

ARTICLE 1

GENERAL REGULATIONS

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SECTION 1-1 TITLE

1-101. These regulations shall hereinafter be known and may be cited as the Subdivision Regulations for the City of Ottawa, Kansas and shall hereinafter be referred to as "these regulations."

SECTION 1-2 PURPOSE

1-201.

- a. Subdivision Regulations are the process through which undeveloped land is converted into buildable lots for residential, commercial and industrial uses. The physical arrangement of these lots along with provisions for streets, alleys, utilities, schools, parks and other community facilities will in a large part determine the quality of life in the community and, therefore, is of public interest. These regulations establish standards that insure that growth will reflect sound planning and will not be detrimental to the community.
- b. These regulations are designed, intended and adopted for the following purposes:
 - 1. To protect and provide for the public health, safety and general welfare of the City of Ottawa.
 - 2. To implement the Comprehensive Plan for the City of Ottawa.
 - 3. To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent overcrowding of the land.
 - 4. To protect and conserve the value and desirability of land and neighborhoods throughout the community.

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5. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation and other public requirements and facilities necessary to protect and promote public health, safety and general welfare.
 6. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions.
 7. To insure proper legal descriptions, monumenting of land, and adequate and accurate platting and records of land subdivision.
 8. To harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts.
 9. To insure that public facilities are available and will have a sufficient capacity to serve the proposed development.
 10. To provide for and secure to the proper governmental agencies the actual construction of all such necessary on-site and off-site public improvements including the reservation or dedication of land for park and recreational purposes.
 11. To reserve or dedicate land 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.
 12. To coordinate the subdividing of land with applicable zoning regulations, and other City regulations which affect the development of the land.

SECTION 1-3 AUTHORITY

1-301. These Subdivision Regulations and minimum standards for land development are adopted by the Planning Commission and approved by the City Governing Body under powers conferred by K.S.A. 12-749 and Article 12, Section 5 of the Constitution of the State of Kansas.

SECTION 1-4 POLICY

1-401.

- a. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace nor unnecessarily subjecting existing development to such danger or peril. It is further intended that land shall not be subdivided until proper provision has been made for drainage, water and sewage and other necessary infrastructure.

- b. Proposed public improvements shall conform to and be properly related to the features of the adopted Ottawa Comprehensive Plan, and all other adopted plans for specific aspects of the City, and adopted capital programs and budgets.

SECTION 1-5 JURISDICTION

1-501.

- a. All portions of the incorporated area of the City of Ottawa;
- b. All unincorporated territory lying outside of the corporate City limits but within any Growth Area or other territory designated by Interlocal Agreement with Franklin County as being subject to these Regulations.

SECTION 1-6 APPLICABILITY

1-601.

- a. 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 of building development, whether immediate or future, including the resubdivision or replatting of land or lots.
- b. The owner(s) of any land subject to these regulations subdividing that land shall prepare a subdivision plat in accordance with the provisions of these regulations. No building or zoning permit shall hereafter be issued for construction on any land that has not been subdivided in compliance with these regulations and all other applicable state laws and local laws in effect at the time of the subdivision of that land.

SECTION 1-7 EXEMPTIONS

1-701. The following transactions shall be exempt from these regulations.

- a. Boundary adjustments between one or more contiguous lots, tracts, or parcels of land, which will not create any additional lots, tracts or parcels, shall not be subject to the subdivision platting, or replatting requirements of these regulations.
- b. A conveyance of land, or interest therein, for use as right-of-way by railroad or other public utilities subject to state or federal regulations where no new public street or public easement of access is created.
- c. A conveyance made to correct a bearing or distance description in a previously recorded conveyance.
- d. Any transfer by operation of law.
- e. Any lot, parcel or tract of land located within the area governed by these Subdivision Regulations which has been legally subdivided, resubdivided, platted or replatted prior to the

effective date of these regulations. For purposes of these regulations, “legally subdivided, resubdivided, platted or replatted” shall include any certificate of survey submitted and recorded, as provided by these requirements, prior to the effective date of these regulations.

