

SUBDIVISION REGULATIONS
OF
HOLCOMB - GARDEN CITY, KANSAS

Article I. (Title)

This ordinance shall be known and may be cited as the Subdivision Regulations for Holcomb and Garden City, Kansas.

Article II. (Purpose)

These regulations are to provide for the harmonious development of Holcomb and Garden City, for the coordination of streets within subdivisions with other existing or planned streets or other features for adequate open spaces for traffic, recreation, light and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, or prosperity.

Article III. (Regulations)

SECTION I

GENERAL PROVISIONS

All plans, plats or replats of land laid out in building lots, hereafter made for each subdivision or each part thereof lying within the City shall be prepared, presented and recorded as herein prescribed.

The regulations contained herein shall apply to the subdivision of a tract or parcel of land into more than two lots, tracts or other divisions of land for the purpose of sale or building development, whether immediate or future, including the resubdivision or replatting of land or lots. Division of lots zoned for industrial use into more than two tracts may be accomplished without replatting, provided that right-of-way, easements and public facility improvements are provided.

The Holcomb-Garden City-Finney County Area Planning Commission shall have the right to confer with the subdivider regarding the type and character of development that will be permitted in the subdivision, and may require that certain minimum regulations regarding this matter be incorporated in the deed restrictions. Such regulations shall be intended to protect the character and value of the surrounding property.

SECTION II

APPROVALS NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS:

All plans, plats or replats 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 the lots fronting thereon or adjacent to, shall be submitted to the Holcomb-Garden City-Finney County Area Planning Commission for its consideration, and its recommendation shall be submitted to the Governing Body of the City for their official consideration and action.

SECTION III

DEFINITIONS FOR THE INTERPRETATION OF THESE RULES AND REGULATIONS:

1. Alley: A public thoroughfare which affords only secondary means of access to abutting property.
2. Block: A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad right-of-way, parks, etc., or a combination thereof.
3. Condominium: A part of a building, with a direct exit to a public street, highway or common area leading to a street or highway, intended for any industry or business or other use, including one or more rooms or enclosed spaces located on one or more floors (or part or parts thereof), meeting the other requirements of the Apartment Ownership Act (K.S.A. 58-3101 et. seq.).
4. Correction Plat: A plat which corrects errors, which have been discovered after recording the final plat, which have no relation to the conformity to the subdivision regulations.
5. Cul-de-sac: A street having one end open to traffic and the other permanently terminated by a vehicle turn around.
6. Design: The location of streets, alignment of streets, grades and widths of streets, alignment and rights-of-way for drainage and sanitary sewers, and the designation of minimum lot areas, width and length.
7. Drainage Course (water course): Any natural or man made depression, draw, or ravine which directs and facilitates the flow of water.
8. Easement: A grant by the property owner to the public, a corporation, or persons, of the use of the strip of land for specific purposes, such as access of persons, utilities or services.
9. Final Plat: A plan or map prepared in accordance with the provisions of this regulation and those of any other applicable local regulation, which plat is prepared to be placed on record in the office of the Register of Deeds of the County in which part of the subdivision is located.
10. Governing Body: The elected officials of the City.
11. Improvement: Street work and utilities that are to be installed or agreed to be installed by the subdivider, on the land to be used for

public or private use of the lot owners in the subdivision and local neighborhood traffic and drainage needs, as a condition precedent to the approval and acceptance of the final map or filing of the record of the survey map thereof.

12. Lot: A portion of land in a subdivision, or other parcel of land, intended as a unit for transfer of ownership or for development.
13. Major Street: A street, highway or roadway designated as such on the official major street and/or County road plan; ordinance or resolution.
14. Marginal Access Street or Frontage Roads: A minor street which is generally parallel to or adjacent to a major thoroughfare, highway or railroad right-of-way and provides access to abutting property.
15. Pedestrian Way: A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
16. Planning Commission: The Holcomb-Garden City-Finney County Area Planning Commission.
17. Preliminary Plat: A map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it, that map need not be based on accurate or detailed final survey of the property.
18. Secretary: Secretary of the Holcomb-Garden City-Finney County Planning Commission.
19. Setback Line or Building Line: A line on a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may be erected or altered, except as otherwise provided in the zoning regulations of the City.
20. Sidewalk: A sidewalk for foot passengers on the side of a road or street.
21. Street: A right-of-way, dedicated to the public use or private right-of-way serving more than one ownership, which provides principal vehicular and pedestrian access to adjacent properties.
22. Subdivider: A person, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself or for others.
23. Subdivision: The division of a tract of land, into two or more lots or parcels for the purpose of transfer of ownership or building development of, if a new street is involved, and division of a tract of land. The term "subdivision" includes resubdivision and the term "resubdivision" as herein used, shall include any further subdivision of a lot or parcel of land previously subdivided for sale, use or other purposes, which varies from the latest, approved subdivision of the same.

24. Townhouse: A single-family townhouse residential unit which may be joined together with at least one additional single-family townhouse residence by a common wall or walls, and/or foundation; Townhouse units shall not mean an apartment or condominium as defined in K.S.A. 58-3102; meeting the other requirements of the Townhouse Ownership Act (K.S.A. 58-3701 et. seq.).

SECTION IV

MINIMUM DESIGN STANDARDS:

1. Blocks

- (a) Length- Intersecting streets, (which determine block lengths), shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets in the neighborhood. Where no existing plats are recorded the blocks shall not exceed one thousand two hundred (1,200) feet in length; except that a greater length may be permitted where topography or other conditions justify a departure from this maximum. In blocks longer than eight hundred (800) feet pedestrian ways and/or easements through the block may be required near the center of the block. Such pedestrian ways or easements shall have a minimum width of five (5) feet.
- (b) Width- In residential development the block width shall be sufficient to allow two tiers of lots of appropriate depth and an alley, or easements.

