

CITY OF ELLIS

ELLIS COUNTY, KANSAS

SUBDIVISION REGULATIONS
ORDINANCE 1500
SEPTEMBER 2, 2025

ADOPTED BY THE CITY OF ELLIS, KANSAS

Prepared By



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ARTICLE 1: GENERAL PROVISIONS

Section 1.01 Name and Citation of Titles

These regulations shall be known, referred to, and cited as "The Subdivision Regulations of Ellis, Kansas."

Section 1.02 Purpose

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 Ellis Planning and Zoning jurisdiction. Within this purpose, these regulations are intended to:

1. To protect and provide for the public health, safety, and general welfare of the City.
2. To preserve the natural beauty and topography of the municipality and to ensure appropriate development regarding these natural features.
3. To provide 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. To guide the future growth and development of the City in accordance with the comprehensive plan.
5. To establish reasonable standards of design and procedures for subdivision and resubdivisions; to further the orderly layout and use of land to ensure proper legal descriptions and proper monumenting of subdivided land.
6. To provide for the actual construction of physical improvements.
7. To provide equitable processing of all subdivisions and land development proposals by providing uniform procedures and standards.

Section 1.03 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 1.04 Jurisdiction

These regulations shall apply to all land located within the zoning jurisdiction of the City of Ellis, Kansas.

Section 1.05 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 resubdivision or replatting of land or lots.

Section 1.06 Exemptions

The following shall be exempt from the requirements of these regulations:

1. Any lot, parcel, or tract of land within the jurisdiction which was legally subdivided, resubdivided, or replated prior to adopting these regulations.
2. Any lot, parcel, or tract of land 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 an 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 replatting.
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 resubdivision of land used for industrial purposes.
8. A division of land for agricultural purposes into parcels or tracts of not less than five acres, which will not involve any new streets or easements of access and will not affect major streets.

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9. Land used for public purposes, including the dedication of a parcel of land for public use or instruments relating to the vacation of land for public use.
 10. Land used for streets 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 1.07 Restrictive Covenants

The City of Ellis, Kansas, shall have the right to confer with the subdivider regarding the type and character of development permitted in the subdivision and may require certain minimum regulations to be incorporated in the subdivision and/or deed restrictions. Such regulations shall protect the character and value of the development within the subdivisions and the value of the surrounding property.

Section 1.08 Interpretation

1. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of 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 that 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 1.09 Powers

No plat of a subdivision of land lying within the jurisdiction of the City shall be filed or recorded until it shall have been submitted to and a report and recommendation thereon made by the Planning Commission to the City Council and the City Council has approved the Final Plat.

Section 1.10 Plat Approval Required

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 the use of purchasers or owners of the lots fronting thereon or adjacent thereto shall be submitted to the Ellis City Planning Commission for their consideration. The Planning Commission shall submit its recommendation with the final plat to the Governing Body for their official consideration and final action.

Section 1.11 Approvals Required for Plat Recording

The Register of Deeds shall not record any plat 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 the Governing Body of the City of Ellis.

Section 1.12 Vacation of Plats

Any plat or any part of any plat may be vacated by the owner of the premises at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated. Such an instrument shall be approved by the Planning Commission in like manner as plats of subdivision. The Governing Body, however, may reject any such instrument that abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys. Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the street, alleys, and public grounds, and all dedications laid out or

Described in such plat. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such written instrument.

Section 1.13 Vesting of Development Rights

1. For the purpose of single-family residential development, development rights in such land use shall vest upon recording of a plat of such land. If construction is not commenced on such land within five years of recording a plat, the development rights in such shall expire.
2. For all purposes other than single-family developments, the right to use land for a particular purpose shall vest upon the issuance of all permits required for such use by the County, provided construction has begun and substantial amounts of work have been completed under a valid permit.

Section 1.14 Conflict

No Final Plat of land shall be approved unless it conforms to the Subdivision Regulations contained herein. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the Zoning Regulations, Building Regulations, or other official regulations, the most restrictive shall apply.

Section 1.15 Modifications

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this regulation would result in extraordinary hardship to the subdivider because of unusual topography, or other such non-self-inflicted conditions, or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the City Council, after a report from the Planning Commission, may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured; provided, however, that such modifications or waiver will not adversely affect the development, the character of which shall be in conformance with recommended platting and development practices in the general area of the proposed subdivision; will not have the effect of nullifying the intent and purpose of the regulations; and, will not interfere with carrying out the Comprehensive Development Plan of the Planning Area of the City.

The standards and requirements of these regulations may be modified by the Governing Body after a report by the Planning Commission in the case of a planned development or a redevelopment project involving the resubdivision and rebuilding of blighted or slum areas; provided, however, that the placement of structures within the area is shown on the development plan and becomes a part of the recorded plat.

Section 1.16 Rules of Construction

For the purpose of these Regulations, the following rules shall apply:

1. Words and numbers used singularly shall include the plural. Words and numbers used in the plural shall include the singular. Words used in the present tense shall include the future.
2. The word "persons" includes a corporation, members of a partnership or other business organization, a committee, Board, commission, trustee, receiver, agent, or other representative.
3. The word "shall" is mandatory; the word "may" is permissive.
4. The words "use," "used," "occupy," 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.
5. The word "Commission" shall refer to the Planning Commission of the City of Ellis, Kansas.
6. Undefined words or terms not herein defined shall have their ordinary meaning in relation to the context.
7. Each gender shall include the other.

Section 1.17 Notice to the County

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 20 days prior to the proposed action.

Section 1.18 Fees

All fees regarding the subdivision procedure shall be set by a separate resolution. The developer shall be responsible for all review and inspection fees regarding a subdivision.

ARTICLE 2: DEFINITIONS

Section 2.01 Applicability

For the purposes of these regulations, certain numbers, abbreviations, and words used herein shall be used, interpreted, and defined as set forth in this Article. Any word or phrase which is defined in this Article, or elsewhere in these regulations, shall have the meaning as so defined whenever the word or phrase is used unless such definition is expressly limited in its meaning or scope.

Section 2.02 Abbreviations and Acronyms

For the purpose of these Regulations, this section contains a listing of abbreviations and acronyms used throughout this document.

| | |
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| ADA = | Americans with Disabilities Act |
| CFR = | Code of Federal Regulations |
| DWR= | Department of Water Resources |
| ETJ = | Extraterritorial Jurisdiction |
| FAA = | Federal Aviation Administration |
| FCC = | Federal Communications Commission |
| FEMA = | Federal Emergency Management Agency |
| HUD = | US Department of Housing and Urban Development |
| KAR = | Kansas Administrative Regulations |
| KDHE = | Kansas Department of Health and Environment |
| KDWP = | Kansas Department of Wildlife, Parks, and Tourism |
| K.S.A. = | Kansas State Statutes Annotated |
| KDOT= | Kansas Department of Transportation |
| KDEM= | Kansas Division of Emergency Management |
| KHHS= | Kansas Department of Health and Human Services |
| NPDES = | National Pollutant Discharge Elimination System |
| NRCS = | Natural Resources Conservation Service |
| USC = | United States Code |
| USACE = | United States Army Corps of Engineers |
| USDA = | United States Department of Agriculture |

Section 2.03 Definitions

For the purpose of these regulations, certain words used herein are defined as follows:

ADMINISTRATOR shall mean the person or persons authorized and empowered by the City to administer and enforce the requirements of this chapter.

AGRICULTURE shall mean the use of a tract of land, where the principal activity is to produce income from the growing of crops, horticulture, nurseries, truck farms, or the raising of fish, poultry, cattle, or other livestock, including commercial feed lots. Such a definition includes the structures necessary for carrying on farming operations and, as accessory uses, the dwelling(s) of those owning and/or operating the premises, including single-wide manufactured homes. The retail sale of items produced as part of the farming operation is permitted, including the operation of commercial greenhouses and hydroponic farming.

ALLEY shall mean a public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

APPLICANT shall mean the owner or duly designated representative of land proposed to be subdivided, or for which a special use permit, conditional use permit, temporary use permit, zoning amendment, variance, appeal, building permit, or certificate of occupancy and other similar administrative permits have been requested. Consent shall be required from the legal owner.

Or his legal representative in writing, except for building permits.

APPROVED PUBLIC SANITARY SEWER SYSTEM shall mean a sewage disposal plant, main sanitary sewer lines, and other lines approved by the City of Ellis, Kansas, and by the KDHE.

APPROVED PUBLIC WATER SYSTEM shall mean a water treatment plant and service lines approved by the City of Ellis, Kansas, and by the KDHE.

AREA shall mean the size of a piece of land, usually described in terms of square feet or acres.

BLOCK shall mean a parcel of land platted into lots and bounded by public streets or by waterways, rights-of-way, non-platted land, City or County boundaries, or adjoining property lines.

BOND shall mean a form of security, including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Governing Body.

BOUNDARY ADJUSTMENT shall mean the transfer of property by deed to the respective owner or owners of contiguous property for the purpose of adjusting a boundary line and not for the purpose of creating an additional lot or parcel.

BUILDING shall mean any structure built and maintained for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings.

BUILDING SETBACK LINE shall mean the required zoning distance between a building and the lot line.

CITY means the City of Ellis, Kansas. Also, "City Council" or "Governing Body."

CITY COUNCIL shall mean the Ellis City Council.

CITY ENGINEER shall mean the City Engineer as hired or appointed by the Mayor and City Council or his/her authorized deputy, agent, or representative.

CLERK shall mean the City Clerk of the City of Ellis, Kansas.

CLUSTERED DEVELOPMENT shall mean a development design technique concentrating buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

COMPREHENSIVE DEVELOPMENT PLAN shall mean the Comprehensive Plan of the City of Ellis, Kansas, as adopted by the City, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements of the residents of the City of Ellis and its planning and zoning jurisdiction.

CONDITIONAL APPROVAL shall mean approval of a subdivision that requires the subdivider to take certain specified action in order to secure approval of the subdivision. The resolution approving a subdivision shall specify the condition to be met and the time by which the condition is to be met.

COUNTY shall mean Ellis County, Kansas.

CUL-DE-SAC shall mean a short public way with one end open to traffic and the other end permanently terminated by a vehicular turnaround.

DEAD END STREET shall mean a public way that has only one outlet for vehicular traffic.

DEDICATION shall mean the intentional appropriation of land by the owner for some public use.

DESIGN shall mean the location of streets, alignment of streets, grades, and widths of streets, alignment of easements, grades, and widths of easements, alignment and rights-of-way for drainage and sanitary sewers, topographical changes, and the designation of minimum lot area, width, and length.

DEVELOPER shall mean any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit, or sign permit.

EASEMENT shall mean a grant, made by a property owner, to the use of their land by the public, a corporation, or persons, for specific purposes, such as access to another property or the construction of utilities, drainage ways, or roadways.

ENGINEER shall mean in the sense of designing or surveying the plat or subdivision, they shall be a professional engineer, or a surveyor licensed by the State of Kansas, or licensed to practice in the State of Kansas. When used in connection with designing or engineering any improvements, either on-site or off-site, they shall be a professional engineer licensed by the State of Kansas or licensed to practice in the State of Kansas.

ESCROW AGREEMENT shall mean an agreement between the developer and the City setting forth rights and responsibilities of each party; typically, including an amount of money to be held by a third party until a set of specific actions have taken place.

FENCE shall mean a free-standing structure of metal, masonry, composition of wood, or any combination thereof resting on or partially buried posts in the ground and rising above ground level, and used for confinement, screening, or partition purposes.

FLOOD shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters, or (2) the unusual and rapid accumulation of runoff of surface waters from any sources.

FLOODPLAIN shall mean any land area susceptible to being inundated by water from any source.

FLOODWAY shall mean the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FRONTAGE shall mean the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or with a dead-end street, all property abutting one side of such street measured from the nearest intersecting street and the end of the dead-end street.

FRONTAGE ROAD shall mean minor streets parallel to and adjacent to arterial streets and highways, which reduce the number of access points to the arterial street or highway for the purpose of increased traffic safety.

GOVERNING BODY shall mean the City Council of the City of Ellis, Kansas.

HALF-STREET shall mean a street bordering one or more property lines of a subdivision tract to which the subdivider has allocated only a portion of the ultimate and intended street width.

IMPROVEMENTS shall mean street grading, street surfacing and paving, curbs and gutters, streetlights, street signs, sidewalks, crosswalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installation as designated by the City Council or its specific approving authority.

LANDSCAPING shall mean the improvement of a lot, parcel, or tract of land with grass, shrubs, and/or trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

LAND USE PLAN shall mean a portion of the comprehensive plan indicating the general anticipated use of the land within the city planning jurisdiction.

LOT shall mean a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon an improved street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the Regulation, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the Ellis County Register of Deeds and abutting at least one improved public street or right-of-way, two thoroughfare easements, or one improved private road.

