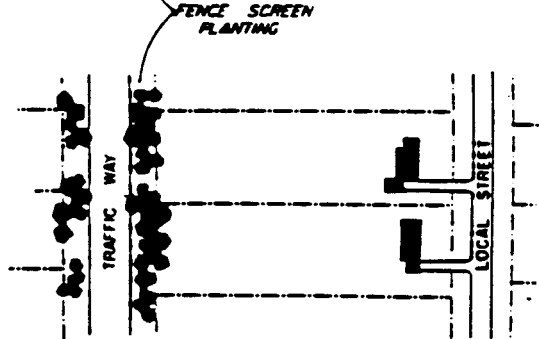
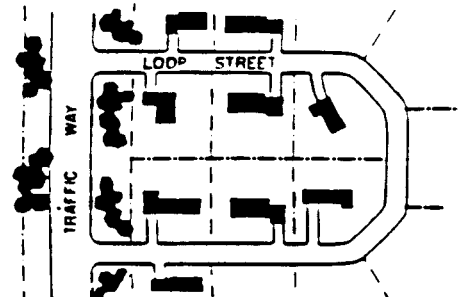
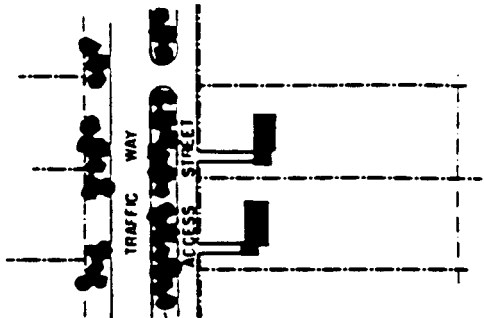
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### SUBDIVIDING STEEP TERRAIN



### PLATTING ON MAJOR STREETS





**ARTICLE 5 DEDICATION OR RESERVATION OF PUBLIC OPEN SPACE**

**SECTION 501 COMMON OPEN SPACE.**

Common open space provided in a residential subdivision and conveyed to a homeowners' association (private open space) or to the City (public open space) shall remain permanently open for recreational and conservational purposes. Open space, whether such areas are or will be public or private, in any residential subdivision shall be laid out, to the maximum feasible extent, so as to connect with other open space, existing or proposed, in the vicinity. In the case of two or more adjacent subdivisions, developers may cooperatively allocate open space areas, if such areas are coordinated in design and location to an extent acceptable to the Planning Commission and City Council.

**SECTION 502 PRIVATE OPEN SPACE.**

Private open space which is held in common shall be set aside for the benefit, use, and enjoyment of the subdivision lot owners, present and future. All private, common open space, including recreation areas, tree cover areas, scenic vistas, wildlife or plant preserves, nature study areas, and private walkways, whose acreage is used in determining the size and extent of common open space shall be included in restrictive covenants, easements, or other legal devices designated to assure that such space will remain permanently open.

**SECTION 503 PUBLIC OPEN SPACE.**

In order to meet the recreational needs of the residents of Louisburg, all subdivision developments are required to contribute either park land or fees in lieu of park land. Development which creates residential lots all of which are one (1) acre or more in size shall not be required to dedicate park land or contribute a fee in lieu of park land dedication. Park land/fee dedications shall be calculated during the preliminary plat process as specified in these regulations; and dedicated with the final plat. The Planning Commission shall determine whether the park land offer should be accepted, accepted with conditions, or if the offer should be declined and a payment of funds in lieu of park land dedication. Dedication of land for park use must be reflected and dedicated as such on the final plat.

Park fee contribution in lieu of land dedication is due and payable at time of issuance of a building permit. Park fees on multiple buildings may be paid in advance or at time of individual building permit issuance.

The park land contribution is a one time assessment based on the number of persons expected to reside within a development. Park/ Recreational areas shall include playgrounds, grass areas, golf courses, tennis courts, swimming pools, racquetball courts or similar areas as determined by the Planning Commission. Private open space shall not be credited as public park/ recreational areas.

**SECTION 504 QUALITY OF PARK /RECREATIONAL AREA.**

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A park/recreational area shall not be located in any of the following areas within a development.

- A. Deep ravines.
- B. Densely wooded areas.
- C. Areas where the average slope of the entire park/ recreational area exceeds five (5) percent.
- D. Wetlands as determined by the U.S. Corps of Engineers.
- E. Floodways as determined by the regulations and guidelines of F.E.M.A. and the Louisburg Flood Plain Overlay District.
- F. Other areas that are not conducive to park/ recreational areas as determined by the Planning Commission.

