

SUBDIVISION REGULATIONS ADOPTION PROCEDURE

AUTHORIZATION AND JURISDICTION:

K.S.A. 12-749 authorizes the Joint Planning Commission to adopt Subdivision Regulations by ordinance in the participating cities and by resolution in the County. Said Subdivision Regulations shall not become effective until approved by the appropriate governing body. The jurisdiction of the subdivision regulations shall be as specified in the regulations and shall be all of the area within the participating incorporated cities and may be any portion or all of the unincorporated area of the county. K.S.A. 12-749 also requires that the Joint Planning Commission make recommendations to the Board of County Commissioners and any participating city governing body prior to the initial adoption of the Subdivision Regulations. The steps to be followed are stated below.

STEPS FOR INITIAL ADOPTION:

1. The Joint Planning Commission develops proposed Subdivision Regulations and holds a public hearing on the proposed Subdivision Regulations.
2. Notice of the public hearing is published once in the official county/city newspaper(s). At least 20 days must elapse between the date of the publication and the date set for hearing. Do not count the day of the publication or the day of the hearing in determining the 20 days. The notice must give the date, time and place for the public hearing and describe in general terms the proposed Subdivision Regulations.
3. Upon the conclusion of the public hearing, the Joint Planning Commission must adopt, by a majority vote of the entire membership of the Commission, its recommendations in the form of proposed Subdivision Regulations. That recommendation, together with a record of the hearings, is then submitted to the Board of County Commissioners and to each participating city governing body.
4. If the proposed Subdivision Regulations will affect land within three (3) miles of any incorporated city not participating in the Joint Planning Commission, the County must give written notice of the proposed Subdivision Regulations to the governing body of said city at least 20 days prior to the date of final action by the Board of County Commissioners.
5. Once the recommendation of the Joint Planning Commission is received, the Board of County Commissioners and the governing body of any participating city may approve the recommendation without change by a majority vote; or override the recommendation of the Joint Planning Commission by a 2/3 majority vote; or refer the proposed regulations back to the Joint Planning Commission for further consideration together with a statement specifying the reasons for disapproval. If the proposed regulations are returned to the Joint Planning Commission, the Joint Planning Commission may resubmit its original recommendation giving reasons therefor or may make a new and amended recommendation. After receipt of such reconsidered recommendation, the Board of County Commissioners or the governing body of any participating city, by a simple majority vote, may adopt or may revise and amend and adopt the proposed regulations, or may take no further action thereon. The final action must be in the form of a resolution by the County and an ordinance by a city.

6. The Subdivision Regulations may be adopted by reference by the County as set out in K.S.A. 12-3301 to 12-3305, and may be adopted by reference by the City as set out in K.S.A. 12-3009 to 12.3012. The following requirements must be met in order to comply with these statutes.
 - a. Any county proposing to adoption any code by reference shall give notice thereof by publication once in the official county newspaper. Such notice shall identify the code or provisions proposed to be adopted and that area of the county in which the same shall apply. The notice shall further fix a time for the Board of County Commissioners to hold a public hearing on the same. There is no public hearing requirement for a city governing body to adopt such a code by reference.
 - c. Any code incorporated by reference shall be clearly described in the resolution or ordinance by name or title, and the resolution or ordinance shall also contain the name or title of the person, association, agency or other organization which prepared, compiled, published or promulgated the same, the year, edition of the work and the statute number or other sufficiently identifying description.
 - d. Not less than three (3) copies of such code incorporated by reference by a county resolution shall be marked or stamped “official copy as incorporated by resolution no. _____,” to which shall be attached a copy of the incorporating resolution and such copies shall be filed with the County Clerk and shall be open to inspection and available to the public at all reasonable business hours. Likewise, three (3) copies of a code incorporated by reference by a city ordinance shall be marked or stamped “official copy as incorporated by ordinance no. _____,” to which shall be attached a copy of the incorporating ordinance and such copies shall be filed with the City Clerk and shall be open to inspection and available to the public at all reasonable business hours.
 - e. If a code incorporated by reference provides a penalty for violating such code, such resolution or ordinance shall state the penalty in full and no part of such penalty shall be incorporated by reference.
 - f. The resolution or ordinance incorporating the provisions of any code or part thereof shall be published at least once in the official county or city newspaper.

AMENDMENTS:

Text amendments to the Subdivision Regulations shall occur in the same manner as for adoption which includes the publication in the paper of the date of public hearing, the holding of the public hearing by the Joint Planning Commission and the approval of the amendment by the Board of County Commissioners and the appropriate city governing body.

