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ORDINANCE NO. G-1317

AN ORDINANCE amending Sections 2-102, 2-103, 2-104 and 2-105 of the Pittsburg City Code to update and streamline the uniform procedures and platting requirements for subdivisions including the pre-platting conference, preliminary plat, final plat and short form plat.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PITTSBURG, KANSAS:

Section 1. Section 2-102 of the Pittsburg City Code is amended to read as follows:

Section 2-102. Platting Conference.

Any person desiring to subdivide land shall be required to attend a pre-platting conference with the Zoning Administrator as a first step to filling an application for any plat.

The purpose of the pre-platting conference is to inform the city staff of possible future subdivisions so that the staff may determine and inform the applicant of the effect, feasibility and compatibility of the proposal in relation to Pittsburg's utility and street system and any City development policies and plans. The conference enables the staff to inform owners and their agents of the general conformance or nonconformance of the subdivision proposal with this Ordinance, identify additional requirements for further processing of the proposal, and to advise them of applicable zoning provisions or conflicts and special design considerations present by particular environmental features on or affecting the site (i.e. flood plains, excessive slope areas, soil problems, high water tables, etc.)

The landowner or representative may, if they deem it desirable, prepare a schematic drawing of the proposed subdivision in order to receive any pre-plat comments of the staff.

In addition to the Zoning Administrator and representatives of the owner(s) intending to subdivide the land, principal participants involved in the pre-platting conference may include representatives of the Pittsburg Public Works Department and other persons and agencies as applicable. No verbal, written or schematically illustrated statements made during the course of

the conference shall be held as legally binding or construed in any way as granting or assuring approval of the proposed subdivision since the Governing Body has final authority on all subdivision plats upon action from the Planning Commission.

Section 2. Section 2-103 of the Pittsburgh City Code is amended to read as follows:

Section 2-103. Preliminary Plat.

1. **Application:** A subdivision application form and copy of the preliminary plat shall be filed with the Zoning Administrator and shall be submitted digitally. The appropriate fee shall be paid upon filing the application.
2. **Preliminary Plat Contents:** The following information shall be shown on the preliminary plat or attached thereto:
 - a. Items Pertaining to the Title:
 - (1) The name of the proposed subdivision.
 - (2) Location of the subdivision by reference to a section corner.
 - (3) The name(s) and address(es) of the owner(s)/developer(s) and the licensed land surveyor who prepared the plat.
 - (4) North arrow.
 - (5) Date prepared and scale of the drawing(s). The preliminary plat shall be drawn to a scale of not less than 1"=200'; however, with special conditions and prior approval of the Zoning Administrator, this scale may be exceeded.
 - (6) The legal description of the entire dimensions of the subdivision.
 - b. Items Pertaining to the Subject Property (Existing):
 - (1) All of the land to be platted as well as all platted or unplatted adjacent properties within 200 feet shall be shown. The boundary of the platted area shall be accurately indicated by a heavy solid line.
 - (2) Existing contours with the contour intervals not more than 2 feet. All elevations and contours shall be related to city datum.
 - (3) The location, width and names of all existing platted or private streets or other public ways within or adjacent to the tract, together

with easements, railroad and utility rights-of-way, parks and other significant features such as city boundary lines and monuments.

- (4) Environmental features including the location and direction of drainage and drainage channels, and areas subject to flooding by the Intermediate Regional Flood (100-year flood).
- (5) All airports, sanitary landfills, feedlots or other similar uses located within two miles of the proposed plat shall be shown on a vicinity map.

c. Items Pertaining to the Plat (Proposed):

- (1) Layout of streets with general dimensions and their relationship to adjoining or projected streets or roadways.
- (2) Intended layout, numbers and dimensions of lots.
- (3) Parcels of land intended to be dedicated or reserved for parks, schools, or other public use, or to be reserved for the use of property owners within the subdivision.
- (4) Location and type of utilities, including the approximate location of extensions of any sanitary sewers, storm sewers, and water mains.
- (5) Utility and other easements indicating width and purpose.
- (6) Vicinity sketch with indicates the relationship between the proposed subdivision and surrounding properties within 1,000 feet, showing streets and other features.