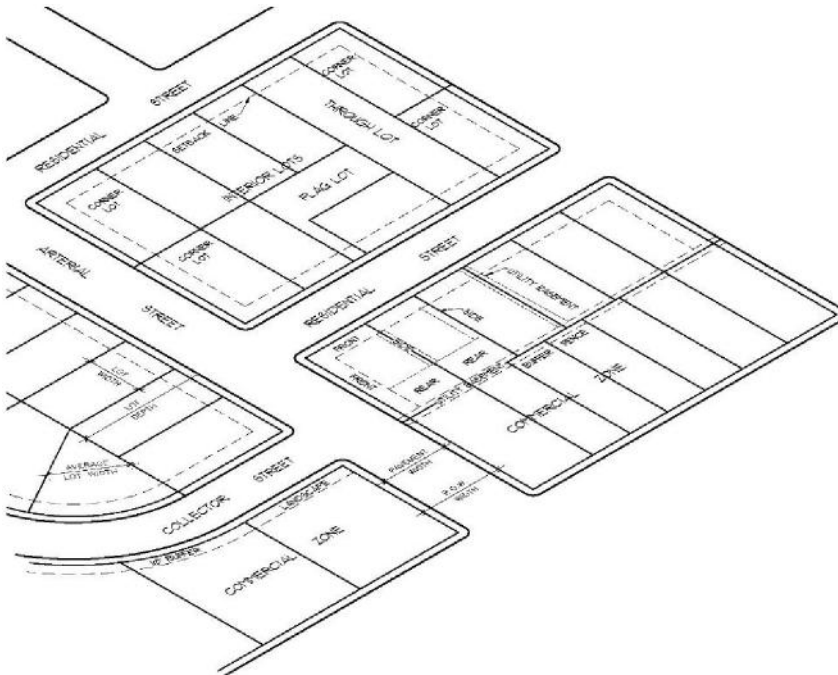
LOT, CORNER shall mean a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot". The setbacks for a front yard shall be met on all abutting streets.

LOT DEPTH shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

LOT, DOUBLE FRONTAGE, or THROUGH shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

LOT, FLAG shall mean an interior lot, the majority of which has frontage and access provided by means of a narrow corridor.

LOT, INTERIOR shall mean a lot other than a corner lot.



LOT CONSOLIDATION shall mean a method for approval of lot boundary adjustments that reduces the number of lots to not greater than two.

LOT DEPTH shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

LOT FRONTAGE shall mean the side of a lot abutting a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.

LOT LINE shall mean the property line bounding a lot.

LOT, MINIMUM AREA shall mean the minimum square footage of land area occupied, or to be occupied by a single principal building and accessory buildings as applicable to designated zoning districts.

LOT, NONCONFORMING shall mean a lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the Ellis County Register of Deeds, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of this Regulation.

LOT, PLATTED shall mean a lot which is part of a subdivision of the plat of which, or the appropriate permit for which, has been legally approved by the City and recorded in the office of the Register of Deeds for Ellis County.

LOT COMBINATION shall mean a method for approval of lot boundary adjustments or lot reductions, which reduces the number of lots to not greater than two.

LOT OF RECORD shall mean a lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Ellis County, or a lot described by metes-and-bounds, the description which has been recorded in the office of the Register of Deeds, both of which were prior to the adoption of these Regulations.

LOT SPLIT shall mean a subdivision of land involving the division of one lot into two lots.

LOT WIDTH shall mean the average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

MAJOR STREET shall mean a street, highway, or roadway designated as such on the official major street plan of the Comprehensive Plan.

MARGINAL ACCESS STREETS shall mean a local street which is parallel with and adjacent to a limited access highway or arterial street, and which provides access to abutting properties and protection from fast through traffic on the limited access highway or arterial street.

MONUMENT shall mean an identification marker established by a certified land survey and set by a registered land surveyor at each section corner, angle point, block corner, street centerline, or other point.

OPEN SPACE shall mean a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.

OUTLOT shall mean a lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no building permit shall be issued for any private structure.

OWNER shall mean an individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek the development of land.

PEDESTRIAN WAY shall mean a right-of-way or easement dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

PLANNING COMMISSION shall mean the Planning Commission of Ellis, Kansas.

PLAT shall mean a map showing the location, boundaries, and legal description of individual properties.

PLAT, FINAL shall mean the Final Plat of the plat, subdivision, or dedication of land prepared for filing or recording in conformance with these regulations.

PLAT, PRELIMINARY shall mean the preliminary plan of the plat, subdivision, or dedication prepared in accordance with the requirements of these regulations.

PLAT OF RECORD shall mean a map prepared in accordance with the provisions of these regulations and any other applicable local regulations to be placed on record in the office of the Register of Deeds of Ellis County.

PROTECTIVE COVENANTS shall mean restrictions governing the use of land within a given subdivision placed on the land by the owner at the time of platting.

PUBLIC WAY shall mean any street, alley, pedestrian way, pathway, channel, viaduct, bridge, easement, right-of-way, or other way in which the public has a right of use.

RESUBDIVISION shall mean the subdivision of a tract of land which has previously been lawfully subdivided and a plat of such prior subdivision duly recorded. (Sometimes also referred to as a "replat.")

RIGHT-OF-WAY shall mean a strip of land, generally linear, occupied, or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads, or fixed guideway transit, electric transmission lines, gas pipelines, water mains, or sewer mains.

ROAD OR ROADWAY shall mean the paved or improved area existing on the street right-of-way which is used for vehicular traffic, exclusive of sidewalks, driveways, or related uses.

SCREENING shall mean a structure or planting that conceals from public view the area behind such structure or planting.

SECRETARY shall mean the Secretary of the Planning Commission.

SIDEWALK shall mean a pedestrian walkway with a concrete surface constructed to city minimum standards.

SKETCH PLAN shall mean a map or plan of a proposed subdivision, prior to the preparation of the preliminary plan, to enable the subdivider to save time and expense in reaching tentative general agreements by a discussion of the form and objectives of these regulations.

STREET shall mean a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this Regulation.

STREET, ARTERIAL shall mean a street designed with the primary function of efficient movement of through traffic between and around areas of a City or county with controlled access to abutting property.

STREET, COLLECTOR shall mean a street or highway, which is intended to carry traffic from minor streets to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.

STREET, CURVILINEAR shall mean local streets that deviate from straight alignment and change direction without sharp corners or bends.

STREET, LOCAL shall mean a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.

STREET, LOOPED shall mean a continuous local street without intersecting streets and having its two outlets connected to the same street.

STREET, MAJOR shall mean a street or highway used primarily for fast or high-volume traffic, including expressways, freeways, boulevards, and arterial streets.

STREET, PRIVATE shall mean an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties. The term "private street" includes the term "place".

STREET, WIDTH shall mean the shortest distance between the property lines abutting both sides of a street right-of-way.

STRUCTURE shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.

SUBDIVIDE LAND shall mean to partition a parcel of land into two or more parcels, tracts, lots, or sites for the purpose of transfer of ownership or development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership.

SUBDIVIDER shall mean the owner, or any other person, firm, or corporation, authorized by the owner, undertaking proceedings under the provisions of these regulations for the purpose of subdividing land.

SUBDIVISION shall mean the division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land, whether by deed, metes and bounds description, lease, map, plat, or another instrument.

SUBDIVISION AGREEMENT shall mean an agreement between a subdivider and the City that establishes the subdivider's responsibility regarding project phasing, the provision of public and private facilities and improvements, and any other mutually agreed-upon terms and requirements.

TURNAROUND shall mean a space on private property that permits the turning around of any passenger vehicle without the necessity of using any public right-of-way to turn around.

WAIVER shall mean permission to depart from the requirements of Regulations concerning the submission of required documents.

WATERCOURSE shall mean natural or once naturally flowing water, perennially or intermittently, including rivers, streams, creeks, and other natural waterways. Includes waterways that have been channelized but do not include manmade channels, ditches, and underground drainage and sewage systems.

ZONING DISTRICT shall mean an area delineated on a zoning map for which uniform use regulations are specified.

ZONING REGULATIONS shall mean the Zoning Regulations of the City of Ellis, as amended from time to time.

ZONING PERMIT shall mean any permit required by the City and issued by the Zoning Administrator to be obtained by any person engaged in any activity governed by the regulations outlined in these Regulations.

ARTICLE 3: PROCEDURES

Section 3.01 Procedure for Filing Pre-Application Plans and Data

1. Prior to the filing of an application for approval of a Preliminary Plat, the subdivider shall submit a sketch plan in order to receive the pre-plat comments of the Planning Commission. Such number of copies of the plan, as may be determined necessary by the Zoning Administrator, shall be submitted to the Administrator at least ten (10) days prior to the next regular meeting of the Commission.
2. The sketch plan may be in a simple format sufficient in content to show:
 - A. The general location of the subdivision;
 - B. The existing and proposed location of streets, lots, utilities, and public service areas such as parks and schools;
 - C. Any significant physical features; and
 - D. Any particular site design problems.
3. A narrative description of existing conditions and development proposals may supplement the plan.
4. Following the Planning Commission review, the Administrator shall, within 15 days, advise the subdivider of the results of the review.

Section 3.02 Procedure for Approval of Preliminary Plat

Before any subdivider or agent contracts for the sale or offers to sell any subdivision of land or any part thereof, which is wholly or partly within the City of Ellis or which is within a three-mile limit of the City of Ellis or which is proposed to be annexed, the subdivider or his agent shall file a Preliminary Plat of said subdivision with the Ellis Planning Commission. All Preliminary Plats shall be prepared in conformance with the provisions of these regulations and in conformance with the Comprehensive Development Plan and Zoning Ordinance. The subdivider shall be responsible for such conformance. The following shall be required to start the process:

1. The Preliminary Plat shall be prepared in accordance with these regulations set forth herein and shall be submitted to the Planning Commission prior to the completion of final surveys of streets and lots and before the start of grading or construction work upon the proposed streets and lots and before any map of said subdivision is made in a form suitable for recording.
2. The Zoning Administrator shall determine whether the plat is in proper form, and the Planning Commission shall not receive and consider such plat as filed until it is submitted in accordance with the requirements hereof.
3. Once the proper form is accomplished, the developer shall submit said Preliminary Plat to the Zoning Administrator 20 days prior to the next regular meeting of the Planning Commission.
4. The street layout shall conform with a plan for the most advantageous development of the entire neighboring area and in conformity with the Comprehensive Development Plan.
5. A total of one electronic copy and 14 copies of the Preliminary Plat and required supplementary material as specified in Section 3.03 of these regulations shall be submitted 20 days prior to the meeting at which it is to be considered.
6. The Zoning Administrator shall distribute 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 report and recommendations to the Planning Commission. A lack of response after 15 days shall, at the discretion of the Planning Commission, signify approval.
7. The Planning Commission will consider the Preliminary Plat at a regularly scheduled meeting, and will (1) review the Preliminary Plat and other material submitted for conformity to these regulations and (2) review any comments from affected and interested governmental and public and private organizations the plat was distributed and (3) recommend to the subdivider changes deemed advisable and the kind and extent of improvements to be made by the subdivider.
8. The Planning Commission shall review the Preliminary Plat and submit recommendations to determine compliance with these regulations, zoning resolutions, and the general plan for the County. If all considerations are satisfied, the Planning Commission shall approve, by signature, the Preliminary Plat.

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9. If the Planning Commission determines that the Preliminary Plat does not satisfy the applicable requirements, it may:
 - A. Allow the subdivider to amend the Preliminary Plat to incorporate such modification and resubmit the Preliminary Plat to the Planning Commission. After resubmission the Planning Commission shall grant its approval provided all modifications are made under the original agreement.
 - B. The subdivider may reject the suggested modifications, or within the allowed time limits, may refrain from taking action. In either case, the effect shall be disapproval and the Planning Commission shall furnish the subdivider with a written statement setting forth the reasons for disapproval.
 - C. The subdivider may appeal the disapproval of his preliminary plat to the Governing Body. Such appeal shall be made in writing and filed with the Zoning Administrator within 60 days after the date the Planning Commission issues its disapproval of the preliminary plat.
 10. In any event, the Planning Commission shall approve or disapprove the Preliminary Plat within 60 days from the date of filing of such plat or from the date the subdivider has submitted the last item of required information, whichever date is later unless such time is extended by mutual consent.
 11. Approval of the preliminary plan shall have the following effects:
 - A. Such approval shall be considered permission to submit the final plan or plat.
 - B. Approval for submission shall be effective for no more than one year from the date approval was granted but an extension of time may be granted for good cause for a maximum period of six months.