**SECTION 505 AMOUNT OF PARK/RECREATIONAL AREA REQUIRED.**

There shall be one (1) acre of park land dedicated for every one thousand (1,000) persons. In order to determine the expected population of a proposed development, the average household size of Louisburg, as determined by the most recent figures for the City from the U.S. Census Bureau shall be used. The total amount for park/recreational area, however, shall not be less than one-half (1/2) acre in size.

- A. Single-Family Residential. In order to calculate the amount of park/ recreational area needed for a single-family residential development, the number of single-family residential lots in the development shall be multiplied by the average household size in Louisburg. The resulting number shall then be divided by one thousand (1,000). The resulting number shall be the amount of acres required to be dedicated as park/ recreational area.
- B. Two-Family Residential. In order to calculate the amount of park /recreational area needed within a two-family residential development, the number of two-family residential lots shall be multiplied by two. The resulting number shall then be multiplied by the average household size in Louisburg in order to determine the estimated number persons that will reside within the development. The estimated number of persons to live within the development shall then be divided by one thousand (1,000). The resulting number is the amount of acres that are required to be dedicated as park/ recreational area.
- C. Multiple-Family Residential. In order to calculate the amount of park/ recreational area needed for a multiple-family residential development, the total number of dwelling units in the multiple-family development shall be multiplied by the average household size in Louisburg. The resulting number shall then be divided by one thousand (1,000). The resulting number is the amount of acres that are required to be dedicated as park /recreational area.

**SECTION 506 FEE IN LIEU OF PARK LAND DEDICATION.**

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In order to determine the contribution amount to be paid by the developer in lieu of park land dedication the amount of land required to be dedicated shall first be determined. Based upon the amount of park land required to be dedicated, the developer shall hire and pay for a licensed real estate appraiser to determine the market value of the land area that would otherwise be required to be dedicated. The value established by the real estate appraiser shall then be paid to the City in lieu of the park land dedication. The fee in lieu of park land dedication shall be placed in an escrow account established by the City and shall only be used for park and recreational purposes within one mile of the area in which the funds were received.

**ARTICLE 6 LOT SPLITS**

**SECTION 601 GENERAL.**

The intent of this section is to provide for the issuance of building permits on lots divided into not more than two tracts without having to replat said lot, provided that the resulting lots shall not again be divided without replatting. The Governing Body may approve or disapprove lot splits in accordance with the following regulations.

**SECTION 602 APPLICATION PROCEDURE.**

Requests for lot split approval shall be made by the owner of the land to the Planning Commission. Four (4) copies of a scale drawing of the lots involved if there are no structures thereon, or, if structures are located on any part of the lot being split, four (4) copies of a survey of the lots) and the location of the structures) thereon together with the precise nature, location and dimensions of the proposed lot split shall accompany the application.

**SECTION 603 APPROVAL GUIDELINES.**

Approval or disapproval of lot splits shall be made, based on the following guidelines:

- A. No lot split shall be approved if:
  - 1. A new street or alley is needed or proposed.
  - 2. A vacation of streets, alleys, setback lines, access control or easements is required or proposed.
  - 3. If such action will result in significant increases in service requirements, (e.g., utilities, schools, traffic control, streets, etc.); or will interfere with maintaining existing service levels (e.g., additional curb cuts, repaying, etc.).
  - 4. There is less street right-of-way than required by these regulations or the Comprehensive Plan unless such dedication can be made by separate instrument.
  - 5. All easement requirements have not been satisfied.
  - 6. If such split will result in a tract without direct access to a street.
  - 7. A substandard-sized lot or parcel will be created.
  - 8. If the lot has been previously split in accordance with this article.
  
- B. The Planning Commission may make such recommendations as deemed necessary to carry out the intent and purpose of existing land development regulations and Governing Body policy. Requirements may include, but not be limited to, installation of public

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facilities, dedication of right-of-way, easements and access control, and submission of covenants for the protection of other landowners in the original subdivision.

- C. The Planning Commission shall recommend, in writing to the Governing Body, either approval, with or without conditions, or disapproval, of the lot split within (30) days of application. If approved by the Governing Body and after all conditions have been met, the Governing Body shall sign and furnish a certificate of approval to be affixed to the lot split survey and a certified copy thereof shall be filed with the Register of Deeds. Copies shall also be provided to the Codes Administrator and the applicant.

**SECTION 604 FILING FEE.**

A lot split application shall be accompanied by a fee in an amount as established by the City Council by Ordinance. A separate filing shall be required of each application.