3. **Application Complete:** Upon receipt of the preliminary plat and supporting data required in this Section, the Zoning Administrator shall certify the application as complete and affix the date of application acceptance on the plat or application form. The Zoning Administrator shall then place the preliminary plat on the agenda for consideration at the first available meeting of the Planning Commission.

4. **General City Staff and Utility Review:** The Zoning Administrator shall distribute copies of the preliminary plat to the appropriate Pittsburgh city departments and agencies and the affected utility companies for review and comment. All general staff and utility review comments shall be coordinated by the Zoning Administrator and shall be forwarded along with a report and recommendation to the Planning Commission.

5. **Planning Commission Review and Action:** The Planning Commission shall review the preliminary plat for compliance with the provisions of this Ordinance. After reviewing the preliminary plat, hearing comments from concerned citizens, and considering the review by the Zoning Administrator, the Planning Commission shall take action on the acceptance, modification or rejection of the preliminary plat. Upon approval of the preliminary plat, if requested by the developer, the Planning Commission may immediately consider the final plat as described in Section 2-104. The Zoning Administrator shall forward a statement of the action taken by the Planning Commission to the Governing Body.
6. **Effect of Approved Preliminary Plat:** Approval of the preliminary plat does not constitute final acceptance of the subdivision by Pittsburg. It establishes the overall layout and design of the proposed subdivision. The applicant shall file a final plat application along with the required documents described in Section 2-104 within three (3) years of the approval of the preliminary plat by the Planning Commission and/or Governing Body. Upon failure to do so within the time specified, approval of the preliminary plat is null and void, unless an extension of time, limited to (6) months, is applied for by the developer and granted by the Planning Commission. An extension shall be granted only once.

Section 3. Section 2-104 of the Pittsburg City Code is amended to read as follows:

Section 2-104. Final Plat.

1. **Application:** The final platting process is intended to provide a complete surveyed drawing of the subdivision for the purpose of providing a legal record of lots, streets, areas for dedication and easements for future reference and transactions. The final plat submitted may be for all of the property approved in the preliminary plat or may be for only a portion or "phase" thereof. The applicant shall file digital copies of the final plat with the Zoning Administrator along with the additional information required herein. Said final plat shall be prepared by a registered land surveyor, and so sealed. One (1) original final plat in digital format shall be submitted to the Zoning Administrator at least ten (10) days prior to the Planning Commission meeting. Said original final plat shall be formatted so that it can be clearly and legibly drawn at a scale of 1" = 100' upon mylar at a size of 24" x 36", and shall contain the information requested herein.
2. **Final Plat Contents:** The following information shall be shown on the final plat and attached thereto:
 - a. Items to be Included on the Final Plat:

(1) The lines and names of all proposed streets or other ways or easements, and other open spaces intended to be dedicated for public use or granted for use of inhabitants of the subdivision.

(2) Lines and names of all adjoining streets within 200 feet.

(3) The length of all straight lines, deflection angles, and radii, arcs and central angles of all curves, along the center line and the property lines of each street. All dimensions along the lines of each lot with the true bearings and angles of intersection which they make with each other, and also any other data necessary for the location of any lot line in the field. If more convenient, calculated bearings may be used instead of angles.

(4) The location of all building setback lines.

(5) Suitable primary control points, approved by the City Engineer, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data given on the plat shall be referred. All dimensions shall be shown in feet and decimals of a foot.

(6) Location and elevation of a permanent bench mark.

(7) The location of all permanent monuments with the distance between them, and sufficient curve data plainly marked. These monuments shall be located at all block corners

(8) Date of preparation, title, north point, and scale shall be included. The title shall include the name of the subdivision under which it is to be recorded. The north point may indicate either the magnetic or true north and shall be so designated on the plat.

(9) The boundary of the subdivided tract with courses and distances marked thereon which shall be determined by survey in the field, which shall be balanced and closed, made by a qualified engineer or surveyor. The error of closure for a perimeter distance having a length of 10,000 feet or more shall not be more than one (1) in 20,000. For perimeter distances less than 10,000 feet in length, the error of closure shall not be more than one (1) in 10,000.