Section 3.03 Preliminary Plat Specifications

The Preliminary Plat shall be drawn to a scale of at least one inch to 100 feet on a 22"x34" sheet, shall be marked "Preliminary Plat" and shall include the following information:

1. A location map showing the general location of the proposed subdivision in relation to surrounding developments with a north arrow, scale, and legend.
2. The proposed name of the subdivision must not be so similar to an existing subdivision as to confuse.
3. The names and addresses of the owner and subdivider, and any engineer, surveyor, or landscape architect responsible for the Preliminary Plat.
4. The legal description of the area being platted, boundary lines and dimensions, the location of monuments found or set, section lines, and the approximate acreage of the proposed development.
5. The width and location of platted streets and alleys within or adjacent to the property.
6. The proposed lot layout, lot and block numbers, approximate lot dimensions and square footage, and grounds proposed to be dedicated for public use.
7. Existing and proposed easements. Book and page numbers shall be provided for existing easements.
8. The existing and proposed zoning classification and proposed uses of land within and adjacent to the proposed subdivision.
9. Names of adjacent subdivisions together with arrangement of streets and lots.
10. Requests for waivers of design standards.
11. Phasing lines and schedule, if applicable.
12. A Topographic Survey Plan, showing the physical features of the property, including the location of water courses, wetlands, channels, ravines, bridges, culverts, present structures, and other features affecting the subdivision; contours with intervals of two feet or less; the location of all existing utilities with their sizes indicated, as well as flow lines; elevations of existing sanitary and storm sewer, the outline of wooded areas (the location of important individual trees may be required), and any floodway, floodplain, and flood fringe areas.
13. A Site Plan, showing the location and width of proposed streets, easements, building setback lines, rights-of-way, pavement widths and type, sidewalks, alleys, etc.
14. A Sanitary Sewer Plan, showing pipe sizes and depths, manholes, and points of connection to existing sanitary sewer mains.
15. A Water Main Plan, showing pipe sizes and depths, manholes, hydrants, and points of connection to existing water mains.

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16. A Grading and Drainage Plan, showing storm sewer pipe sizes and depths, inlets, manholes, detention ponds and outlet structures, discharge points, and both existing and proposed grades.
 17. A Street Profiles Plan, showing the proposed profiles for all streets within the development.

The following documents shall accompany the Preliminary Plat submittal:

1. Preliminary Drainage Report, prepared in accordance with Section 5.18.
2. Traffic Study, if required by the City Engineer.
3. Draft copy of the Subdivision Agreement including requests for waivers from the requirements of these regulations and an itemized cost estimate for all public improvements. A template of the subdivision agreement shall be requested from the City, and then prepared by the subdivider.
4. Complete list of the names and mailing addresses of all owners of record of all land within 300 feet of the perimeter of the property being proposed for subdivision.

The subdivider or subdivider's representative shall be in attendance at the Planning Commission meeting when the Preliminary Plat is discussed.

Section 3.04 Procedure for Approval of Final Plat

1. The Final Plat shall conform to the Preliminary Plat as approved and may be comprised of only the portion of the approved Preliminary Plat that the subdivider proposed to record and develop at the time.
2. A final plat, together with a sufficient number of copies as determined by the Planning Commission, shall be filed within 12 months of the date of approval of the Preliminary Plat.
3. The application for approval shall be filed with the Zoning Administrator at least 20 days prior to the next regular meeting of the Planning Commission.
4. With the approval of the Planning Commission, the final plat may be for the entire area of the preliminary plat, or may be developed and submitted as separate units, provided at least one such unit shall be filed within 12 months, and all of the tracts shall be final platted within five years unless an extension of time has been granted by the Planning Commission. Any such extension shall be for no more than one year.
5. The Planning Commission shall, within 60 days after the Final Plat has been filed, review and approve the Final Plat if:
 - A. It is substantially the same as the approved Preliminary Plat; or
 - B. There has been compliance with all conditions that 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.
 - D. The subdivision or resubdivision of the tract of lots does not place an existing permanent structure in violation of the requirements of the zoning regulations.
6. If the Planning Commission fails to act on the Final Plat within 60 days after it has been submitted for approval, it shall be deemed to have been approved unless the subdivider has consented in writing to extend or waive such time limitation.
7. Before a Final Plat is recorded, it shall be submitted to the Governing Body for its approval and acceptance of dedications for streets and other public ways, service and utility easements, and any land dedicated for public use. If the Governing Body disapproves the Final Plat, they shall advise the subdivider in writing of the reasons for such disapproval.
8. The Governing Body shall either approve or disapprove the Final Plat within 60 days after it has been submitted to them for final approval. If they fail to act on the Final Plat within 60 days, it shall be deemed to have been approved unless the subdivider shall have consented to extend or waive such time limitation.
9. The Final Plat, with all required signatures and in the exact form as approved by the Governing Body, shall be recorded by the subdivider with the County Register of Deeds. The subdivider shall pay the recording fee. Approval of the final plat by the Planning Commission and the Governing Body shall be null and void if the plat is not acceptable for recording in the office of the Register of Deeds or is not recorded within 60 days after final approval by the Governing

Body. The Register of Deeds shall reproduce copies of the recorded plat for the record-keeping purposes of the County and other governmental agencies.

Section 3.05 Final Plat Specifications

After approval of the Preliminary Plat by the Planning Commission, the subdivider shall prepare and submit to the Planning Commission a Final Plat prepared by a registered land surveyor.

The Final Plat shall be prepared in conformance with the Preliminary Plat, shall be drawn to a scale of at least one inch to 100 feet on a 22"x34" sheet, and shall include the following information:

1. The name of subdivision.
2. Vicinity map showing the location of the subdivision relative to adjacent subdivisions, tracts, and other area development.
3. The perimeter boundary lines of the subdivision showing all property corners, landlines, distances, bearings and angles, and other references used in the legal description of the tract. The boundary of the platted areas should be accurately indicated by a heavy solid line.
4. All lot lines, right-of-way lines, streets, and easements shall be shown with their dimensions to the nearest one hundredth (0.01) of a foot and in the actual respective location.
5. All easements shall be denoted by fine dashed lines, clearly identified, and if already on record, the recorded reference of such easements. If an easement is not located on record, a statement of such easement shall be included. The width of the easement with sufficient ties to locate it definitely with respect to the subdivision must be shown. If the easement is being dedicated through the plat map, it shall be properly referenced in the owner's certificate of dedication and identification.
6. Block numbers or letters continuing consecutively without omission or duplication throughout the subdivision. Such identification shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure.
7. Lot numbers beginning with the number one and numbered consecutively in each block.
8. Minimum front yard building setback lines as established by applicable zoning or other regulations or more restrictive setbacks if desired by the subdivider.
9. The width of the portion of the streets being dedicated and the width of any existing right-of-way.
10. The name of each street shown on the subdivision plat.
11. Land parcels to be dedicated for any purpose, public or private, to be distinguished from lots or tracts intended for sale.
12. Protective covenants, if any, shall be lettered on the Final Plat or submitted on a separate sheet with appropriate references made on the final plat and signed by the subdivider and/or owner.
13. Any restrictions in addition to the protective covenants shall be lettered on the plat.
14. The flood fringe and floodway, of any floodplain, shall be identified on the plat.
15. North point, graphic scale, written scale, and date of preparation.
16. Sufficient information shall be shown on the plat to allow an experienced surveyor to locate or relocate all points and lines shown on the plat, including all pertinent curve data. The error of closure of the boundaries of any enclosed area within the plat shall not exceed one (1) foot in three thousand (3,000) feet.
17. Prior to filing the Final Plat with the Register of Deeds, all boundary, block, and lot corners shall be marked by iron monuments no smaller than 3/4 inch in diameter and two feet in length, driven into the ground flush with the existing ground surface. Subdivision boundary corners shall be monumented with an iron bar no smaller than 3/4 inch in diameter and 30 inches in length, set rigidly in concrete. Said monuments shall be on the Final Plat.
18. Fractional lines and corners of the government township and section surveys shall be approximately labeled and dimensioned as applicable to the plat.
19. The following certificates, duly signed as appropriate, shall appear on the Final Plat upon its submittal:
 - A. Surveyor's Certificate, see Section 11.01
 - B. Owner's Certification and Dedication, see Section 11.02

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- C. Any Protective Covenants, see Section 11.03
 - D. Notary Certificate, See Section 11.04
 - E. Planning Commission Certificate, See Section 11.05
 - F. City Council's Certificate, see Section 11.06
 - G. County Clerk and City Clerk Certificate, see Section 11.07
 - H. Certificate of Special Assessments, see Section 11.08
 - I. Certificate of City Attorney, see Section 11.09
 - J. Transfer Record, see Section 11.10
 - K. Register of Deeds Certificate, see Section 11.11

The following documents shall accompany the Final Plat submittal:

1. All other certifications, approvals, and acceptances which are now, or which may hereafter be, required by any statute or regulation. The form of these certifications may be modified as necessary by the City's legal counsel to meet statutory or other requirements.
2. A copy of any restrictive covenants applicable to the subdivision.
3. A title report by an abstract 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. The consent of all such persons shall be shown on the plat.
4. Final Drainage Report, prepared in accordance with Section 5.18.
5. Geotechnical Report
6. Traffic Study, if required by the City Engineer.
7. Subdivision Agreement with signature block for the Mayor and attestation of the City Clerk.
8. Escrow Agreement with signature block for the Mayor and attestation of the City Clerk. A template of the escrow agreement shall be requested from the City, and then prepared by the subdivider.
9. Private restrictions or covenants affecting the subdivision or any part thereof, if applicable.
10. Easements to be recorded with plat. A template document of each type of easement shall be requested from the City, and then prepared by the subdivider. An easement shall include a legal description sufficient for recording at the County Register of Deeds.
11. Performance bond pursuant to Section 8.03.
12. Construction Plans and Specifications, including:
 - A. Topographic Survey
 - B. Grading Plans
 - C. Erosion Control Plans
 - D. Sanitary Sewer Plans
 - E. Storm Sewer Plans, including detention pond and outlet structure.
 - F. Water Main Plans
13. Construction Permits from all applicable agencies

The subdivider or subdivider's representative shall be in attendance at the Planning Commission meeting when the Final Plat is discussed.

Section 3.06 Vacation of Plat

1. Any plat or any part of any plat may be vacated by the owner of the premises at any time before the sale of any lot therein by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.
2. Such an instrument shall be approved by the Planning Commission in like manner as plats of subdivision.
3. The Governing Body, however, may reject any such instrument that abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.
4. Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the street, alleys, and public grounds, and all dedications laid out or described in such plat.
5. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such written instrument.

Section 3.07 Resubdivision/Replats

1. Whenever a Resubdivision/Replat of an existing subdivision result in 10 or fewer lots, the Planning Commission may waive the separate submission requirements for the Preliminary and Final Plats to expedite the subdivision review process if, in the judgment of the Planning Commission, the separate submission will not serve the public interest and will not conflict with the intent of these regulations. Concurrent Plats shall:
 - A. Be discussed with the Planning Commission at a scheduled pre-application Conference pursuant to Section 3.01.
 - B. Be submitted to the Zoning Administrator at least 20 days prior to the next regular meeting of the Planning Commission at which the request is to be heard.
 - C. Be accompanied by the application fees and completed application forms as required.
 - D. Follow the procedure set forth herein and contain the required Preliminary and Final Plat information.
 - E. Include a drainage plan showing how run-off generated by the proposed development impacts the drainage on downstream drainage systems.
2. Disapproval of Resubdivision/Replat shall be based on the following guidelines:
 - A. A new street or alley is needed or proposed.
 - B. Vacations of streets, alleys, setback lines, access control, or easements are required or proposed.
 - C. 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, repaving, etc.
 - D. There is less street right-of-way than required by these regulations or the Comprehensive Development Plan unless such dedication can be made by a separate instrument.
 - E. All easement requirements have not been satisfied.
 - F. Such action taken during a replat will result in a tract without direct access to a street.
 - G. A substandard-sized lot or parcel will be created.
3. Changes required by the Planning Commission, during the Planning Commission's meeting, shall be made prior to submission to the City Council. Resubdivision/Replat shall be submitted to the Zoning Administrator prior to the start of construction and at least 20 days prior to the next regular meeting of the City Council. The City Council shall review and act on the Resubdivision/Replat. The City Council shall, in writing, either approve the Resubdivision/Replat with or without conditions or disapprove the Resubdivision/Replat and state the reasons thereof.