- f. The division of a lot, tract or parcel of land that existed prior to the effective date of these regulations and was not previously exempted under any previous subdivision regulations, where no more than one (1) additional lot, tract or parcel is created, provided, however, that the creation of that additional lot, tract or parcel shall comply with the provisions for lot splits set forth in Article 11 of these regulations. Any further division of the lot, tract or parcel, including any remainder parcel or tract, shall be platted in conformance with the requirements of these regulations.
- g. Division of land for agricultural purposes, or single-family residential purposes, in parcels or tracts of land of ten (10) acres or more, when not involving right-of-way for streets or easements and not involving the construction of other than agriculture buildings, shall be exempt from the requirements of these regulations, provided, however that an appropriate setback and easements be provided to protect long-term development of roadways.
- h. The division of a platted lot zoned and used for industrial purposes only, as required by state law, provided each resulting lot has frontage on a public street.

SECTION 1-8 INTERPRETATIONS-CONFLICT

1-801.

- a. Where a requirement of these regulations imposes restrictions that differ from those requirements imposed by any other provision of these regulations or any other statute, regulation, or other provision of law; the provision which imposes the higher or more restrictive standard shall apply.
- b. The provisions of these regulations are not intended to abrogate any easement, covenant, or other private agreement.
- c. A subdivision of land which was not lawfully existing at the time of the adoption of these regulations shall not become or be made lawful solely by reason of the adoption of these regulations.
- d. The provision of these regulations are additional limitations upon all other laws heretofore passed or which may be passed hereafter governing any subject matter set forth in the provisions of these regulations.

SECTION 1-9 VESTING OF DEVELOPMENT RIGHTS

1-901. In conformance with the provisions of K.S.A. 12-764, and any subsequent amendments thereto, the following rules regarding the vesting of development rights shall apply:

- a. The rights of landowners of properties platted or subdivided for low-density residential development shall be protected for use of said land for the intended residential purposes for a period of five (5) years from the date upon which the plat for such property was first

recorded with the Franklin County Register of Deeds. Provided, the division of land was legally done in conformance with the Ottawa Subdivision Regulations in effect at the time of such recording.

- b. Properties divided or platted for any use other than residential purposes shall not be permitted to develop or further develop except in conformance with these regulations and the Ottawa Zoning Regulations. Persons who obtain a validly issued permit under the previous Ottawa Zoning Regulations shall be permitted to develop the property so long as the permit issued under the previous Ottawa Zoning Regulations does not expire. Failure to begin substantial construction under said permit before the expiration of the permit shall not protect the owner from the provisions of these regulations or the Ottawa Zoning Regulations then in effect.

SECTION 1-10 APPROVALS NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS; DEDICATIONS WITHIN URBAN GROWTH AREA

1-1001. All subdivision plats or re-plats of land laid out in building lots, and the streets, alleys or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of lots fronting thereon, shall be submitted to the Ottawa Planning Commission for its consideration and approval. The approved plat shall be submitted to the City Commission of the City of Ottawa for final plat approval and acceptance of dedications of streets, alleys, easements, and other public ways or sites.

1-1002. Approvals for acceptance of subdivision plats or re-plats of land within an Urban Growth Area, as established by Interlocal Agreement between the City of Ottawa and Franklin County, shall be the same as for plats or re-plats of land within the City’s corporate limits; except that acceptance of dedications of streets, alleys, easements and other public ways or sites shall be by the Franklin County Board of County Commissioners.

SECTION 1-11 ACCRUED RIGHTS AND LIABILITIES SAVED

1-1101. These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the City except as shall be expressly provided for in these regulations.

SECTION 1-12 SEVERABILITY

1-1201. If any section, subsection or provision of these regulations shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of these regulations as a whole or any part or provision thereof, other than the part so declared to be invalid or unconstitutional. All regulations or parts of regulations in conflict herewith are hereby repealed.

SECTION 1-13 EFFECTIVE DATE

1-1301. These regulations shall be in force and effect from and after passage and publication in accordance with State law.