

SUBDIVISION REGULATIONS

of the

CITY OF MCPHERSON, KANSAS

ARTICLE 1. TITLE, PURPOSE, AUTHORITY, JURISDICTION, APPLICABILITY AND EXEMPTIONS

100 Title. These regulations shall be known and may be cited as the "Subdivision Regulations of the City of McPherson, Kansas", and shall hereinafter be referred to as "these regulations."

101 Purpose. Responsible land subdivision is the initial step in the process of orderly community development for residential, commercial, industrial, and other uses. Once land has been divided into streets, lots and blocks and publicly recorded, the correction of defects and improper design is difficult and costly. These regulations are designed and intended to serve the following purposes:

- A. To provide for the harmonious development of the City of McPherson and for that portion of the surrounding unincorporated area of McPherson County where the City has extraterritorial subdivision jurisdiction; (See Section 1-103 on page 1-2)
- B. To provide for (1) desirable lot layouts, (2) efficient and orderly location of streets and roadways and the extent and manner in which they shall be improved, (3) appropriate storm water and drainage facilities.*; (4) and erosion control standards. **
- C. To provide for adequate water supply, sewage disposal, various utility services and other improvements to protect public health, safety and general welfare;
- D. To provide for and secure to the proper governmental agencies the actual construction of all such necessary on-site and off-site public improvements;
- E. To promote aesthetic values, preserve historically significant structures, and conserve natural resources;
- F. To reserve or dedicate land for park and recreational purposes and for open space to preserve natural areas for watercourses, drainage ways, woodland, rugged topography, wildlife habitat, and for water quality and quantity, and to protect land from soil erosion;

* *Stormwater Management Policies and Design Criteria for the City of McPherson, Kansas.* Copies of this document are available from the City Public Works Department or may be downloaded from the City website at: www.mcpcity.com

** Erosion Control requirements established by the *Federal Clean Water Act* as implemented by state and local permits under the *National Pollutant Discharge Elimination System (NPDES)*. Contact the City Public Works Department for details.

- G. To avoid water and air pollution and the congestion of population and traffic and to provide protection from periodic flooding conditions;
- H. To facilitate safety by adequate access for firefighting equipment and police protection;
- I. To coordinate the subdividing of land with applicable zoning regulations, various construction codes and other City and County regulations which also affect the development of the land;
- J. To establish administrative procedures necessary to assure a fair and uniform basis for a working relationship with subdividers, developers, utility providers and various governmental agencies, all of whom are involved in the development of the community; and
- K. To realize the goals, and to conform with the policies and planning proposals as contained in the adopted Comprehensive Development Plan.

102 **Authority.** These regulations are adopted under authority established by K.S.A., 12-741 et seq., as amended, 12-3009 through 12-3012 inclusive, 12-3301 and 12-3302.

103 **Jurisdiction.** These regulations shall apply to all subdivisions of land within the corporate limits of the City of McPherson as presently exist or are hereinafter established by annexation and including all unincorporated land in the following described area; provided, that such land is within three miles of the city limits and not more than one-half the distance to another city: (See Subdivision Jurisdiction Boundary Map, Figure 1-A; in this Article.)

All of Sections 8 & 9, the West Half (W 1/2) of Section 14, all of Sections 15-17 inclusive, the East Half (E 1/2) of Section 18, all of Sections 19-34 inclusive, and the West Half (W 1/2) of Section 35, all in Township 19 South, Range 3 West;

The East Half (E 1/2) of Sections 25 & 36 in Township 19 South, Range 4 West;

All that portion of Sections 3,4 & 5 lying North of the right-of-way of Highway 81 alternate that connects Kansas 61 Highway with Interstate 135, and all of Section 6, all in Township 20 South, Range 3 West.

All such land is included in the Planning Area for the Comprehensive Development Plan which has been adopted by the Planning Commission and approved by the Governing Body.

104 Applicability. The owner(s) of any land within the jurisdiction of these regulations desiring to vacate rights-of-way, easements, other public reservations or recorded plats or to:

- A. Divide or further divide land into two or more lots or parcels; or
- B. Otherwise alter the boundaries of lots or parcels of land; or
- C. Establish land for use as streets, alleys or other property intended for public use or for the use of a purchaser or owner(s) of lots or parcels;

shall cause a plat to be made in accordance with the provisions of these regulations, unless exempted under Section 1-105.