**ARTICLE 7 SUBMISSION OF PLATS**

**SECTION 701 PRE-APPLICATION.**

Prior to the filing of the preliminary plat, the subdivider shall contact the Codes Administrator to determine:

- A. Procedure for filing plats.
- B. Availability of City sewer and water.
- C. Comprehensive Plan requirements for major streets, land use, parks, schools and public open spaces.
- D. Zoning requirements for the property in question and adjacent properties.
- E. Special setback requirements for arterial, collector and local streets.

**SECTION 702 PRELIMINARY PLATS.**

After reaching the preliminary conclusions regarding the requirements for the proposed subdivision, the subdivider may submit a preliminary plat together with any supplementary information necessary to the Codes Administrator.

- A. Submission of a Preliminary Plat.
  - 1. Filing Fee: A filing fee shall be charged and collected from the applicant in an amount as established by the City Council by ordinance. A separate filing fee shall be required for each preliminary plat application. The preliminary plat shall not be accepted for filing until the filing fee has been paid by the subdivider.
  - 2. Number of Copies: The subdivider shall submit ten (10) copies of the preliminary plat and a vicinity map (if not on the preliminary plat) showing the location of the proposed subdivision (see attached sample plat). These plans shall be filed with the Codes Administrator at least fifteen (15) days prior to a regular meeting of the Planning Commission at which the preliminary plat is to be considered.
  - 3. The subdivider shall submit, with the preliminary plat, a complete list of the names and mailing addresses of all owners of record of all unplatted land within 200 feet of property being proposed for subdividing or resubdividing.
  - 4. The subdivider shall submit a certificate proving ownership or a copy of the contract for purchase of the entire tract to be platted.
  - 5. The subdivider shall have the proposed plat reviewed by all affected utility companies or agencies to ensure that adequate easements are provided and shall

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submit a letter from each utility or agency regarding their review and comments on the plat.

6. The subdivider shall submit a preliminary grading and drainage plan, including location and size of all storm sewers, existing and proposed land elevations and contours, and necessary widths of all open drainageways. This plan shall be forwarded to the City Engineer. These plans are not intended to be detailed suitable for construction.
7. Preliminary plats shall contain:
  - a. The proposed name of the subdivision. (The name shall not duplicate or too closely resemble the name or names of an existing subdivision.
  - b. The location of the boundary lines of the subdivision and reference to the section or quarter section lines.
  - c. The names and addresses of the subdivider, developer, owner, and the engineer or land surveyor who prepared the plat.
  - d. Scale of the plat, 1 "-100' or larger.
  - e. Date of preparation and north point.
  - f. Existing conditions:
    - (1) 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.
    - (2) 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.
    - (3) Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land.
    - (4) 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.
    - (5) Location of water courses, bridges, wooded areas, lakes, ravines and such other features as may be pertinent to the subdivision.
    - (6) Current zoning classification.
  - g. The general arrangements of lots and their approximate size.

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- h. Location and width of proposed streets, alleys, and pedestrian ways and easements.
  - i. The general plan of sewage disposal, water supply and drainage, including a map showing the drainage area of each major drainage way.
  - j. 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.
  - k. 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.
  - l. Approximate gradient of streets.
  - m. Vicinity map showing streets within 500 feet of the boundaries of the proposed subdivision.
- B. Preliminary Plat Action. Within a reasonable period of time after the submission of a preliminary plat, the Planning Commission shall approve, conditionally approve, or disapprove of the preliminary plat. Action by the Planning Commission shall be conveyed to the subdivider in writing within ten (10) days after the meeting at which time the plat was considered. In case the plat is disapproved by the Planning Commission, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Planning Commission. The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the final plat.
- C. Effective Date. The approval of the preliminary plat shall be effective for twelve (12) months, except that prior to this expiration date the Planning Commission may, at the request of the property owner, grant an extension to validity of the preliminary plat.

**SECTION 703 FINAL PLAT.**

- A. Submission.
- 1. After approval of the preliminary plat, the subdivider may submit a final plat (see attached sample plat).
  - 2. The original (on mylar, tracing cloth or similar material) and ten (10) prints shall be submitted to the Codes Administrator at least fifteen (15) days prior to the Planning Commission public meeting.
  - 3. The names and signatures of the owner or owners of the property duly acknowledged and notarized shall appear on the original and the copies submitted.



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4. The final plat, prepared for recording purposes, shall be drawn at a scale of at least 1"=100'. The size of the sheet on which such final plat is prepared shall be 22 inches by 36 inches. Where the proposed plat is of unusual size, the final plat shall be submitted on two or more sheets of the same dimensions. If two or more sheets are required, an index map of the same dimensions shall be filed showing the entire development at a smaller scale. The dimensions indicated are standard for all final plats and must be complied with. Title, description and other written data shall be located either right or left.