Section 3.08 Administrative Plats

1. This section intends to provide for lots splits, lot combinations, and boundary adjustments which result in lots divided or combined into not more than four tracts without having to re-plate said lot, provided the resulting lots shall not again be divided without re-platting. The Zoning Administrator shall review the administrative plat application and make a final determination. The Zoning Administrator may approve or disapprove administrative plats in accordance with the following regulations.
2. Requests for an Administrative Plat approval shall be made by the owner or a designated representative of the land to the Zoning Administrator. Two copies and one electronic copy of the Administrative Plat shall include the following:
 - A. Administrative plats shall be drawn to a scale of at least one inch equals 100 feet on a 22" x 34" sheet.
 - B. A survey of the lot(s).
 - C. Location and precise nature of any structures located thereon, if any.
 - D. Location and dimensions of the proposed administrative plat.
 - E. All of the identified certifications noted in the Final Plat section shall be required for an Administrative Plat
3. Disapproval of administrative plats shall be based on the following guidelines:
 - A. A new street or alley is needed or proposed.

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- B. Vacations of streets, alleys, setback lines, access control, or easements are required or proposed.
 - C. 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, repaving, etc.
 - D. There is less street right-of-way than required by these regulations or the Comprehensive Development Plan unless such dedication can be made by a separate instrument.
 - E. All easement requirements have not been satisfied.
 - F. Such action taken during an administrative plat will result in a tract without direct access to a street.
 - G. A substandard-sized lot or parcel will be created.
 - H. The lot has been previously split in accordance with this Resolution.
- 4. No Administrative Plats shall be approved unless all required public improvements have been installed, no new dedication of public right-of-way or easements is involved, and such subdivision complies with the Regulation requirements concerning minimum areas and dimensions of such lots.
 - 5. Prior to the approval of the administrative plat, the subdivider shall provide a statement from the County Treasurer's office showing there are no tax liens against said land within the proposed subdivision or any part thereof. The subdivider shall also provide a statement from the City Treasurer's office showing that all special assessment installment payments are current as applied to said proposed subdivision or any part thereof.
 - 6. The Zoning Administrator shall, in writing, either approve the Administrative Plat with no conditions or disapprove the Administrative Plat and state the reasons thereof, within a reasonable time of application.
 - 7. The filing fee for Administrative Plats shall be set in accordance with Section 2.10.
 - 8. After approval from the Zoning Administrator, all copies must be certified by all applicable parties, and two copies must be filed with the City prior to the issuance of a zoning permit.

ARTICLE 4: “GHOST” PLATTING AND BUILD-THROUGH ACREAGE REQUIREMENTS

Section 4.01 Scope of Regulations.

The regulations set forth in this Article are the regulations of the BTA Build-through Acreage policies.

Section 4.02 Purpose.

The purpose of this Article is to provide a mechanism for approval of short-term acreage development in portions of the City of Ellis' zoning jurisdiction that are unlikely to receive urban services, and consequent urban density development, within the next 10 to 20 years. These regulations are intended to allow owners the opportunity to realize a reasonable return on their property and to accommodate a continuing demand for acreage development without obstructing future urban development. The BTA Overlay District allows owners to develop a portion of their property with low-density residential development while reserving the majority of the property for future long-term development with urban services. It also provides for the eventual transition of the previously developed acreage residential use to higher densities with the extension of urban services.

Section 4.03 Applicability

The BTA requirements apply to all land designated as LDR Low-Density Residential in the Future Land Use Plan and zoned TA or R-1 in the zoning regulations but within the extraterritorial zoning jurisdiction of Ellis.

Section 4.04 “Ghost” Platting Requirements

The following requirements shall be provided to the City as indicated in any area designated as a “build-through” area as stated in Section 4.03. All drawings required for the Ghost Platting process shall be drawn to a scale of one inch equals 100 feet on a 22” x 34” sheet.

1. A final plot plan for the “Ghost” platting component shall be accurately, clearly, and legibly drawn as required in this section and shall contain the information required for final plot plans in Article 3 and the following requirements:
 - A. Building envelopes shown on lots in the final plot plan shall meet the required setbacks for the lots shown under the future final plot plan, providing for conversion of the “Ghost” platting component to higher urban residential density.
 - B. The drainage and site grading plans shall include both the proposed acreage layout and the future drainage at urban residential densities. The development shall be designed to drain and grade both components in accordance with the future final plot plan for the acreage development and the proposed urban density. Final and rough grading of the acreage development shall be accomplished as set forth in these regulations.
2. A future final plot plan providing for conversion from acreages to higher urban residential density shall be accurately, clearly, and legibly drawn to the scale and on a sheet required in this Section and shall contain the information required for final plot plans in Article 3 of these regulations and the following information:
 - A. Final lot lines that will be implemented with the extension of urban infrastructure and annexation by the City.
 - B. The location and layout of any future streets are not dedicated and improved as part of the final plot plan for the acreage development but are needed in the future to convert the acreage development to an urban density development.
 - C. Easement locations for future utilities and stormwater drainage.
 - D. Building envelopes that meet required setbacks under the conversion.
 - E. A Master Plan providing an urban framework for future development which establishes the major systems serving the overall development, documenting the future relationships between the acreage development. This Master Plan shall be accurately, clearly, and legibly drawn as required in this Section and shall contain the following information:
 - 1) The layout of arterial and collector streets on the site. These will typically include streets approximately on half-section lines, along with connections to adjacent parcels.
 - 2) Major infrastructure lines, including water distribution, sanitary sewers, and storm sewers, if part of the stormwater management plan.

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- 3) A master stormwater management plan, indicating general grading concepts and directions, stormwater retention and detention structures, and storm sewers.
 - 4) Easements and dedications for all major utility services.
 - 5) Proposed parks, open spaces, trails, and greenways.
 - 6) Resource conservation or preservation areas, including wetlands, wooded areas, streams and waterways, and other features that will be maintained and incorporated into future development concepts.
 - 7) The Master Plan shall provide a minimum gross residential density of no less than four units per acre on the portion of the site that is to be developed for urban residential purposes.
 - 8) The Master Plan may propose a land use master plan, displaying the location and relationship of various uses, but such a plan is not a requirement for approval.
- F. For a "ghost" plat located within the jurisdiction of Ellis, the Council shall require the execution of a written agreement with the City relating to the conversion of the acreage development to higher urban density and the future annexation of the subdivision as a whole and the implementation of the Master Plan for the future development of the urban density of the clustered/mixed-use development. The written agreement shall include, but not be limited to, the following provisions:
- 1) The timing of annexation and the Final Platting of the urban density areas following the extension of sanitary sewer and water utilities to the subdivision;
 - 2) A plan for funding infrastructure costs for the conversion of the acreage development and implementation of the master plan for the urban residential density, including an agreement to petition for the creation of special assessment districts for the installation of such improvements if not installed by the permittee at the permittee's own cost and expense. If the Planning Commission finds the proposed clustered/mixed-use development does not meet the above requirements for approval, the Planning Commission may deny the application or approve the application upon condition that the applicant makes specific changes in the proposed community unit plan, which will remove the objection.

Section 4.05 Special Requirements for "Ghost" Plats

The following special requirements shall be provided to the City and completed as indicated, and required by these regulations.

1. All platted streets required to be platted as part of the "Ghost" plat shall be protected as a part of the initial installation of improvements and streets during the acreage development phase.
2. All "Ghost" plats shall be required to have easements placed at a minimum of five feet on either side of a proposed future property line (urban residential density) and around the perimeter of the acreage density lots.
3. A Subdivision Agreement that will require the owner(s) at the owner's expense:
 - A. To complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.
 - B. To comply with the provisions of these regulations regarding land preparation and grading.
 - C. To notify all potential purchasers of all lots that said lots are subject to future subdivision and additional future urban residential development when (1) the sanitary sewer and water mains have been extended to serve the Final Plat; (2) the lots have been annexed; and (3) the lots have been rezoned to a district allowing for higher urban density.
 - D. To notify all potential purchasers of lots that an identified Outlot, identified on a Final Plat as Reserved for Future Platting to Urban Density, is subject to future urban residential development when (1) the sanitary sewer and water mains have been extended to serve the Final Plat; (2) the Outlot has been annexed; and (3) the Outlot has been zoned to a district allowing for higher urban density.
 - E. To install water mains to all lots at the owner's own cost and expense within 12 months following annexation of said lots into the City of Ellis, unless a water district is created by the City Council for the water mains and the water mains are finally ordered constructed within six months following said annexation.

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- F. In the event any infrastructure improvements, including but not limited to water mains, street paving, sidewalks, street trees, stormwater, and ornamental street lighting, are ordered constructed pursuant to a special assessment district, Subdivider (1) agrees and consents that the costs thereof shall be assessed and levied together with assessment and equalization costs, against the benefited properties in the _____. Addition, waiving all objections to the sufficiency of the petitions, therefore, to the proceedings, and (2) agrees to pay to the City of Ellis said costs as thus assessed and levied against said property.
- G. To and hereby waives, as against the City of Ellis, any and all damages and any claim or right of action for any and all damages, of every nature, which may accrue to Subdivider, or which may result to Subdivider's property or interest therein, by reason of said infrastructure improvements or construction thereof.
- H. Not to protest the annexation of the property within the subdivision into the City of Ellis. The obligations of the Subdivider under this "Ghost" platting process and agreement shall constitute a covenant running with the land and shall be binding on the Subdivider and Subdivider's heirs, administrators, successors, and assigns.

ARTICLE 5: DESIGN STANDARDS

Section 5.01 General

No subdivision shall be approved unless it is in conformance with the requirements of these regulations and the Comprehensive Development Plan.

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas for public use to best conform to any recommendations of the Comprehensive Development Plan. Any provisions for schools, parks, and playgrounds should be indicated on the Preliminary Plat in order that it may be determined when and in what manner such areas will be provided or acquired by an appropriate agency.

Land that the Planning Commission has found to be unsuitable for subdividing, due to flooding, poor drainage, steep slopes, rock formation, or other features likely to be harmful to the safety, welfare, or health of the future residents, shall not be subdivided unless adequate methods for subdivision are formulated by the developer and approved by the Planning Commission that would eliminate or substantially reduce such hazards.

The Planning Commission may require all contiguous land under common ownership to be submitted with the Preliminary Plan in order to evaluate overall development patterns and conformity with the Comprehensive Development Plan and issue proper extensions of future roads and services.

Section 5.02 Streets

The arrangement, character, extent, width, grade, and location of all streets shall conform to the Comprehensive Development Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of land to be serviced by such streets.

The street layout of the proposed subdivision shall provide for the continuation or appropriate projection of streets and alleys already existing in areas adjacent to the area being subdivided. Where, at the determination of the Planning Commission, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of the subdivision. Where the Planning Commission deems it necessary, such dead-end streets shall be provided with a temporary turnaround having a right-of-way radius of at least 50 feet and a paved radius (usually crushed rock) of 30 feet, or other approved design.

New or reconstructed streets shall conform to the Kansas Board of Public Roads Classifications and Standards, Minimum Design Standards. These shall be constructed of the materials as herein specified, on an approved subgrade, in accordance with these specifications and conformity with the lines, grades, typical cross-sections, and details shown on the approved Plans. The Kansas State Standard Specifications shall be the Kansas Department of Transportation Standard Specifications for Highway Construction, latest edition, English Units Edition.

Designs of said roadways shall be subject to the approval of the City in accordance with the Minimum Street Standards are shown in Schedule A, and with the following standards:

1. Intersections

- A. Streets shall intersect as nearly as possible at an angle of 90 degrees, and no intersection shall be constructed at an angle of less than 60 degrees. Street curb intersections shall be rounded by radii of at least 20 feet. Larger intersection radii may be required in industrial or commercial areas or when directed by the City Engineer. When the smallest angle of street intersection is less than 75 degrees, the Planning Commission may require curb radii of greater length.
- B. Access onto any street intersecting an arterial street shall be located no closer to the right-of-way of such arterial street than 75 feet, or more at the discretion of the City Engineer.

2. Curves in Streets, Horizontal and Vertical

- A. A tangent of at least 100 feet in length shall be introduced between reversed curves on arterial and collector streets.
- B. Where there is a deflection angle of more than 10 degrees in the horizontal alignment of a street, a curve shall be installed with a radius adequate to ensure safe sight distances. Maximum requirements shall conform to the standards in Schedule A of this Ordinance.
- C. Minimum sight distances shall meet applicable AASHTO standards and shall conform to the minimum design standards set by the Kansas Board of Public Roads Classifications and Standards.

3. Street Grades and Elevations

- A. All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. The minimum street grade shall not be less than four-tenths of one percent (0.4%). Minimum grades for gutters and ditches shall be four-tenths and five-tenths of one percent (0.4% and 0.5%), respectively. The City may allow lesser slopes if approved by the City Engineer. Fill may be used in areas subject to flooding in order to elevate streets and building pads, provided such fill will not increase flood elevations more than two feet. Street grades shall conform to the maximum requirements provided in Schedule A of this Ordinance.

4. Street Jogs

- A. Street jogs with centerline offsets of less than 150 feet at intersections shall be prohibited.

