

SUBDIVISION REGULATIONS

DOWNS, KANSAS

AN ORDINANCE REGULATING LAND DEVELOPMENT PRACTICES; DETERMINING PLATTING PROCEDURES AND PROCESSES; ESTABLISHING MINIMUM DESIGN STANDARDS FOR IMPROVEMENTS AND UTILITIES; PROVIDING FOR DEDICATION OF PUBLIC SPACES; ESTABLISHING PROCEDURES FOR INSTALLATION OF IMPROVEMENTS; ESTABLISHING LOT SPLIT PROCEDURES; PROVIDING FOR APPEALS, VARIANCES, AND AMENDMENTS; PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND REPEALING THE EXISTING SUBDIVISION REGULATIONS AND AMENDMENTS THERETO.

BE IT ORDAINED BY THE GOVERNING BODY THAT:

ARTICLE I

GENERAL PROVISIONS

SECTION 1. TITLE: These regulations shall be known and may be cited as the "Subdivision Regulations for Downs, Kansas," and shall hereinafter be referred to as "these regulations."

SECTION 2. PURPOSE AND INTENT: It is the purpose of these regulations to provide for proper and harmonious development practices toward the goal of fostering wise use and conservation of the land resources of the Downs Planning and Zoning jurisdiction. Within this purpose, these regulations are intended to:

1. Protect and provide for the public health, safety and general welfare of the City.
2. Preserve the natural beauty and topography of the municipality and to insure appropriate development with regard to these natural features.
3. Provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population.
4. Guide the future growth and development of the City in accordance with the Comprehensive Plan.
5. Establish reasonable standards of design and procedures for subdivision and re-subdivisions; to further the orderly layout and use of land to insure proper legal descriptions and proper monumenting of subdivided land.
6. Provide for the actual construction of physical improvements.

7. Provide equitable processing of all subdivisions and land development proposals by providing uniform procedures and standards.

SECTION 3. AUTHORITY: These regulations are adopted pursuant to powers and jurisdictions authorized by KSA 12-741 et seq. and other applicable laws, statutes, and regulations of the state and amendments thereto.

SECTION 4. JURISDICTION: These regulations shall apply to all land located within the zoning jurisdiction of the City of Downs, Kansas.

SECTION 5. APPLICABILITY: The regulations contained herein shall apply to the subdivision of a tract or parcel of land into two or more lots, tracts, or other divisions of land for the purpose of sale or building development, whether immediate or future, including the re-subdivision or re-platting of land or lots.

SECTION 6. EXEMPTIONS: The following shall be exempt from the requirements of these regulations:

1. Any lot, parcel, or tract of land within the area of jurisdiction which was legally subdivided, re-subdivided, or re-platted prior to the adoption of these regulations.
2. Any lot, parcel, or tract of land which has been ordered by law to be partitioned.
3. Correction of a legal description in a prior conveyance.
4. Land which is to be used for cemetery purposes.
5. A division of land in accordance with the provisions of these regulations which creates no more than one additional lot or tract and which does not involve any new streets or easements of access; is not located in area subject to flooding; which meets the standards set by these regulations for the disposal of sewage and for water supply including lot size; and which conforms with any applicable zoning regulations, provided that the resulting tracts shall not again be divided without re-platting.
6. A transaction between owners of adjoining land involving only a change in the boundary between the land owned by such persons and which does not create an additional lot or which does not result in the creation of a substandard lot by either owner according to any applicable zoning regulations or sanitary code.
7. The re-subdivision of land zoned for industrial purposes.
8. A division of land for agricultural purposes into parcels or tracts of not less than ten acres, which will not involve any new streets or easements of access and will not affect major streets.
9. Land used for a public purpose including the dedication of a parcel of land for a public use or instruments relating to the vacation of land for a public use.

10. 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.

SECTION 7. RESTRICTIVE COVENANTS: The City of Downs, Kansas, shall have the right to confer with the subdivider regarding the type and character of development that will be permitted in the subdivision and may require certain minimum regulations be incorporated in the subdivision and/or deed restrictions. Such regulations shall protect the character and value of the development within the subdivision and the value of surrounding property.

SECTION 8. INTERPRETATION:

1. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
2. These regulations are not intended to interfere with, abrogate, or annul any other resolution, regulation, statute, or other provision of law. Where any provision herein imposes restrictions, different from those imposed by any other provision of these regulations or any other resolution, regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
3. These regulations are not intended to abrogate any easement, covenant, or other private agreement, provided; however, that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement, the requirements of these regulations shall govern.
4. A subdivision of land which was not lawfully existing at the time of the adoption of these regulations shall not become or be made lawful solely by reason of the adoption of these regulations.

SECTION 9. RULES OF CONSTRUCTION:

1. Unless the context clearly indicates to the contrary:
 - a. The word "shall" is always mandatory and the word "may" is always permissive.
 - b. The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
 - c. The word "building" includes "structure," and a building or a structure includes any part thereof.
 - d. The singular number includes the plural and the plural the singular.
 - e. The present tense includes the past and future tenses and the future the present.

SECTION 10. NOTICE TO THE COUNTY:

1. Whenever amendments to the text of these regulations are proposed, written notice of such proposed action shall be given to the Board of County Commissioners at least twenty (20) days prior to the proposed action.