105 Exemptions. Notwithstanding the requirements of Sections 1-103 and 104, these regulations shall not apply in the following instances or transactions:

- A. Whenever any lot, parcel or tract of land located within the area governed by these regulations has been legally subdivided, resubdivided or replatted and recorded prior to the effective date of these regulations.
- B. For land in the unincorporated area, the division or further division of land into lots or tracts, each of which contains 1/8th of a quarter section of land (approximately 20 acres), and which (1) does not involve any new streets or easements of access as may be determined by the Planning Commission; (2) has land to be used for dwelling purposes that is not located in an area subject to flooding as determined by Section 6-104 of these regulations; (3) is to be used for agricultural or single-family residential purposes only; (4) meets the standards set by these regulations for the disposal of sewage and for water supply; and (5) conforms with any applicable zoning regulations. Dedications to widen rights-of-way to meet standards established in the Comprehensive Plan may be required at such time as application is made for a building or zoning permit. (See Section 2-102 for definition of AGRICULTURE.)
- C. A transaction between owners of adjoining land which involves 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.
- D. A conveyance or dedication of land or interest therein for use as a street, highway, road or railroad right-of-way, a drainage easement or public utilities subject to local, state or federal regulation, where no new street or easement of access is created.
- E. The layout of burial lots in cemeteries; however, the actual cemetery tract is not exempt.

- F. Any lot split in industrially zoned areas divided in accordance with the provisions of Section 9-102 of these regulations.
- G. Any transfer by operation of law.

Any request made in writing for a determination as to qualifications for being exempt from these regulations shall be answered by the Subdivision Administrator either in the affirmative or negative within 30 days of filing such a request containing all relevant information

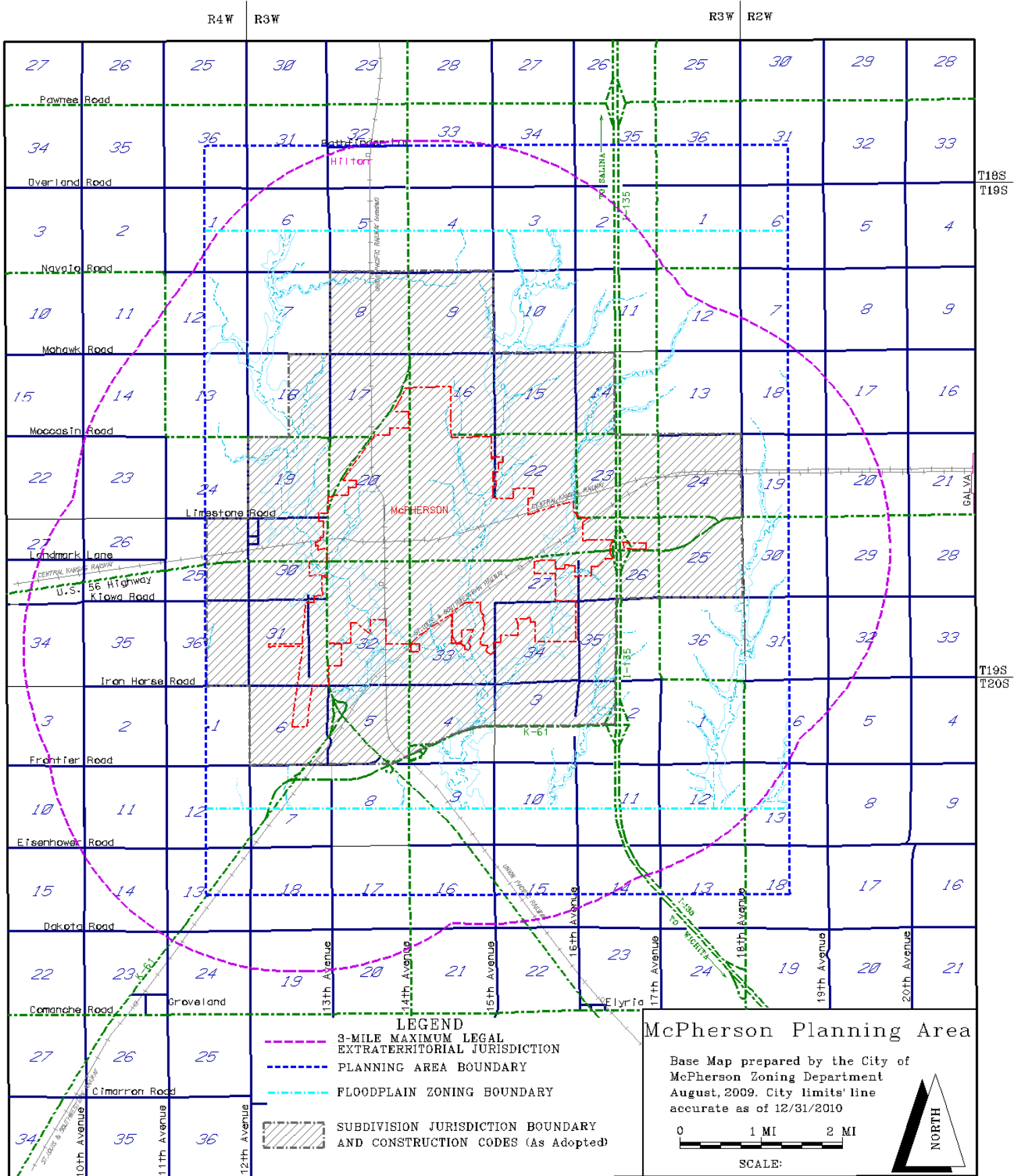


FIGURE 1-A

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