RICE COUNTY JOINT PLANNING COMMISSION

INSTRUCTIONS

APPLICATION FOR PRELIMINARY PLAT APPROVAL

1. Prior to submission of a preliminary plat, the applicant shall hold a pre-application conference with the Zoning Administrator. The purpose of the pre-application conference is to review the proposed plat, the requirements of the Subdivision Regulations, and the procedures to be followed in submitting the plat for approval. No statements or commitments given by either the applicant or the Zoning Administrator shall be binding or taken as an assurance of approval.
2. An application form must be completely filled in before it can be filed. Portions of the form that are not applicable shall be marked N/A. All applications must be signed by the owner or his duly authorized agent. If the application is signed by an agent, a written authorization from the property owner must be submitted naming the agent and that the owner is aware and approves the requested platting.
3. The application shall be accompanied by twenty (20) copies of the proposed preliminary plat.
4. The filing fee for a preliminary plat shall be \$_____.
5. The application, copies of the plat and the filing fee shall be filed with the Zoning Administrator at least thirty (30) days prior to a regular Planning Commission meeting at which the Preliminary Plat is to be considered.

Section No. _____
Township No. _____
Range _____

Subdivision No. _____
Date Filed _____

APPLICATION FOR PRELIMINARY PLAT APPROVAL

Name of Subdivision

General _____ Location _____

Name of Property Owner _____

Address _____ Phone _____

Name of Agent _____

Address _____ Phone _____

Name of Surveyor or Engineer _____

Address _____ Phone _____

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat: _____

2. Number of Lots:

a. Residential _____

b. Commercial _____

c. Industrial _____

d. Other _____

Total Number of Lots _____

3. Minimum Lot Frontage: _____ Ft.

4. Minimum Lot Area: _____ Sq. Ft.

5. Existing Zoning _____

6. Proposed Zoning _____

7. Public Water Supply _____ (Yes, No) Name _____

8. Public Sanitary Sewers _____ (Yes, No) Name _____

9. Health Department Approval (where applicable) _____ (Yes, No)

10. Lineal Feet of New Street:

a.	_____	R/W	_____	Ft.
b.	_____	R/W	_____	Ft.
c.	_____	R/W	_____	Ft.
d.	_____	R/W	_____	Ft.
e.	_____	R/W	_____	Ft.

TOTAL _____ Ft.

11. Sidewalk adjacent to all streets? _____ Yes _____ No

The owner herein agrees to comply with the requirements of the Subdivision Regulations for Rice County, as amended, and all other pertinent resolutions and regulations of Rice County, and Statutes of the State of Kansas. It is agreed that all costs of recording the plat and supplemental documents thereto with the Register of Deeds shall be assumed and paid by the owner when billed. The undersigned further states that he is the owner of the property proposed for platting.

Owner's Signature _____

Agent (if any) _____

FOR OFFICE USE ONLY:

Received by _____

Date _____

Fee Submitted _____

RICE COUNTY PLANNING BOARD

INSTRUCTIONS

APPLICATION FOR FINAL PLAT APPROVAL

1. The attached application form must be completely filled in before it can be filed. Portions of the form that are not applicable shall be marked N/A. All applications must be signed by the owner or his duly authorized agent.

If the application is signed by an agent, a written authorization from the property owner must be submitted naming the agent and that the owner is aware and approves of the requested platting.

2. The application shall be accompanied by the original tracing of the plat (on mylar) together with twenty (20) prints of the final plat.
3. The application, original drawing, and copies of the plat shall be filed with the Zoning Administrator at least ten (10) days prior to a regular Planning Commission meeting at which the final plat is to be considered.

Section No. _____
Township No. _____
Range _____

Subdivision No. _____
Date Filed _____

APPLICATION FOR FINAL PLAT APPROVAL

Name of Subdivision _____

General Location _____

Name of Property Owner _____

Address _____ Phone _____

Name of Agent _____

Address _____ Phone _____

Name of Surveyor or Engineer _____

Address _____ Phone _____

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat: _____

2. Number of Lots:

a. Residential _____

b. Commercial _____

c. Industrial _____

d. Other _____

Total Number of Lots _____

3. Minimum Lot Frontage: _____ Ft.

4. Minimum Lot Area: _____ Sq. Ft.

5. Existing Zoning _____

6. Proposed Zoning _____

7. Public Water Supply _____ (Yes, No) Name _____

8. Public Sanitary Sewers _____ (Yes, No) Name _____

9. Health Department Approval (where applicable) _____ (Yes, No)

10. Lineal Feet of New Street:

a.	_____	R/W	_____	Ft.
b.	_____	R/W	_____	Ft.
c.	_____	R/W	_____	Ft.
d.	_____	R/W	_____	Ft.
e.	_____	R/W	_____	Ft.

TOTAL _____ Ft.

11. Sidewalk adjacent to all streets? _____ Yes _____ No

12. Surety Bond submitted with Final Plat _____; to be submitted later _____; Amount \$_____.

13. All required improvements installed prior to submittal of Final Plat _____ Yes _____ No.

The Owner herein agrees to comply with the requirements of the Subdivision Regulations for Rice County, as amended, and all other pertinent regulations of Rice County, and Statutes of the State of Kansas. It is agreed that all costs of recording the plat and supplemental documents thereto with the Register of Deeds shall be assumed and paid by the owner when billed. The undersigned further states that he is the owner of the property proposed for platting.

Owner's Signature _____

Agent (if any) _____

FOR OFFICE USE ONLY:

Received By _____

Date _____

Fee Submitted _____