5. Cul-de-sac Streets

- A. Cul-de-sacs shall not be longer than 500 feet and shall provide a turnaround having a radius at the outside of the pavement of at least 50 feet and a radius at the right-of-way of at least 110 feet. Alternative designs for temporary turnarounds may be approved by the City. Streets dead-ending or terminating in a temporary turnaround shall not have a length greater than 500 feet or a radius at the right-of-way less than 60 feet. Cul-de-sacs and temporary turnarounds shall be measured from the center of the cul-de-sac or temporary turnaround to the nearest right-of-way line of the intersecting street.

6. Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the developer to have satisfactory bridges, drainage structures, and/or culverts constructed. Where drainage pipes or culverts are required, minimum requirements shall be observed as follows:

- A. All drainage pipes or culverts shall extend across the entire right-of-way width of the existing or proposed street. The cover over the culvert and its capacity shall be determined by the developer's engineer. The diameter of a drainage pipe shall be determined in the approved drainage report submitted with the plat. Depending on existing drainage conditions, headwalls, flared end sections, and erosion control may be required.
- B. Driveway culverts, if applicable, shall have a minimum diameter of 18 inches. The driveway culverts shall be laid so as to maintain the flow lines of the ditch. Head walls flared end sections and erosion control may be required.

7. Excavation, Embankment, and Subgrade

- A. Work shall be in accordance with Sections 205 and 206 of the Kansas State Standard Specifications, latest edition. Fill material shall be Class III, uniform, and free of trash, lumber, and other debris. Material shall be properly moistened to optimum requirements and thoroughly compacted to a minimum of 95% maximum dry density as determined by ASTM D-698, with a moisture content of 0% to 3% above optimum or as specified in the Geotechnical Report.
- B. All Trench fills below areas to be covered with street pavement, drives, or sidewalks shall meet the minimum compaction requirements as specified in the Geotechnical Report.
- C. Pavement subgrade shall be a minimum of 12 inches deep or as specified in the Geotechnical Report. Material for pavement subgrade shall be properly moistened to

Optimum requirements and thoroughly compacted to a minimum of 98% maximum dry density as determined by ASTM D-698, with a moisture content of 0% to 3% above optimum or as specified in the Geotechnical Report.

8. Concrete

A. Concrete shall conform to Division 600 of the Kansas State Standard Specifications, latest edition. Concrete shall be Class "47 B-3,500". Minimum compressive strength shall be 3,500 psi in 28 days. Materials shall conform to Kansas State Standard Specifications for Highway Construction, Division 1000, Material Details. Curing shall be with a double application of continuous coating of white pigmented curing compound conforming to the requirements of Section 1012 of the Kansas State Standard Specifications

9. Pavement Construction or Reconstruction

- A. All new or reconstructed full-depth paving shall be constructed with Portland cement concrete. Surface maintenance of existing paved streets may utilize hot mix asphalt, armor coat, seal coat, or other methods approved by the City.
- B. All street improvements shall conform to the Kansas Board of Public Roads Classifications and Standards, Minimum Design Standards, and the Minimum Street Standards in the City's Subdivision Regulations. Curb and gutter shall be required on all streets.

Section 5.03 Dedication of Rights-of-Way for New Streets

The dedications of rights-of-way for new streets measured from lot line to lot line shall be shown on the plat and shall meet the right-of-way requirements as stated in Schedule A of these regulations. The City shall approve access to lots located on arterials.

Where a subdivision fronts on an arterial street, the Planning Commission shall, where possible, require frontage roads. Where lots back up to an arterial street and such lots have access by means other than the arterial street, a frontage road may not be required.

Section 5.04 Dedication of Rights-of-Way for Existing Streets

Subdivisions platted along existing streets shall dedicate additional right-of-way or easements if necessary to meet the minimum street width requirements set forth in these regulations. The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way width, measured from the centerline of the existing roadway, shall be dedicated along with any proposed easements.

Section 5.05 Frontage Roads

Where a front or side yard abuts railroad, limited access freeway, or principal highway or arterial street rights-of-way, a marginal access street or frontage road may be required parallel and adjacent to the boundary of such rights-of-way when necessary for adequate protection of properties from the arterial street and to protect and preserve the safety and traffic handling capabilities of the arterial street. The distance from said rights-of-way shall be determined, with due consideration to the minimum distance required for approach connections to future grade-separated intersections. In the case of lots where the rear yard is adjacent to an arterial street and such lots have access other than off the arterial street frontage, a frontage road may not be required.

Section 5.06 Access Control

In the interest of public safety and for the preservation of the traffic-carrying capacity of the street system, the Planning Commission and City Council 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.

Section 5.07 Street Names

Proposed streets, which are in alignment with other existing streets, shall bear the name of such other existing streets. The name of a proposed street which is not in alignment with an existing street shall not be named so similarly to the name of any existing street as to confuse. To avoid duplication and confusion, the proposed names of all streets shall be approved by the City Council prior to such names being assigned or used.

Section 5.08 Private Streets and Reserve Strips

New private streets may be created as part of a planned development district provided such streets are specifically authorized by the Planning Commission and City Council as an exception to the terms of these regulations. There shall be no reserve strips in a subdivision except where their control is vested in the municipality under conditions of approval by the Planning Commission as authorized in these regulations.

Section 5.09 Alleys

Alleys may be required in commercial, industrial, and residential areas. Dead-end alleys shall be avoided, however, where a dead-end alley cannot be avoided, a dead-end alley shall be provided with adequate turnaround capacity at the dead-end. Alleys should be avoided in residential areas except where an existing alley of an adjoining subdivision would dead-end at the boundary of the proposed subdivision.

**SCHEDULE A
MINIMUM STREET STANDARDS**

| Street Classifications | Minimum Right-of-Way (ft.) | Minimum Pavement Width¹ (ft.) | Minimum Number of Traffic Lanes | Maximum Grade (%) | Minimum Centerline Radius (ft.) (Curve) | Minimum Sight Distance (VC)³ (ft.) | Minimum Pavement Thickness⁴ (in) |
|---|-----------------------------------|---|--|--------------------------|--|--|--|
| Arterial Street⁶ | 100 | 44 ⁷ | 2 | 6 | 700 ⁵ | 400 ⁵ | 9 |
| Collector Street | 80 | 39 | 2 | 7 | 300 | 300 | 8 |
| Local Street | 60 | 27 | 2 | 8 | 200 | 200 | 7 |
| Alleys | 16 | 16 | 1 | No max. | 100 | None | 7 |
| Cul-De-Sac² and Loop Street | 60 | 27 | 2 | 8 (average) | 100 | 300 | 7 |
| Minor Streets (No Parking) | 50 | 27 | 2 | 8 | 200 | 200 | 7 |
| Private Road⁸ | - | - | - | - | - | - | - |

1. Pavement width measured back-to-back of the curb.
2. Minimum right-of-way radius for the cul-de-sac turnaround shall be 65 feet and the minimum pavement radius for the cul-de-sac turnaround shall be 50 feet. Larger dimensions will be required in commercial and industrial areas as directed by the City Engineer.
3. (VC) – Vertical Curve of road.
4. Strength equivalent to pour-in-place Portland Cement Concrete as per design standards by AASHTO or per geotechnical report.
5. Per NDOT Standards or as directed by the City Engineer.
6. All section line roads will be designated as arterial streets.
7. Based on a traffic study.
8. See Private roadway design standards adopted in 2021.

Section 5.10 Water Main Design Standards

Design of municipal water mains shall conform to the standards and requirements of the Kansas Department of Health and Environment, Policies, General Considerations and Design Requirements for Public Water Supply Systems in Kansas.

Improvement plans for a permanent water system shall be provided showing pipe sizes, type of pipe, locations of fire hydrants and valves, and, if applicable, supply facilities, booster pumps, elevated or ground level storage tanks, and other appurtenances.

Designs of said system shall be subject to the approval of the City in accordance with the following standards:

1. The minimum main or pipe size shall be determined by the type of use to be served and the provision of adequate fire flow capacities. Generally, water lines shall be at least six inches in diameter.
2. Except for good cause, all water mains shall be located within the right-of-way, but not under the pavement located thereon.
3. The maximum distance between fire hydrants shall be determined by the City, but generally any portion of the proposed subdivision shall be within 250 feet of a fire hydrant.
4. Gate valves on cross-connecting water lines shall be so located that no single break in the distribution system shall require more than 500 feet to be out of service in high-value districts or 800 feet in other districts.
5. Valves or cross-connecting mains shall be so located that a break in the secondary distribution system will not necessitate shutting down major distribution lines.
6. Fire hydrants shall be provided by the developer in all subdivisions with public water supplies. The hydrants shall be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and mid-block for blocks exceeding 800 feet in length. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding 400 feet in length. The type of hydrant and control valves and the location of the hydrant shall be approved by the utility superintendent and City Engineer. The minimum size of any water line serving any hydrant shall not be less than six inches in diameter, and should be circulating water lines. The size and location of water lines shall be approved by the utility superintendent and City Engineer.

Section 5.11 Sanitary Sewer Design Standards

Design of municipal sanitary sewer mains shall generally comply with the requirements of the Kansas Department of Health and Environment, Policies, General Considerations and Design Requirements for Public Water Supply Systems in Kansas.

Improvement plans for a permanent sewage system shall be provided showing pipe sizes, gradients, type of pipe, invert and finished grade elevations, location and type of manholes, treatment facilities if applicable, and the location, type, and size of all lift or pumping stations. The design of said system shall be subject to the approval of the City Engineer in accordance with the following standards:

1. At least eight-inch sewer lines will be installed.
2. At least four-inch service connections from the sewer line to the property line of each lot will be installed with the location marked.
3. Manholes will be provided at all interceptor and lateral junctions, at the end of each line, and at all changes in direction, grade, and size.
4. Materials for sanitary sewer improvements shall be as approved by the City Engineer.
5. Combination of sanitary sewers and storm sewers shall be prohibited.

Where the installation of individual disposal systems is considered, the following shall apply:

1. The suitability of the soil for individual systems, the absorptive ability of the soil, surface drainage, groundwater level, applicable wellhead protection regulations, and topography shall be the criteria for determining whether or not the installation of individual systems is permissible. Criteria shall be in accordance with the requirements of the City KDHE.
2. Each lot so served shall be of a size and shape to accommodate the necessary length of tile field at a safe distance from and at a lower elevation than the proposed buildings. Such lot size and shape shall conform to the requirements of the zoning district in which they are located, provided that in no case shall said minimum lot be less than one acre in an area where there is a public water supply available at the lot, and two and a half (2 1/2) acres where there is not a public water supply available.
3. At least one percolation test shall be made for each lot area being platted, and each test shall be located in close proximity to the proposed individual sewage disposal unit, be

numbered and its location shown on the Preliminary Plat. All percolation tests shall be performed in accordance with the requirements of the Ellis City Council.

Section 5.12 Sidewalks

All sidewalks within a subdivision shall have a minimum pavement width of four feet with a minimum thickness of four inches and shall be located one foot into the street right-of-way adjacent to the residential lot line unless otherwise approved. Sidewalks that are part of the City's trail system shall have a minimum width of 10 feet and a minimum thickness of six inches. Sidewalks, trails, and street crossings shall meet ADA design standards.

Section 5.13 Materials Testing and Inspection Requirements

The following materials testing and inspections shall be required for public infrastructure construction:

Grading Operations

1. Geotechnical report
 - A. Soil sample(s)
 - B. Proctor Curve(s)
 - C. Atterberg limits
2. Moisture/density testing during operations
 - A. One test/1,000 SF for each lift.
 - B. Two tests/stations for roadway projects.
3. Inspections: Daily during grading operations for each lift.
 - A. Nuke gauge training is required.

Concrete Pavement/Structures (different category for structures)

1. Subgrade proof rolling observation report
 - A. Proof rolling to be performed with a tandem axle fully loaded dump truck, two passes in each lane, with an outside wheel at the gutter line. Report to include photos and summary of results/recommendations.
2. Subgrade moisture/density test
 - A. Two per station for roadway corridors
3. Air/Slump test
 - A. First load of each day and every 300 CY
4. 7- and 28-day break results
 - A. First load of each day and every 300 CY
5. Inspections
 - A. Part-time, as needed to perform all necessary testing and observe proof rolling and paving operations. ACI certification is required.

Asphalt Pavement

1. Subgrade proof rolling observation report
 - A. Proof rolling to be performed with a tandem axle fully loaded dump truck, two passes in each lane, with an outside wheel at the gutter line. Report to include photos and summary of results.
2. Subgrade moisture/density test
 - A. Two per station for roadway corridors
3. Bulk samples
 - A. One sample per lot (500 tons), delivered to a qualified lab
4. Density core samples
 - A. One sample per lot (500 tons)
5. Inspections:
 - A. Part-time, as needed to perform all necessary testing and observe proof rolling and paving operations. NDOT Asphalt field technician level 1 certification required.