B. Information: The final plat shall show and contain the following information:

1. Name of subdivision (not to duplicate or too closely resemble the name of any existing subdivision).
2. Location of section, township, range, county and state, including the description boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must be mathematically correct. The allowable error of closing on any portion of the plat shall be one foot in five thousand (5,000).
3. The location of existing monuments or bench marks shall be shown and described on the final plat. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including the true angles and distances to such reference points or monuments.
4. 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.
5. Lots shall be numbered clearly. Blocks shall be numbered or lettered clearly in the center of the block.
6. The exact locations, widths and names of all streets and alleys to be dedicated.
7. Boundary lines and description of the boundary lines of any area other than streets and alleys which are to be dedicated or reserved for public use.
8. Building setback lines on the front and side streets with dimensions.
9. Name, signature and seal of the licensed land surveyor preparing the plat.
10. Scale of the plat (scale to be shown graphically and in feet per plat scale inch), date of preparation and north point.
11. Statement dedicating all easements, streets, alleys, and all other public areas not previously dedicated. See sample final plat for terminology.

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12. The following certificates, which may be combined where appropriate:
- a. A certificate signed and acknowledged by all parties having any record, title, or interest (which includes mortgages) in the land being subdivided, and consenting to the preparation and recording of said subdivision map.
  - b. A certificate signed and acknowledged as above, dedicating or reserving all parcels of land shown on the final plat and intended for any public or private use including easements, and those parcels which are intended for the exclusive use of the lot owners of the subdivision, visitors, tenants, and servants.
  - c. A certificate signed and sealed by the licensed land surveyor responsible for the preparation of the plat.
  - d. The acknowledgment of a notary in the following form:

State of \_\_\_\_\_,  
County of \_\_\_\_\_, SS.

Be it remembered that on this \_\_\_\_ day  
of \_\_\_\_\_, 19\_\_\_\_,  
before me, a notary public in and for said County and  
State, came \_\_\_\_\_ to me  
personally known to be the same person who executed the  
foregoing instrument of writing and duly acknowledged  
the execution of same to be his/her/their voluntary act or  
deed.

In testimony whereof, I have hereunto set my hand and  
affixed my notarial seal the day and year above written.

(SEAL)

\_\_\_\_\_  
Notary Public

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

- e. The certificate of the Planning Commission in the following form:

This plat of \_\_\_\_\_ Addition has been submitted to and  
approved by the Louisburg Planning Commission this \_\_\_\_\_  
day of \_\_\_\_\_, 19 \_\_\_\_.

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\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

- f. The acceptance of easements, rights-of-way, park land and other public dedications that are to be dedicated to the City Council in the following form:

These easements and rights-of-way accepted by the City Council of Louisburg, Kansas, this \_\_\_\_\_ day of, \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
Mayor

(Seal)

ATTEST:

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

- g. A blank space for noting entry on the transfer record in the following form:

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

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

C. Supplemental Data. The following additional information shall be submitted with the final plat:

1. A copy of any restrictive covenants applicable to the subdivision.
2. 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. The consent of all such persons shall be shown on the plat.
3. 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, mortgages or other sufficient escrows guaranteeing such payment of taxes in the event the

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protest is not upheld, may be placed on deposit with such official or governing bodies to meet this requirement.

4. Construction drawings and specifications for all required developer installed improvements that are to be dedicated to the City of Louisburg. The content of said drawings is set out in Section 904 A.
- D. The Planning Commission shall determine if the plat conforms to the provisions of the subdivision regulations. 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 secretary, such plat shall be deemed to have been approved and a certificate 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, the Planning Commission or joint committee shall notify the owner or owners of such fact in writing within ten (10) days of the meeting in which the plat was considered. If the plat conforms with the requirements of the regulations, 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.

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 City Clerk 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.

**ARTICLE 8 IMPROVEMENTS**

**SECTION 801 REQUIRED IMPROVEMENTS:** The subdivider shall install, or provide for the installation of, the following improvements:

- A. **Streets:** The subdivider shall provide for the installation of pavement and curb and gutter on all streets. No grading or other construction shall take place within a street right-of-way until the construction plans have been examined and approved by the City Engineer. All street pavings shall be located in the center of the right-of-way. All street construction shall conform to the specifications of the Governing Body, and compliance therewith shall be confirmed by the City Engineer prior to release of surety by the Governing Body.
  