(10) An identification system for all lots and blocks, and the area in square feet of each lot.

(11) The certification of the land surveyor making the plat, his seal and signature.

(12) The acknowledgement of a notary.

(13) A certification of the Planning Commission showing its approval to the plat.

(14) The approval of the Governing Body.

(15) The certificate of the Register of Deeds.

(16) Title insurance certification or a certificate of title prepared by a competent attorney showing that the proposed subdivider owns all the property within the plat in fee, and that it is free from encumbrances and liens; but if encumbered, the mortgagee shall be required to consent to the plat.

(17) Statement by the owner dedicating streets, rights-of-way, and any sties for public use.

(18) Such other certificates, affidavits, endorsements, or dedications as may be required by the Planning Commission in the enforcement of this Ordinance.

(19) Purpose for which sites, other than residential lots, are dedicated or reserved.

(20) Marginal lines encircling the sheet. All lettering, signatures and seals shall be within this margin.

(21) Legal description of the subdivision.

(22) In the event the proposed subdivision is outside the city limits of the City of Pittsburg, but within the three (3) mile limit of jurisdiction, it will also be required to include a certificate showing the approval of the Board of County Commissioners of Crawford County, Kansas.

3. **Application Complete:** Upon receipt of the final plat, engineering drawings and certification documents required in this Section, the Zoning Administrator shall certify the final plat application as complete. He shall then place the final plat on the agenda for consideration at the next regular meeting of the Planning Commission which is held no less than 10 days after said application or no more than 60 days thereafter.
4. **General City Staff and Utility Review:** The Zoning Administrator shall transmit copies of the final plat, along with the other documents submitted, to the appropriate Pittsburg city departments and agencies, and utility companies as the Administrator deems necessary for review and to assure compliance with the approved preliminary plat. The Zoning Administrator

shall serve as final plat coordinator and all review comments shall be directed to such person and forwarded to the Planning Commission along with a report and recommendation.

5. **Planning Commission Review and Action:** The planning Commission shall review the final plat for compliance with the approved preliminary plat and for completion of all final platting requirements. After consideration, the Planning Commission shall either recommend to the Governing Body to approve or deny the final plat or table for additional information. The Zoning Administrator shall forward a statement of the action taken by the Planning Commission together with the minutes and the original and digital copies of the final plat to the Governing Body.
6. **Governing Body Review and Action:** Upon recommendation from the Planning Commission, the Governing Body shall take action to approve or disapprove the final plat including the acceptance of street and other public way dedications, service and utility easements, and land dedicated for other public use.
7. **Recording of Final Plat:** The final plat shall be recorded and filed with the Register of Deeds of Crawford County, Kansas, after approval of the final plat by the Governing Body as required by State law.

Section 4. Section 2-105 of the Pittsburg City Code is amended to read as follows:

Section 2-105. Short-Form Plat.

1. **Application:** A short-form plat procedure is included within this Ordinance for the purpose and intent of providing a means of approving a subdivision of land that contains four lots or less and, in all other respects, meets the requirements of this Ordinance. The submission and approval of a preliminary plat is not required as a prerequisite for a short-form plat approval. If the proposed subdivision qualifies for a short-form plat, the applicant shall file a digital copy of the plat with the Zoning Administrator along with the additional information required herein.
2. **Short-Form Plat Contents:** Said original final plat shall be formatted so that it can be clearly and legibly drawn at a scale of 1" = 100' upon mylar at a size of 24" x 36", and shall contain the information required herein. Except for the above requirement, a short-form plat must meet all of the requirements necessary for the approval of a final plat as stated herein.
3. **Short-Form Plat Review and Action:** The review and approval procedures for a short-form plat are the same as specified herein for a final plat.

Section 3. This Ordinance shall take effect upon its passage and publication in the official city paper.

PASSED AND APPROVED this 12th day of January, 2021,



Chuck Munsell - Mayor

ATTEST:



Tammy Nagel - City Clerk