Storm Sewer

1. Backfill compaction test
 - A. For all pipes and structures.
2. Inspections:
 - A. Part-time, as needed to perform all necessary testing and observe backfilling operations.

Sanitary Sewer

1. Backfill compaction test
 - A. For all pipes and structures.
2. Mainline low-pressure pipe test
 - A. One test per pipe run between manholes
3. Vacuum test
 - A. One test per manhole
4. Video inspection
 - A. Video files and summary report for all pipes, after backfill has been in place for 30 days.
5. Inspections:
 - A. Part-time, as needed to perform all necessary testing and observe backfilling operations.

Water Main

1. Backfill compaction test
 - A. For all pipes, valves, and hydrants
2. Hydrostatic test
 - A. For all pipes
3. Disinfection test
 - A. Two consecutive sets of acceptable samples, taken at least 24 hours apart.
 - B. Samples shall be collected from every 1,200 feet of water main, plus one set from the end of each line, and at least one set from each branch.
4. Inspections:
 - A. Part-time, as needed to perform all necessary testing and observe backfilling operations.

All testing shall be completed by professionals certified in inspection and testing services.

Section 5.14 Blocks

In determining the lengths, widths, and shapes of blocks, consideration shall be given to the provision of adequate access and circulation, the suitability of building sites to the needs of the use contemplated, and the zoning requirements regarding minimum lot sizes, widths, and frontages of the anticipated zoning district. Except in unusual circumstances approved by the City, block lengths shall not exceed 600 feet. Pedestrian easements 10 feet wide shall be provided through or near the center of blocks more than 600 feet long in order to provide adequate pedestrian circulation.

Section 5.15 Lots

The size, width, depth, shape, and orientation of lots shall conform to the regulations of the applicable zoning district for the type of development and use contemplated. All lots shall be developed such that surface drainage is diverted to lot lines and not across adjacent properties. Corner lots for residential uses shall be designed with adequate width to permit appropriate building setback distances and orientation to both streets. The subdividing of land shall be such as to provide each lot with satisfactory vehicular access from a public street or an approved private street. Side lot lines shall be designed as close as possible to be perpendicular to street right-of-way lines or radial to cul-de-sac center points.

Section 5.16 Through Lots

Through lots shall be avoided, except where essential to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography. Where such lots are used in relation to an arterial street, a landscape screen easement of at least 10 feet in width shall be provided along the property line of such lots abutting such arterial street. Within this easement, the subdivider shall install trees, shrubbery, fences, or a combination thereof to

Screen the residential development from the arterial street and dampen the noise generated by traffic on the arterial street.

Section 5.17 Easements

Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least 16 feet in width. When located on a lot line, said easement shall be centered so that there are eight feet of easement on each side of a lot line. In those zoning districts that require five feet of side yard setbacks, the required easement shall be at least 10 feet in width, centered upon the lot line so that there are five feet of easement on each side of the side property line.

Where a subdivision is traversed by a watercourse, there shall be provided a stormwater drainage easement substantially following the width of such watercourse. The width of the easement shall be adequate for maintenance purposes and shall be determined by the City Engineer as part of the Preliminary Plat.

Section 5.18 Storm Sewer System and Drainage System

A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of surface water of the subdivision and the drainage area of which it is a part.

The developer shall submit, unless specifically waived by the Planning Commission, a Drainage Report prepared by a registered professional Engineer as to the existing and proposed drainage conditions. A Preliminary Plat Drainage Report shall be included with the Preliminary Plat. The Final Plat Drainage Report shall be attached to the Final Plat and shall include an evaluation of the ability of the proposed water courses, drainage tiles, storm sewers, culverts, and other improvements pertaining to drainage or flood control within the subdivision to handle the run-off which would be generated by the development of the land within and above the subdivision and the impacts of such drainage on downstream drainage systems.

1. The Preliminary Plat Drainage Report shall include:
 - A. Preliminary estimates of the quantity of stormwater entering the subdivision naturally and upon full development of lots within the subdivision.
 - B. Existing conditions of the watershed that may affect the proposed subdivision, such as soil type, drainage channels, obstructions, and the like.
 - C. A Preliminary Grading Plan illustrating proposed drainage management.
2. The Final Plat Drainage Report shall contain:
 - A. Calculations of the quantity of stormwater entering the subdivision naturally and estimates of such stormwater upon full development within the subdivision based on the proposed zoning.
 - B. Quantities of flow at each pick-up point.
 - C. A description of an adequate drainage system within the subdivision and its design capacities based on a 10-year storm.
 - D. Sizing calculations for all inlets, pipes, outlet structures, and riprap pads.

Improvement plans for the storm sewer and drainage system shall be provided showing pipe sizes, gradients, type of pipe, invert and finished grade elevations, location and type of manholes and inlets, and the location, type, and size of retention or detention ponds and outlet structures.

The design of the municipal storm sewer and drainage system shall be subject to the approval of the City Engineer in accordance with the following standards:

1. The improvements shall be made to limit the peak rate of stormwater discharge from the subdivision. Post-development runoff shall reflect a "no net" increase in runoff rate based on a 2-year, 10-year, and 100-year frequency of storm events. The system shall be sufficient to handle the computed runoff as outlined in the Final Drainage Report.
2. Materials for storm sewer improvements shall be approved by the City Engineer.

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3. Subdivisions and other proposed new developments shall be required to ensure that 1) all such developments are consistent with the need to minimize flood damage, 2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, 3) adequate drainage is provided to reduce exposure to flood hazards to assure that all building sites are reasonably safe from flood hazards.
 4. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid the concentration of storm drainage water from each lot into areas not designed to handle flood waters. Lot drainage plans shall conform to the drainage report required for submittal and shall be submitted to the City prior to the development of the lot.

Section 5.19 Flood Hazards

Land subject to flooding and land deemed to be topographically unsuitable for residential or other development shall not be platted for such purposes. Such land may be set aside on the plat for such uses compatible with the hazards associated with flooding or erosion. All development shall conform to the flood hazard zoning provisions of the Zoning Ordinance.

Section 5.20 Conformance with Other Regulations

No Final Plat of land within the City or its jurisdictional area shall be approved unless it conforms to the existing Zoning Ordinance. Whenever there is a conflict between the standards outlined in these regulations and those contained in other regulations, the highest standard shall govern.

ARTICLE 6: REQUIRED IMPROVEMENTS

Section 6.01 General

The subdivider shall design and construct improvements using standards not less than the standards outlined in these regulations. The Planning Commission and City Council, upon recommendation of the City Engineer, shall approve all such plans.

The work shall be done under the supervision and inspection of the City and shall be completed within the time limitations established herein. The minimum requirements for materials shall be in accordance with specifications approved by the City. Standards applicable to health and sanitation as required by the NDEE and the NHHS shall be the minimum standards required thereof.

All inspection costs and costs for required tests shall be paid by the subdivider.

Section 6.02 Monuments and Markers

1. Monuments and markers shall be located at all quarter section points or other reference points tied to the federal land survey on the boundaries of or within the area being platted.
2. Monument Construction. Monument construction shall meet or exceed the "Minimum Standards for Surveys," as the same may be amended from time to time, as adopted by the Professional Surveyors Association of Kansas in February 1989. These standards are as follows:

The surveyor shall establish or confirm the prior establishment of permanent monuments at each corner on the boundary lines of the parcel being surveyed. Monuments shall be solid and substantially free from movement. In such cases where the placement of a permanent monument at the true corner is impractical because of instability or is likely to be destroyed, the surveyor shall set a corner accessory monument and show its relationship by dimension to the true corner.

The monuments set shall be constructed of material capable of being detected by commonly used magnetic locators. These monuments shall consist of an iron pipe or steel rod with a minimal diameter of five-eighths (5/8) inch and a minimal length of 24 inches. When extenuating circumstances dictate, the surveyor may use monuments (i.e., nails and washers) that have a probability of permanence. Where a corner or a line falls on or within a wall, column line, or other physical feature, and the placement of a monument is not feasible, the wall, column line, or physical feature shall become the monument by reference thereto.

In addition, monuments shall be set at all block corners, lot corners, deflection points, and points of curvature, except in cases where it is deemed unreasonable or infeasible by the City Council.

Section 6.03 Roadways

1. The developer shall provide the subdivision with adequately paved roadways. Surfacing shall be Portland cement concrete; provided, however, if not within the corporate limits of the City and if not being annexed, and when all proposed lots are three acres or more in area, roadways may be surfaced with crushed rock or its equivalent or surfaced with asphaltic material or Portland cement concrete.
2. The arrangement, character, extent, width, grade, and location of all streets shall conform to the Comprehensive Plan and be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and in their appropriate relation to the proposed uses of land to be serviced by such streets.
3. The street layout of the proposed subdivision shall provide for the continuation or appropriate projection of streets and alleys already existing in areas adjacent to the area being subdivided. Said streets shall be full, not partial streets. Where, at the determination of the Planning Commission, with recommendation from the City Engineer, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of the subdivision.

Where The Planning Commission deems it necessary, such dead-end streets shall be provided with a temporary turnaround having a radius outside of the pavement of at least 40 feet or other approved design. The system shall provide adequate traffic flow through a subdivision and provide at least two routes from each lot within the subdivision to the rest of the City, except as explicitly permitted by the approving authority.

4. The design and construction of the roadway system to serve the proposed subdivision shall conform to the Design Standards as adopted by resolution of the City Council.

Section 6.04 Street Signs, Lighting, Electrical Power, Natural Gas, and Telecom

1. At least one street sign shall be installed at each street intersection within or on the perimeter of the subdivision and shall be located in the northeast corner thereof, whenever possible, and within the area between the street and sidewalk at a point approximately six inches from the said sidewalk or its intended location.
2. The developer shall provide and coordinate with the proper electrical provider for the installation of streetlights at each entrance (street or sidewalk) into a subdivision, at each street intersection within the subdivision, and at such intermediate points as necessary, as specified by energy provider and/or the City Engineer.
3. All natural gas lines may be installed underground per the design criteria of natural gas provider or subsequent providers.

Section 6.05 Landscape Screens

Landscape screens as required by the City shall be installed at the subdivider's expense as a buffer for the protection of residential properties along arterial and collector streets, state and federal highways, county roads, railroad rights-of-way, and land uses that are substantially different from that proposed in the subdivision.

Section 6.06 Storm Sewer and Drainage

1. The developer shall provide the subdivision with adequate drains, ditches, culverts, and complete bridges, retention and detention cells, storm sewers, intakes, and manholes, to provide for the collection and removal of all surface waters, and these improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties.
2. The design and construction of the drainage system to serve the proposed subdivision shall conform to the Design Standards as adopted by resolution of the City Council.

Section 6.07 Sanitary Sewers.

1. Where a public sanitary sewer main is reasonably accessible, the subdivision shall be connected to the sewer main, and new sewer mains shall be installed in all streets within the proposed subdivision and extending to the project boundaries. A sewer connection shall be provided for each lot; provided, however, where the proposed subdivision is not within the corporate limits of the City and is not being annexed, and when all proposed lots are three acres or more in area, on-site wastewater treatment systems or community wastewater works shall be permitted if such systems are in conformance with all applicable requirements of Ellis County and the state of Kansas and proper permits have been received therefor.
2. A public sewer main shall be deemed to be reasonably accessible to a new subdivision when the main is:
 - A. within 1,320 ft. of the proposed subdivision or
 - B. When the cost of providing a community wastewater system exceeds the cost of extending the nearest available sewer main to serve the proposed subdivision.
3. If a public sewer main is not reasonably accessible, the City may authorize a community wastewater system acceptable to the City Council, the NHHS, and NDEE. In addition, the City may require a plan for the future extension of such utilities, including permanent easements, for utilities throughout the proposed subdivision. Property owners shall connect to the public sanitary sewer system at such time as the connection becomes accessible.

-
4. Design and construction of the sanitary sewer system to serve the proposed subdivision shall conform to the Design Standards as adopted by resolution of the City Council.

Section 6.08 Water Mains.

1. Where a public water main is reasonably accessible, the subdivision shall be connected to the water main, and new water mains shall be installed in all streets within and adjacent to the proposed subdivision. A water connection shall be provided for each lot and fire hydrants as approved by the City Council; provided, however, where the proposed subdivision is not within the corporate limits of the City and is not being annexed, and when all proposed lots are three acres or more in area, individual water well systems or a community water system shall be installed in such a manner that an adequate supply of potable water is available to every lot within the subdivision.
2. A public water main shall be deemed to be reasonably accessible to a new subdivision when the main is:
 - A. within 1,320 ft. of the proposed subdivision or
 - B. when the cost of providing a community water system exceeds the cost of extending the nearest available water main to serve the proposed subdivision.
3. The design and construction of the water distribution system to serve the proposed subdivision shall conform to the Design Standards as adopted by resolution of the City Council.