- B. **Walks:** Sidewalks shall be installed on both sides of all collector and arterial streets and on one side of all local streets. All sidewalks shall be not less than four (4) feet in width, shall be constructed of portland cement concrete and shall comply with the specifications of the Governing Body. Sidewalks shall be located in the platted street right-of-way, six (6) inches from the property line. Walks shall also be installed in any pedestrian easements as may be required by the Planning Commission.
  
- C. **Storm Drainage:** The subdivider shall install culverts, storm sewers, rip-rap slopes, stabilized ditches and other storm drainage improvements and plans for these improvements shall comply with the minimum standards of the Section 405.C. and shall be examined by the City Engineer and approved prior to construction.
  
- D. **Sanitary Sewers and Other Utilities:** The subdivider shall be responsible to provide for and pay the full cost for the proper installation of all utilities, including: sanitary sewers and connection to approved treatment facilities, water supply, natural gas, electricity and telephone service. Such utilities shall be installed according to the specifications of the controlling utility company or public agency. All public sanitary sewer systems shall connect to and be a part of the City of Louisburg sanitary sewer system unless otherwise approved by the Louisburg City Council.

All telephone and cable television lines, electrical services and distribution lines shall be placed underground, except that this provision shall not include meters, electric and telephone service pedestals, transformers, three-phase feeder lines, subtransmission and transmission lines (34.5kv and above), electrical substations and such other facilities as the utility may deem necessary to install utilizing "overhead" type construction.

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All gas meters must be located within three (3) feet of the building foundation if located within front yards in all subdivisions. All of the above will apply to any final plat which is approved by the Planning Commission after the passage of these regulations.

- E. Street Signs: The developer shall pay to the City the cost of purchasing and installation of street signs at all intersections within a subdivision. The City shall install the street signs. The term "street sign" as used herein shall include all traffic control signs street name signs and any other street signage which is to be owned and maintained by the City after installation.
  
- F. (This sub-section has been deleted.)
  
- G. Permanent Monuments: All block corners, angle points, points of curve in streets, and at intermediate points, as required, shall be set prior to the final acceptance of the plat by the City. said stakes shall be 3/4 inch iron bars, three (3) feet long, and shall be set one foot below grade.
  
- H. Benchmarks: A minimum of one benchmark (monument) shall be placed in each subdivision, located and installed as required by the licensed land surveyor. In subdivisions larger than 40 acres, one benchmark shall be installed for each additional 20-acre area. The monument shall be a 3-inch brass cap set permanently in concrete, 10 inches in diameter by 24 inches deep approved by the licensed land surveyor. The elevation of the monuments shall be identified on each cap. This requirement may be waived if a benchmark already exists within close proximity of the property.
  
- I. Street Lights: Street lights shall be installed in accordance with the following provisions.
  - 1. All plans shall have details of pole type (aluminum or steel), height (30 feet), arm length, manufacturer information and location relative to curb (set back), property lines and building lines.
  - 2. All plans shall have details on luminaire type (cobra head only), type of distribution (type B, III, etc.), type of optics (cutoff, semi-cutoff, etc.), operating voltage (240 V, single phase), and manufacturer.
  - 3. New installations shall match with existing equipment (pole type, etc.)
  - 4. Pole spacing on residential streets shall not exceed 300 feet.

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5. Street lights shall at a minimum be located at intersections of local residential streets, at or near the end of cul-de-sacs longer than one hundred fifty (150) feet.
6. Street lights shall be uniformly spaced and staggered on both sides of the road.
7. Street lights shall have a maximum of 250 watts.

**SECTION 802 EXCEPTIONS FOR EXISTING IMPROVEMENTS:**

- A. Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements as previously set out, and where such improvements meet the requirements of this Article and are in good condition as determined by the Governing Body based upon its consideration of the opinion of the City Engineer, no further provision need be made by the subdivides to duplicate such improvements. However, where such existing improvements do not meet said requirements, the subdivides shall provide for the repair, correction, or replacement of such improvements so that all final improvements will then meet the requirements of these regulations.
- B. Where the proposed subdivision is a resubdivision or concerns an area presently abutting or continuing any existing public street of less than the minimum required right-of-way width or roadway width, land shall be dedicated so as to provide a minimum street right-of-way width established by these regulations and/or by the policy of the Governing Body, and the subdivides of such proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by these regulations and the Governing Body. The Governing Body shall determine what adjustment to make where the aforesaid widenings merge with existing streets which are of smaller width at the boundary of such proposed subdivision. The Governing Body may reduce the minimum roadway width if the extension of such roadway is already improved at each end of the roadway in the subdivision and the roadway in the subdivision to be reduced is two (2) blocks or less in length. Lanes to be painted on such widened streets designating driving and parking areas may also be required by the Governing Body.

