

SECTION 1

TITLE, PURPOSE, AUTHORITY, JURISDICTION, AND DEFINITIONS

SECTION 1.1 TITLES

The regulations shall be known as the Subdivision Regulations of the Tonganoxie City Planning Commission and have been adopted by the Governing Body of Tonganoxie, Kansas.

SECTION 1.2 PURPOSES

The purpose of these regulations is to provide for the harmonious development of the City of Tonganoxie by setting forth rules and regulations for the division of real property into subdivisions containing coordinated street patterns with other existing or planned streets; for adequate open spaces for traffic, recreation, light, and air; for a distribution of population and traffic; and for the installation of physical improvements which will tend to create conditions favorable to the health, safety, comfort, convenience, and general welfare of Tonganoxie.

SECTION 1.3 AUTHORITY

The following regulations, for the subdividing and developing of land within the limits of jurisdiction of the Tonganoxie City Planning Commission are adopted under the authority granted by Section 12-705, Article 7, of Chapter 12 of the Kansas Statutes Annotated and all amendments thereto.

SECTION 1.4 JURISDICTION

It shall be unlawful for the owner, agent, or persons having control of any land within the incorporated limits of the City of Tonganoxie to subdivide or lay out such land into lots, blocks, streets, avenues, alleys, public ways, or grounds unless by a plat in accordance with the laws of the State of Kansas and the provisions of this regulation. Any owner of land within the area of jurisdiction of the Tonganoxie City Planning Commission wishing to subdivide land shall submit to the City Clerk a plat of the subdivision according to the procedures outlined in Sections 2 and 3, which plat shall conform to the minimum standards and general requirements set forth in Section 4. In no case shall any plat be accepted by the Register of Deeds until all signatures showing approval are on said plat as outlined in Section 3.2, Subsections 0.1 through 0.6.

SECTION 1.5 COMPLIANCE

Compliance with the Subdivision Regulations of the City of Tonganoxie, Kansas is required before the issuance of a building permit or zoning permit. Compliance with the Subdivision Regulations is a condition that must be complied with prior to the issuance of any such building or zoning district.

SECTION 1.6 DEFINITIONS

For the purpose of these regulations certain words and terms are herewith defined:

- a. Alley - A public or private thoroughfare which affords only a secondary means of access to property abutting thereon.
- b. Block - A tract of land subdivided into lots or parcels and furthermore surrounded by public thoroughfares, railroad rights of way or parks, etc. or a combination thereof.
- c. Building Line and Setback Line - A line on a plat generally parallel to the street right-of-way indicating the limit beyond which no buildings or structures may be erected.
- d. City Council - Governing Body of the City of Tonganoxie, Kansas.
- e. Comprehensive Plan - The duly adopted Comprehensive Plan of the City of Tonganoxie including subsequent amendments.
- f. Cul-de-sac - A minor street with only one outlet and culminated by a turnaround.
- g. Developer - A person, firm, or corporation engaged in subdivision development, zoning, or installation of public or private improvements.
- h. Easement - A grant by the property owner of the use of a strip of land for a specific purpose to the public, corporation, or a certain person or persons.
- i. Improvements - Street pavements with curbs, sidewalks, pedestrian ways, water mains, sanitary and storm sewers, permanent street monuments, trees, and other appropriate items.
- j. Lot - A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for development
- k. Lot - Double Frontage - A lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.
- l. Lot - Reserved Frontage - A lot on which the frontage is at right angles or at approximately right angles to the general pattern of lots in a block.
- m. Maintenance Bond - A fully executed bond which is required to be furnished by the developer to cover the costs of construction completions, repair or replacement of new construction arising from problems in construction or installation of any public appurtenances by the developer for a period on one (1) year after acceptance by the City. The amount of the bond will be determined by the bid amount.

- n. Minor Street - A street or road of limited continuity which serves or is intended to serve the local needs of a neighborhood. A street not designated as a major street in the City Plan for Tonganoxie, Kansas.
- o. Major Thoroughfare/Arterial Street/Collector Street - A street or road of great continuity which serves as a major thoroughfare and is designated in the Comprehensive Plan for Tonganoxie, Kansas.
- p. Pedestrian Way - A right-of-way, dedicated for public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
- q. Performance Bond - A surety bond or an irrevocable letter of credit or a cash escrow account made out to the City of Tonganoxie in an amount no less than (10) percent of the full cost of the improvements which are required by these regulations, said costs being estimated by the City Engineer and said surety bond or letter of credit or cash escrow account being legally sufficient to secure to the City of Tonganoxie that the said improvements in lieu of completion will be constructed in accordance with these regulations. The amount of the performance bond shall include the cost of excavation work. The amount of the bond will be based upon the "Engineers Estimate of Probable Cost." And may be increased if it is determined by the City Engineer that said improvements require a greater level of assurance. (Amended by Ordinance #1186 5/23/05)
- r. Plan - The Comprehensive Plan made and adopted by the Governing Body of the City of Tonganoxie, Kansas dictating that general locations recommended for the major thoroughfares, streets, or roads, parks, public buildings, zoning districts, and other public improvements.
- s. Planning Commission Office - The coordinating office for the review and recommendation of all plats.
- t. Right-of-Way - The land opened, reserved, or dedicated to the public for a street, walkway, drainage, utilities, or other public purpose.
- u. Roadway - The portion of the street available for vehicular traffic, and where curbs are laid the portion from back to back of curbs.
- v. Street - Land intended primarily as a means for vehicular or pedestrian trail and to provide space for other public utilities.
- w. Street - Frontage Street - A minor street which is generally parallel to and adjacent to major streets, trafficway, highway or railroad rights-of-way, and which provides access to abutting properties from through traffic. Sometimes referred to as a Frontage Road.
- x. Subdivider - Any person, individual firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit dividing or proposing to divide

land so as to constitute a subdivision as defined herein, and includes any agent of the subdivider.

y. Subdivision

1. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll into two or more parcels, sites or lots, any one of which is five (5) acres or less, for the purpose, whether immediate or future, of transfer of ownership; provided, however, that five (5) acres not involving any new streets or easements of access, and the sale or exchange does not create additional building sites, shall be exempted; or
2. The improvement of one or more parcels of land for residential, commercial, or industrial structures involving the division or allocation of land for the opening, widening, or extension of any street or streets, except private streets serving industrial structures; or
3. The division or allocation of land as open spaces for common use by owners, occupants or leaseholders, or as easements for the extension and maintenance of public sewer, water, storm drainage, and other public facilities.