Section 6.09 Cost of Over-size Improvements.

1. Except as provided in (2) below or otherwise approved by the City Council, the cost of all acquired improvements for a proposed subdivision shall be the responsibility of the subdivider.
2. Where wider pavement widths or larger pipe or main sizes than those required to serve the proposed subdivision are deemed necessary by the City Council, the City shall bear the extra cost of providing such greater width or larger pipe or main sizes.
3. The City Council, upon recommendation of the Planning Commission, may require the installation of streetlights, street signs, and street trees.

Section 6.10 Extension to Boundaries.

The subdivider may be required to extend all necessary improvements to the boundaries of the proposed subdivision at his/her expense to allow for services to future anticipated developments on the adjoining lands, as determined by the Planning Commission and City Council.

Section 6.11 Land Preparation.

Any cut, fill, and compaction of land within, and if applicable, adjacent to the subdivision, shall be accomplished in accordance with the design standards of the City or as approved by the City Engineer. To control erosion and sedimentation during and after land preparation, the subdivider, any successors, and assigns shall provide for disturbing only the areas needed for construction; removing only those trees, shrubs, and grasses that must be removed by construction; installing required sediment basins and diversion dikes before disturbing the land that drains into them; and temporary stabilizing each segment of graded or otherwise disturbed land by seeding and mulching or by other approved methods.

As land preparation is completed, the subdivider, any successors, and assigns shall permanently stabilize each segment with perennial vegetation and structural measures. Diversion dikes and sediment basins shall be leveled after areas that drain into them are stabilized, and permanent vegetation shall be established in those areas. Sediment basins that are to be retained for stormwater detention shall be seeded to permanent vegetation no later than nine months after completion of the sediment basins and shall be permanently maintained by the subdivider or any successors and assigns.

ARTICLE 7: DEDICATIONS AND RESERVATIONS ON PUBLIC LAND

Section 7.01 Dedication

As a condition of Final Plat approval, the subdivider shall dedicate to the public all streets and alleys as may be required by the Planning Commission and City Council. If such streets and alleys are not to be dedicated and are to be developed as private streets, the subdivider shall make adequate provision for an owner's association with direct responsibility to and control by the property owners of the subdivision, to provide for the maintenance of all such private streets and alleys and the removal of debris and snow therefrom so as to maintain adequate access at all times for fire, police, sanitation, utility and emergency vehicles. Legal assurances shall be provided that show that the association is self-perpetuating and has the authority to collect assessments from owners of property within the subdivision to accomplish these and other related purposes.

Such provisions shall also provide for the agreement of the property owners that if the City is requested or required to perform any maintenance or snow removal from such streets in order to maintain adequate access, said owners shall pay the costs thereof to the City and that if not paid, the same shall become a lien upon the properties until such costs are paid in full.

Section 7.02 Reservation and Dedication of Public Land and Open Space.

Before Preliminary or Final Plat approval is given, the subdivider may reserve a percentage of the total property suitable for parks, playgrounds, open space, and other common areas for public use in conformance with the Comprehensive Development Plan, as determined by the Planning Commission and City Council. Reservation of land for public acquisition and/or use shall be for a period not to exceed two years from the date the plat is officially recorded unless otherwise provided for in the subdivision agreement. If such reserved site is not acquired by the City or other governmental entity within said two-year period, the subdivider may then resubdivide the site for alternative purposes and sell any or the entire site.

Where a park, playground, school, or other site for public use indicated in the Comprehensive Development Plan is located in whole or in part in the applicant's subdivision, the Planning Commission and City Council may require the immediate acquisition, reservation, or accept the dedication of such area. Where necessary, the Planning Commission and City Council may require the subdivider to reserve up to 5 percent of the total property for public use.

Section 7.03 Determination of Dedication or Fee Payment.

Before Preliminary or Final Plat approval is given, the City Council will determine, after consultation with City Staff, if the subdivider shall dedicate reserve sites for parks, playgrounds, open space, trails, and other public land consistent with the Comprehensive Development Plan, or pay a designated fee in lieu of said dedication. Such determination shall be provided to the subdivider in written form and shall become part of the subdivision agreement.

Section 7.04 Dedication Requirements.

Before Preliminary or Final Plat approval, the subdivider shall convey any dedication of land for parks, playgrounds, trails, or other public spaces as described in Sections 7.02 and 7.03 to the City of Ellis in the following manner:

1. Subdivider shall provide the City with an affidavit of title to such real estate
2. Subdivider shall provide the City with a deed conveying a fee simple title
3. Said title shall be free and clear of all liens or encumbrances
 - A. Liens or encumbrances dischargeable by cash accompanying said deed are exempt.
 - B. Current real estate taxes are exempt.
4. Commitment for title insurance issued by a title insurance company acceptable to the City Council for not more than 30 days prior to the date of conveyance in an amount equivalent to the fair market value of the land that is being dedicated to the City.

Section 7.05 Fee Payment Requirements.

If the subdivider is directed to provide the City with a fee payment in lieu of parkland dedication, it shall be done in the following manner:

1. The subdivider shall pay the City, upon approval of the Final Plat, either the sum of Two Hundred Dollars (\$200.00) per lot based on the total number of lots shown on the Final Plat OR an amount equal to 115% of the most ascertainable taxes for the year pro-rated to the date that the deed is delivered.
2. The City shall hold all collected funds in trust to be used for the purchase and/or development of the park and associated facilities

Section 7.06 Developer Agreements.

The sections of this article may be implemented through a subdivision agreement between the developer and the City, so long as the time and manner of compliance with this article and other provisions of these regulations are adhered to.

Section 7.07 Preservation of Land.

In all subdivisions, due regard shall be shown for natural features such as large trees, unusual rock formations, and water courses; for sites which have historical significance; and for similar assets which, if preserved, will add attractiveness and value to the subdivision and the area. The Planning Commission may prepare a list of all such features within its area of planning jurisdiction that it deems worthy of preservation. When such features do exist, the applicant is encouraged to plat and develop the subdivision using the tools found within the Clustered/Mixed Use District of the zoning ordinance.

ARTICLE 8: IMPROVEMENT PROCEDURE AND FEES

Section 8.01 Improvements Financing, General.

In order to provide consistent information concerning the financing of required subdivision improvements; establish an equitable division of costs between the developer and City; and ensure orderly, cost-effective growth in Ellis, the City shall require the developer to pay for the following services and improvements indicated as part of the subdivision process.

1. All costs associated with the preparation and revisions to the Preliminary Plat, including but not limited to surveying, preliminary grading, drawings, and related services.
2. Unless otherwise agreed to by the City in a Subdivision Agreement, the developer shall pay for all preparation of all items related to the Final Plat and those improvements and related costs contained in Article 6.

Section 8.02 Subdivision Improvements Guarantees.

Prior to the Final Plat approval, but after approval of all improvement plans and specifications, the subdivider shall complete all improvements required for the subdivision. Final Plat approval shall not be given until the dedication of all appropriate improvements and acceptance thereof by the City.

In lieu of requiring the completion of all improvements prior to the Final Plat approval, the City Council may enter into an agreement with the subdivider, and the subdivider shall guarantee to complete all improvements required by these regulations and approved by the City in a manner satisfactory to the City. To secure this agreement, the subdivider shall provide, subject to the approval of the City Council, one or more of the guarantees outlined in Sections 8.03 and 8.04 below.

Section 8.03 Surety Performance Bond.

The subdivider shall obtain a performance bond from a bonding company authorized to do business in the State of Kansas. The bond shall be payable to the City and shall be in an amount to cover 110 percent of the cost of all improvements, as established by the subdivider and accepted by the City Council upon recommendations of the City Engineer. The duration of the bond shall be until the improvements are accepted by the City Council in accordance with these regulations.

Section 8.04 Escrow Account.

The subdivider shall deposit cash or other instruments readily convertible to cash at face value, either with the City Council or in escrow with a bank. In lieu of any instrument other than cash, and in the case of an escrow account, the bank with which the funds are to be deposited shall be subject to the approval of the City Council. The amount of the deposit shall be an amount equal to 110 percent of the estimated cost of all required improvements as estimated by the subdivider and accepted by the City Council upon the recommendation of the City Engineer.

In the case of an escrow account, the subdivider shall file with the City Council an agreement between the bank and themselves guaranteeing the following:

1. The funds of said escrow account shall be held in trust until released by the City Council and may not be used or pledged by the subdivider as security in any other matter during said period.
2. In the case of a default on the part of the subdivider to complete said improvements, the bank shall immediately make the funds of said account available to the City for use in the completion of the improvements.

Section 8.05 Improvement Districts.

1. As to those portions of the subdivision situated within the corporate limits of the City, the developer may petition the City to create Improvement (Assessment) Districts to allow for the financing of improvements within the subdivision. Depending on the City's financial condition, the City's evaluation of the risk of failure or delay in subdivision buildout, or other sufficient reasons as determined by the City, the City may or may not grant the subdivider's request. In the event the City creates assessment districts, the subdivider shall deposit with the City funds equal to

20 percent or less of the cost of improvements as determined from the City Engineer's estimates prior to receipt of bids and award of contracts. The city may finance up to 80 percent of the cost of the construction of said improvements. Such a petition shall be in the form prescribed by the City and shall be executed by the owners of all the lots situated within the proposed improvement district. The cost of all such improvements in the district which are constructed shall be specially assessed against the land benefited thereby, to the full extent of special benefits, and unless otherwise agreed to in writing by the City prior to the time of the City's approval of the Final Plat, the entire cost of all public improvements in said subdivision shall be deemed to be of special benefit to the property situated therein, and the full cost thereof, including engineering fees, attorney's fees and other related costs, shall be specially assessed against such property. The City shall, in no event, be bound to form such a district, and if such a district is formed, the City shall not be required to install improvements therein until, in the opinion of the City, economic conditions warrant such installation; provided, the City shall have the right to limit the size of the Final Plat if the area of the tentative plat is more than ten acres.

2. As to those portions of the subdivision situated outside the corporate limits of the City but within the zoning jurisdiction of the City, the developer may cause such improvements to be constructed by a street improvement district or sanitary improvement district in accordance with the appropriate state law. However, the City Engineer shall not certify to the City the required improvements have been satisfactorily arranged for until the developer presents certified evidence the improvement district has been duly formed and has adopted a resolution of necessity authorizing a contract for the required work in said portion of said road improvement district or sanitary and improvement district included in the Final Plat. It is further provided, however, if the City has approved a Final Plat for a phase of the area comprised in the Preliminary Plat, the developer may submit for Final Platting the next phase only if the required improvements have been installed in the first phase or have been contracted for as above provided in the phase comprised in the Final Plat theretofore approved. Subsequent applications for Final Platting shall be processed in the same manner.

Section 8.06 Time Limits.

Prior to the granting of Final Plat approval, the subdivider and the City Council shall agree upon a deadline for the completion of all improvements. The deadlines shall not exceed two years from the date of Final Plat approval, provided, however, the City Council may extend the deadline for one additional year where the subdivider presents a substantial reason for doing so and provides any additional performance surety made necessary due to inflation or increased cost of completing the improvements.

Section 8.07 Installation of Improvements.

Developers may select either method or a combination of methods listed below to comply with the minimum improvement requirements:

1. They may install required improvements upon acceptance of plans and specifications being approved by the City Council.
2. They may submit a petition requesting the City to construct street surfacing and sanitary sewer in the proposed subdivision by the district method. In the event, the developer shall have plans and specifications prepared and pay all costs for same, approved by the City staff, City Engineer, and City Council for all such improvement districts. The City shall assess the cost of such improvements to the adjacent property as provided by law.

Section 8.08 Plan and Administration Review Reimbursement.

The subdivider of the Sanitary and Improvements District shall reimburse the City for such costs incurred by the City for Plan Review, Plan Check, and Plan Approval as to conformance with approved City Standards and Specifications.

Subdivider shall pay to the City an amount equal to one percent of the actual construction cost of Subdivider's paid improvements as administrative expenses incurred by the City in connection with the administration of this Agreement. Estimated payment shall be made based on one percent of the construction and/or installation cost estimates for the various improvements

computed by the Subdivider's engineer, which estimated amount shall be paid to the City at the time the plans and specifications are submitted to the City for City final review approval.

Section 8.09 Failure to Complete Improvements.

If any portion of the required improvements shall fail to be completed and accepted for dedication in compliance with Section 8.10, within the required time period, either for reason of non-compliance or for reason of substandard and unacceptable construction, the City Council shall do one of the following:

1. Where improvements have been guaranteed under Section 8.03 of this Ordinance, the bond shall be forfeited to the City.
2. Where improvements have been guaranteed under Section 8.04 of this Ordinance, the City Council shall declare whatever security has been pledged as a guarantee to be forfeited.