**ARTICLE 9 IMPROVEMENT PROCEDURES**

**SECTION 901 GENERAL:** After the approval, but prior to the recording of the final plat, the subdivider may do the grading and any drainage work that is required, all according to plans approved the City Engineer.

Prior to the filing of the final plat with the Register of Deeds, all street paving, storm drainage, and utility lines must be installed in accordance with Article 8; plans approved by the appropriate utility company and all grading work completed.

In lieu of the actual construction of all physical improvements prior to the filing of the final plat, the City Council may accept one or a combination of the following, except that plans must be completed and approved by the City Engineer for all required improvements.

- A. A bond;
- B. Irrevocable letter of credit; or
- C. Other equal surety.

The guarantee accepted shall be in the amount that will guarantee the construction of the required improvements within a period of time to be specified and approved by the City Council. Such surety shall be properly executed prior to any grading or construction and shall be released in segments upon written approval from the City Engineer that the applicable improvements have been satisfactorily constructed in accordance with City specifications.

**SECTION 902 BUILDING PERMITS:** Unless the required improvements have been installed and accepted by the City Council or guaranteed by a bond, irrevocable letter of credit or special assessment petition for a lot or tract, no building permits shall be issued for that lot or tract.

**SECTION 903 OCCUPANCY PERMITS:** No occupancy permit shall be issued until all improvements have been installed and accepted by the City Council.

**SECTION 904 PLANS AND SPECIFICATIONS:** Upon the approval of the preliminary plat, the subdivider shall have prepared by a licensed professional engineer, engineering drawings for proposed required improvements containing the data and information specified as follows:



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- A. Content of Engineering Drawings: Engineering drawings for required improvements shall contain the following data and information:
1. Plans, profiles, details, specifications and cost estimates for roadway and sidewalk construction, including plans and profiles for each street with a typical cross section of the roadway. The profiles of grade lines shall be shown to a scale of 1"=50' horizontal, and 1"=5' vertical. This information shall be shown on standard plan and profile sheets unless otherwise required.
  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. When unusual site conditions exist, the Governing Body may require such additional plans, specifications and drawings as may be necessary for an adequate review of the improvements to be installed.
  7. All plans shall be based on City or U.S.G.S. datum for vertical control.
- B. Review of Plans: The City Engineer shall review all engineering drawings in order to determine that they comply with City design standards. The City Engineer shall notify the subdivides and the City Clerk, 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 subdivides shall then correct any defective drawings and resubmit the corrected drawings. The cost attributable to all engineering drawing review shall be charged to and paid by the subdivides prior to the recording of the final plat.
- C. 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 preliminary plat and comply with their design standards.

**SECTION 905 CONSTRUCTION OF IMPROVEMENTS:** No improvements shall be constructed nor shall any work preliminary thereto be done until such time as a final plat

and the engineering drawings have been approved by the Governing Body and there shall have been compliance with all of the requirements relating to an agreement, bond, deposit or petition as specified in these regulations.

**SECTION 906 INSPECTION:** All improvements constructed or erected shall be subject to inspection by the City Engineer or its designated representative responsible for setting and enforcing the applicable design and construction standards of the required improvement. The cost attributable to all inspections required by this regulation shall be charged to and paid by the subdivides. The subdivides shall give at least 24 hours written notification to such official prior to the performance of any of the following work:

- A. All phases of roadway construction.
- B. Utility construction including, but not limited to, water lines, sanitary sewer lines, storm sewer, underground wiring, and other required-improvements.

Inspections shall be made for the various infrastructure improvements in accordance with the following schedule of inspections.

Sanitary Sewer:

Part-time Inspection:

- 1. Alignment and grade
- 2. Bedding and backfill
- 3. Manhole placement

Full-time Inspection:

- 1. Structural backfill around manholes
- 2. Invert placement
- 3. Air testing of lines
- 4. Manhole testing (Air, vacuum, water exfiltration, according to KDHE Permit Requirements)

Final Inspection:

- 1. Lamping and/or mandrel pull
- 2. Settlement
- 3. General visual inspection

Storm Sewer:

Part-time Inspection:

- 1. Alignment and grade
- 2. Bedding and backfill
- 3. Inlet placement

4. Check flow line of pipe

Full-time Inspection:

1. Structural backfill around inlets
2. Invert placement
3. Grouting lids

Final Inspection:

1. Review of inlet construction
2. Check for settlement
3. Lamp line
4. General visual inspection

Water Mains:

Part-time Inspection:

1. Alignment and grade
2. Bedding and backfill
3. Hydrant and valve installation (steamer towards street)

Full-time Inspection:

1. Saddle block and thrust block installation
2. Hydrostatic testing
3. Blow-off of lines
4. Taps (Main)
5. Chlorination

Final Inspection:

1. Check for settlement
2. General visual inspection

Curbing:

Part-time Inspection:

1. Subgrade rough-in
2. Curb subgrade
3. Curb and gutter construction
  - a. Vertical /horizontal alignment
  - b. Positive drainage (Check for pending)
  - c. Transitions of contraction and expansion joints
  - d. Wheelchair ramps
  - e. Temperature and time of concrete (Check tickets for time from batch to delivery)
  - f. Curing
  - g. Broom with flow to face

Full Time Inspection:

1. Air entrainment testing during placement. Minimum six percent air content at time of placement required.

Final Inspection:

1. General visual inspection

Streets:

Part-time Inspection:

1. Rough-in on subgrade preparation

Full-time Inspection:

1. Density testing of the subgrade in accordance with these regulations
  - a. Tested with Nuclear Density gauge every 200' at random locations in the pavement area
2. Non-yielding subgrade (Visual of wheel rolling)
3. Subgrade check every 50' with string for proper template cut
4. Pavement Structure
  - a. Base course
  - b. Surface course
5. String line between lifts for tolerance
6. Air entrainment testing during placement for construction of Portland cement concrete streets. Minimum six percent air content at time of placement required.

Final Inspection:

1. General visual inspection

**SECTION 907 INSPECTION PROCEDURES:** After notice is received in Section 906, the official designated in said section shall conduct an on-site inspection to determine that the work complies with the approved engineering plans and specifications. If the said official shall determine that such work does not comply with the approved engineering plans and specifications, said inspector shall so notify the subdivider, and may require the subdivider to terminate all further work until necessary steps are taken to correct any defect, deficiency, or deviation to the satisfaction of said inspector. Upon the correction of such defect, deficiency, or deviation, the subdivider shall notify the official for a re-inspection.

**SECTION 908 FINAL INSPECTION:** Upon completion of all improvements within the area covered by the final plat, the subdivider shall notify the City Inspector who shall thereupon conduct a final inspection of all improvements installed. After such inspection has been made, the inspector shall provide the City Clerk a certificate of completion. If the Governing Body shall determine, after consideration of the opinion of the inspector, that there are no defects, deficiencies, or deviations in any such improvements as installed, or if there are no deviations in such improvements as installed from the

approved engineering plans and specifications, the Governing Body shall so notify the subdivider in writing, the final plat shall be signed, and after payment of all fees required, the subdivider may file the subdivision with the Register of Deeds.

**SECTION 909 ACCEPTANCE OF IMPROVEMENTS**

- A. Maintenance Bonds: Prior to acceptance by the Governing Body of the improvements required herein, the applicant shall provide one of the following to guarantee the improvements against defects in workmanship and materials, and providing for any required repairs for the first two (2) years after the date of acceptance of such improvements. Such guarantee shall be in an amount equal to one hundred percent (100%) of the cost of the improvements, and shall be in the form of one of the following:
1. Maintenance bond issued by a bonding company.
  2. Cash deposited in escrow from which the applicant would be entitled to any interest income.
- B. As-Built Drawings: Before acceptance of any public improvement project, the applicant shall provide the Governing Body two (2) sets of as-built drawings on mylar or linen. The drawings must include results of a post-construction survey. The post-construction survey shall include, but shall not be limited to, the following:
1. Elevation of all structures, including sanitary sewer manholes, storm sewer inlets, pipe inverts, and structure top elevations;
  2. Final adjusted stationing of all structures, including but not limited to valves, hydrants, and blow-off assemblies; and
  3. Final adjusted contours as featured in the grading and drainage plans.
- The as-built drawings must include a signed Engineer's Certification stating that the drawings are as-built and conform to construction records and post-construction survey information.
- C. Formal Acceptance: Upon the determination by the Governing Body of the following:
1. that there are no defects, deficiencies, or deviations in the improvements;

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2. that all improvements have been installed in conformance with the approved engineering drawings, the requirements of these regulations and all other applicable statutes, ordinances, and regulations;
3. that the necessary maintenance bonds) has been submitted and accepted by the Governing Body as specified in this section; and
4. as-built drawings have been submitted as specified in this section.

Upon submittal and acceptance of the above listed items, the Governing Body and/or such appropriate utility shall thereupon by resolution by letter, respectively, formally accept such improvements. Upon acceptance the improvements shall become the property of the Governing Body or appropriate utility company involved.