Where the City Council is not already in possession of said security, it shall immediately take the actions necessary to obtain it. Upon receipt of the security, the City Council shall use such to finance the completion of the improvements or rebuilding of substandard improvements. Unused portions of the surety shall be returned to the subdivider without interest.

Section 8.10 Certification and Inspection.

Upon completion of the improvements, the developer or designated agent shall file with the City a statement either certifying that the improvements meet the City's requirements or providing a statement indicating that the improvements do not meet the requirements of the approved improvement plans and specifications.

Upon completion of the improvements, the subdivider, through the use of a registered professional engineer, shall file with the City a statement stipulating the following:

1. All required improvements are complete.
2. These improvements comply with the minimum standards specified by the City.
3. There are no known defects from any cause in the improvements.
4. These improvements are free and clear of any encumbrances or liens.

If the City Engineer or other authorized person has certified that the improvements are complete and free from defect, the City shall accept any dedication of improvements. The City Council may, at its discretion, accept the dedication of any portion of the improvements provided. All statements and agreements specified above have been received for the portion of the improvements. The developer or other authorized person shall regularly inspect the condition of required improvements for defects.

Section 8.11 Reduction of Guarantees.

In those cases where improvement guarantees have been made under Sections 8.03 and 8.04 of these Regulations, the amount of the guarantee may be reduced upon acceptance in compliance with Section 8.02 of the dedication and acceptance of a portion of the improvements.

Section 8.12 Release of Guarantee.

Upon acceptance, in accordance with Sections 8.01 and 8.02 of these regulations, the City shall authorize the release of the performance bond or the remaining portion of the escrow.

Section 8.13 Operation and Maintenance.

The City intends to provide no services other than planning, zoning, and subdivision regulations administration to the jurisdictional area beyond the corporate limits of the City. Therefore, it shall be the obligation of the subdivider to present to the City a precise approach for the operation and maintenance of improvements in the subdivision. The said approach may include the formation of districts, homeowners' associations, or other methods to operate and maintain such improvements. Said approach shall be binding on the subdivider in a form, agreement, or contract acceptable to the City.

Section 8.14 Fees.

All fees shall be set by a separate Resolution by the City Council, including any fees associated with the following items:

Development Fees

- Arterial Street Improvement Fees
- Sewer Connection/Capital Facilities Fees
- Water Connection/Capital Facilities Fees
- Watershed Management Fees
- Park and Open Space Fee

ARTICLE 9: WAIVERS AND ANNEXATIONS

Section 9.01 Granting of Waivers (Exceptions) and Conditions

In addition to the exceptions contained in these regulations, the Planning Commission may recommend and the City Council may grant waivers from the provisions of these regulations, but only after determining that:

1. There are unique circumstances or conditions affecting the property that are not the result of actions by the subdivider.
2. The waivers are necessary for the reasonable and acceptable development of the property in question.
3. The granting of the waivers will not be detrimental to the public or injurious to adjacent and nearby properties.

Section 9.02 Subdivision; Annexation of Adjoining or Contiguous Properties

All subdivisions or additions laid out adjoining or contiguous to the corporate limits of Ellis may be included within the same if annexed in accordance with K.S.A. 12-503a et. seq.

Section 9.03 Amendments

Any provision of these regulations from time to time may be amended, supplemented, changed, modified, or repealed by the City Council according to law; provided, however, that such amendments, supplements, changes, modifications, or repealed provisions shall not become effective until after public hearing and report by the Planning Commission.

ARTICLE 10: LOT SPLIT PROCEDURE

SECTION 10.1 AUTHORITY FOR APPROVAL

The intent of this Article 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 re-platting. The Planning Commission may approve or disapprove lot splits in accordance with the following regulations.

SECTION 10.2 APPLICATION

1. Applications for lot split approval shall be made by the owner of the land to the Zoning Administrator. 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 lot(s) and the location of the structures thereon together with the precise nature, location and dimensions of the proposed lot split shall accompany the application. The application shall be accompanied by a list of the names and addresses of all persons who own property within 200 feet of the property proposed to be split if such property is within the city boundary. For properties adjoining or outside the city boundary, names and addresses shall be provided for all owners within 1,000 feet in the unincorporated area. Written notices shall be given by the applicant to all such owners. Such owners shall have ten (10) days from the date of notification to notify the Zoning Administrator of any protests they may have concerning the lot split. The ten-day waiting period may be waived upon submission in writing of statements from those to be notified that they have no objection to the proposed lot split.
2. No lot split shall be approved if:
 - a. A new street or alley or other public improvement is needed or proposed.
 - b. A vacation of streets, alleys, setback lines, access control, or easements is required or proposed.
 - c. 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, re-paving, etc.).
 - d. There is less street right-of-way than required by these Regulations or the Comprehensive Plan.
 - e. All easement requirements have not been satisfied.
 - f. Such split will result in a tract without direct access to a street (i.e., property must abut a street and meet minimum lot width requirements).
 - g. A substandard-sized lot or parcel will be created.
 - h. The lot has been previously split in accordance with these regulations.

SECTION 10.3 LOT SPLIT APPROVAL

1. The Planning Commission shall, within thirty (30) days of an application, in writing, approve, disapprove, or continue for cause those applications which in the opinion of the Planning Commission do not meet the requirements of these regulations.

When the lot split application has been approved, and after all conditions have been met, the Chairman and Secretary of the Planning Commission shall sign the following certificate of approval, as required, for the lot split drawing or survey:

STATE OF KANSAS)
COUNTY OF ELLIS) ss

Date Signed: _____

Planning Commission Chairman

Planning Commission Secretary

2. A copy of the lot split approval shall be filed by the Administrator with the applicable official designated to issue building and/or zoning permits and two (2) copies shall be furnished to the applicant, one of which the applicant shall file with the County Register of Deeds.

A lot which is zoned for industrial purposes and for which a plat has been officially recorded may be further divided into two or more tracts without further re-platting or splitting such a lot; provided, that none of the conditions under SECTION 2 (2) is found to exist.

ARTICLE 11: ADMINISTRATION AND ENFORCEMENT

Section 11.01 General

1. It shall be the duty of the Zoning Administrator to enforce these regulations and to bring to the attention of the Planning Commission and City Council any violation or lack of compliance herewith.
2. No owner or agent of an owner, of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before a Final Plat of such subdivision has been approved by the Planning Commission and City Council in accordance with the provisions of these regulations and filed for record with Ellis County Register of Deeds.
3. The subdivision or replat of any lot or any parcel by the use of metes and bounds description for the purpose of sale, transfer, or lease, which would evade these regulations, shall not be permitted. All such subdivisions shall be subject to all the requirements contained in these regulations.
4. No zoning permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided, sold, transferred, or leased in violation of the provisions of these regulations.

Section 11.02 Violation and Penalties

Any person, firm, or corporation that fails to comply with the provisions of these regulations shall, upon conviction thereof, be guilty of a misdemeanor. Such conviction shall carry a fine of up to 100 dollars plus the cost of prosecution for each violation. The non-payment of such fine and costs shall subject the guilty party to imprisonment in the county jail for a period of time not to exceed the lesser of 1) 30 days, or 2) the time necessary to pay such fine and costs in full. Each day a violation exists or continues shall constitute a separate offense.

ARTICLE 12: CERTIFICATION AND DEDICATION STATEMENTS

Section 12.01 Surveyor's Certification

SURVEYORS CERTIFICATION

STATE OF KANSAS

SS

COUNTY OF ELLIS

I, the undersigned, do hereby certify that I am a registered land surveyor in the State of Kansas, with experience and proficiency in land surveying; that the heretofore described property was surveyed and subdivided by me or under my supervision; that all Subdivision Regulations of the City of Ellis, Kansas, have been complied with in the preparation of this plat; and that all of the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief.

Given under my hand and seal at

Kansas,

This _____ day of _____ A.D.

(SEAL)

Section 12.02 Owner's Certification and Dedication

OWNER'S CERTIFICATION AND DEDICATION

STATE OF KANSAS

)

)

SS

COUNTY OF ELLIS

)

This is to certify that the undersigned owner(s) of the land described in the Survey Certificate have caused the same to be surveyed and subdivided on the accompanying plat into lots, blocks, streets, and other public ways under the name of _____; that all highways, streets, alleys, easements, and public grounds as denoted on the plat are hereby dedicated to and for the use of the public for the purpose of constructing, operating, maintaining, and repairing public improvements; and further that the land contained herein is held and shall be conveyed subject to any restrictions, reservations, and covenants on file or hereafter filed in the Office of the Register of Deeds of Ellis County, Kansas.

Date Signed: _____ Date Signed: _____

Owner _____ Owner _____

Section 12.03 Protective Covenants

PROTECTIVE COVENANTS

Purchase and subsequent improvement of lots within the Subdivision shall be subject to the provisions of "Protective Covenants of the Subdivision" submitted separately herewith.

Date Signed: _____ Date Signed: _____

_____, Owner, Owner

STATE OF KANSAS

)

) SS

COUNTY OF ELLIS

)

I, the undersigned, being a duly licensed and bonded abstractor or an authorized representative thereof, hereby certify that the above is the legal owner(s) of the property shown on this plat.

Dated this _____ day of _____, A.D.

Section 12.04 Notary Certificate

NOTARY CERTIFICATE

STATE OF KANSAS)
) ss
COUNTY OF ELLIS)

The foregoing instrument was acknowledged before me this _____ day, of
_____ 20____, by _____

_____, Notary Public
(SEAL)

My Appointment Expires: _____

Section 12.05 Planning Commission Certificate

PLANNING COMMISSION CERTIFICATE

STATE OF KANSAS)
) ss
COUNTY OF ELLIS)

This plat was approved by the Ellis Planning Commission on this _____
day of _____

Date Signed: _____

Chair

Secretary

Section 12.06 City Council Certificate

CITY COUNCIL CERTIFICATE

STATE OF KANSAS)
) ss
COUNTY OF ELLIS)

This plat is approved, and all dedications shown on this plat, if any, are hereby accepted
by the City Council, City of Ellis, Kansas, this _____ day of

(SEAL) _____, Mayor

ATTEST:
_____, City Clerk

Section 12.07 County Clerk and City Clerk Certificate

COUNTY CLERK AND CITY CLERK CERTIFICATE

STATE OF KANSAS)

§ §

COUNTY OF ELLIS)

I do hereby certify that there are no delinquent general taxes, no unpaid current general taxes, no unpaid forfeited taxes, and no redeemable tax sales against any of the land included in this plat.

I further certify that I have received all statutory fees in connection with the plat.

Given under my hand and seal at _____ Kansas, this _____ day of _____ A.D.

County Clerk

City Clerk

Section 12.08 Certificate as to Special Assessments

CERTIFICATE AS TO SPECIAL ASSESSMENTS

STATE OF KANSAS)

§ §

COUNTY OF ELLIS)

I do hereby certify that there are no delinquent or unpaid current or forfeited special assessments or any deferred installments thereof that have not been apportioned against the tract of land included in this plat.

Given under my hand and seal this _____ day of _____ A.D.

County Clerk

City Clerk

Section 12.09 Certificate of the City Attorney

CERTIFICATE OF THE CITY ATTORNEY

STATE OF KANSAS)

§ §

COUNTY OF ELLIS)

Approved This Day _____ of _____ A.D.

City Attorney for the City of Ellis, Kansas

City Attorney

Section 12.10 Transfer Record

TRANSFER RECORD

Entered on transfer record this _____ day of _____

Register of Deeds

Section 12.11 Register of Deeds Certification

REGISTER OF DEEDS CERTIFICATE

STATE OF KANSAS)

ss

COUNTY OF ELLIS)

This is to certify that this instrument was filed for record in the Register of Deeds Office,
at _____ a.m./ p.m., on the _____ day of _____

(SEAL)

_____ Register of Deeds

ARTICLE 13: LEGAL STATUS PROVISIONS

Section 13.01 Severability

Should any article, section, or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 13.02 Purpose of Catch Heads

The catch heads appearing in connection with the foregoing sections are inserted simply for convenience; to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court, or other tribunal in construing the terms and provisions of these regulations.

Section 13.03 Repeal of Conflicting Regulations

All Regulations or parts of Regulations in conflict with these Regulations, or inconsistent with the provisions of these Regulations, are hereby repealed to the extent necessary to give these Regulations full force and effect.

Section 13.04 Effective Date

This regulation shall take effect and be in force from and after its passage and publication according to the law.

ADOPTED AND APPROVED by the Governing Body of Ellis, Kansas,

This _____ day of _____, 2025.

(Seal)

ATTEST:

City Clerk

Mayor