**ARTICLE 10 VARIANCES, APPEALS AND WAIVERS**

SECTION 1001 VARIANCES: Whenever the Planning Commission deems full conformance to provisions of these regulations is impractical or impossible due to the size, shape, topographic location or condition, or such usage of land included in a subdivision plat being presented for approval, the Planning Commission may authorize variances of these regulations. In authorizing such variances or exceptions, the Planning Commission shall find the following:

- A. That there are special circumstances or conditions affecting the property.
- B. That the variances or exceptions are necessary for the reasonable and acceptable development of the property in question.
- C. That the granting of the variances or exceptions will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

SECTION 1002 WAIVERS: Any waiver of the required improvements shall be only by the City Council on a showing that such improvements are technically not feasible.

**ARTICLE 11 MISCELLANEOUS**

**SECTION 1101 PERMITS:** After the date of the adoption of these rules and regulations by the Planning Commission and the Governing Body, no building permit shall be issued for any structure that is located upon any parcel, tract, or lot in a subdivision unless said lot has been subdivided in accordance with these Subdivision Regulations or is exempted by the provisions of Section 104. No such plat or replat or dedication or deed of a street or public way shall be filed, as provided by law, until such plat or replat or dedication or deed shall have endorsed upon it the fact that it has been submitted to and approved by the Planning Commission and the Governing Body.

**SECTION 1102 RECORDED PLATS:** Five copies of the recorded plat shall be provided by the subdivider and shall be submitted to the Codes Administrator for distribution to various public and quasi-public departments, offices or agencies.

**ARTICLE 12 SEVERABILITY**

**SECTION 1201 SEVERABILITY AND SAVINGS CLAUSE:**

- A. Each section and each subsection of these Subdivision Regulations are hereby declared to be independent of every other section or subsection so far as the passage of these Subdivision Regulations are concerned and the invalidity of any section or subsection of these Subdivision Regulations shall not invalidate any other section or subsection thereof.
  
- B. These Subdivision Regulations shall in no manner affect pending actions either civil or criminal founded on or growing out of any ordinance or part of any ordinance hereby repealed, and these Subdivision Regulations shall in no manner affect rights or causes of action either civil or criminal not in suit that may have already occurred or grown out of any ordinance or part of any ordinance hereby repealed.
  
- C. If any section, subsection, sentence, clause, phrase, or portion of these Subdivision Regulations are for any reason held to be invalid or unconstitutional by the decision of any Court, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof. The City Council hereby declares that it would have passed these Subdivision Regulations and each section, subsection, sentence, clause, phrase, or portion of these Subdivision Regulations, irrespective of the fact that may one or more section, subsections, sentences, clauses, or portions be declared illegal, invalid, or unconstitutional.

**ARTICLE 13 PENALTY**

**SECTION 1301 PENALTY:** Any person violating the provisions of these Subdivision Regulations is guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not to exceed five hundred dollars (\$500.00), plus costs, for each offense and shall stand committed to jail until such fine and costs be paid or otherwise discharged according to law. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as a separate offense.

**ARTICLE 14 ADMINISTRATION**

**SECTION 1401 CONSIDERATION OF SUBDIVISION REGULATION AMENDMENT'S:**

Before adopting or amending any subdivision regulations, the Planning Commission shall call and hold a hearing on such regulations or amendments thereto. Notice of such hearing shall be published at least once in the official city newspaper. Such notice shall be published at least twenty (20) days prior to the hearing. Such notice shall fix the time and place for such hearing and shall describe such proposal in general terms. The hearing may be adjourned from time to time and at the conclusions of the same, the Planning Commission shall prepare its recommendations and by an affirmative vote of a majority of the entire membership of the Planning Commission, adopt the same in the form of proposed subdivision regulations and shall submit the same, together with the written summary of the hearing thereon, to the Governing Body.

**SECTION 1402 ACTION BY THE GOVERNING BODY:** The Governing Body either may: (1)

Approve such recommendations by ordinance; (2) override the Planning Commission's recommendation by a 2/3 majority vote; or (3) may return specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Planning Commission's recommendations, the Planning Commission, after considering the same, may resubmit its original recommendations giving the reasons therefore or submit new and amended recommendations. Upon the receipt of such recommendations, the Governing Body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendations by the respective ordinance, or it need take no further action thereon. If the Planning Commission fails to deliver its recommendations to the Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendations and proceed accordingly. The proposed subdivision regulations and any amendments thereto shall become effective upon publication of the respective adopting ordinance.



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APPENDIX A  
TYPICAL CROSS SECTION DRAWINGS