2. Streets, Alleys, and Public Ways

- (a) Relation to Adjoining Street System- The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining subdivisions (or their proper projection where adjoining property is not subdivided) where required by the Planning Commission or the Governing Body. Alleys and street arrangement must also be such as to cause no hardships to owners of adjoining property when they plat their land and seek to provide convenient access to it. Whenever there exists a dedicated or platted half street or alley adjacent to the tract subdivided, the other half of the street or alley shall be platted, and dedicated as a public way.
- (b) Street Names- Streets that are in alignment with others already existing and obviously will be connected in the future shall bear the names of the existing streets. In other cases, streets shall be named in accordance with any existing or subsequent ordinances, resolutions or policies of the Governing Bodies.
- (c) Major Streets- Major streets through subdivisions shall conform to the major street plan as adopted by the Planning Commission and/or the Governing Body.
- (i) Arterial Street: An arterial street shall be provided when the existing or anticipated Average Daily Traffic count (ADT) is greater than 5000. An arterial street provides connections with state highways.
- (ii) Collector Street: A collector street shall be provided

when the existing or anticipated ADT is between 2500 and 5000. A collector street conducts traffic between arterial streets and/or activity centers. It is a principal traffic artery within residential areas or commercial districts.

- (d) Minor Streets- Minor streets (local streets) shall be so designed to discourage through or non-local traffic.
- (e) Cul-de-sacs- Cul-de-sacs shall not exceed five hundred (500) feet in length including a turn around of fifty (50) feet (minimum) radius at the closed end.
- (f) Right Angle Intersections- Streets shall be laid out to intersect, as nearly feasible, at right angles.
- (g) Streets Adjacent to Railroad Right-of-way, Limited Access Freeway, Principal Highway- Where lots front or side on the above, a marginal access street or frontage road may be required which parallels and is adjacent to such right-of-way. The centerline distance of the marginal access or frontage road from said right-of-way shall be based upon requirements for approach connections to existing or future grade separations. When residential abuts a major arterial or bypass, that frontage shall face away from the major arterial and no direct access shall be off of the arterial.
- (h) Half-Width Streets- Dedication of half width streets will not be approved.
- (i) Alleys- Alleys shall normally be provided. Dead end alleys shall not be permitted. Alleys which intersect other alleys shall have a minimum fifteen (15) foot radius curve at all corners of the intersection.
- (j) Minimum Requirements- All streets, alleys and public ways included in any subdivision, hereafter dedicated and accepted, shall not be less than the minimum dimensions for each classification as follows:

STREETS	RIGHT-OF-WAY WIDTH	BACK TO BACK IMPROVEMENT WIDTH
<u>MAJOR STREETS</u>		
Arterials	71 feet	51 feet, minimum
Collectors	60 feet	40 feet
<u>MINOR STREETS</u>		
Locals	48 feet	34 feet
Cul-de-sacs	52 feet *	45 feet *

* Radius at turn around

MARGINAL ACCESS STREETS OR FRONTAGE ROADS

2-way traffic	48 feet	34 feet
Alleys	20 feet	20 feet
Pedestrian ways	5 feet	4 foot paved walkway

(k) Additional Requirements- When existing or anticipated traffic on arterial and collector streets warrant greater width of rights-of-way, the additional right-of-way shall be provided.

(l) Drainage Easements- Drainage easements may be required, in addition to providing street right-of-way, where the street or streets adjoin or are parallel with streams or drainage areas or where lots adjoin on said drainage areas. The width of such drainage easements shall be determined by the City Engineer who shall notify the Planning Commission, in writing, of his determination.

(m) Street Grades- The grades of streets, alleys and other public ways included in any subdivision shall not be greater than is necessary for the topographical conditions.

(n) Street Alignment- Minimum horizontal and vertical alignment on all streets shall be as follows:

(1) Horizontal curves: Centerline radii.

Major streets	300 feet
Minor streets	100 feet

A tangent should otherwise be provided between all reverse curves unless approved by the City Engineer, to provide for smooth traffic flow.

(2) Vertical- All changes in street grades shall be connected by vertical curves of such length as to provide for desired sight distance and shall be subject to the approval of the City Engineer.

3. Lots

(a) Minimum width shall be as required by the zoning regulations. Said width shall be measured at the building setback line, except for irregular shaped lots.

(b) Minimum depth shall be required by the zoning regulations. Said measurement shall be measured through the center of the lot and shall be perpendicular to the property line or radial to the property line or curved streets.

(c) Minimum area shall be subject to the zoning regulations in which the subdivision is located.

(d) Corner lots shall have such addition of width to observe the same setback on both streets.

- (e) Double frontage lots shall be avoided unless in the opinion of the Planning Commission, a variation to this rule will give better street alignment and lot arrangement and promote a better traffic condition.
- (f) Every lot shall abut on a street.
- (g) Building setback lines shall be shown on the final plat for all lots in the subdivision and shall not be less than the setback required by the zoning regulations and/or ordinance adopted by the City.
- (h) The subdivision or resubdivision of a tract or lot shall not be permitted where said subdivision or resubdivision places and existing permanent structure in violation of the requirements of the zoning regulations.

4. Easements

- (a) Where easements are required, permanent easements of not less than seven and one half (7-1/2) feet in width shall be provided on each side of rear lot lines, and on side lots where necessary, for utility poles, wires, conduits, storm and sanitary sewers, gas, water, and heat mains, and other public utilities. These easements shall provide for a continuous right-of-way at least fifteen (15) feet in width.
- (b) A fifteen (15) foot temporary construction easement may be requested for initial construction of water, sewer, and other utility lines.

5. Dedication or Reservation of Public Sites and Open Spaces

In subdividing land or resubdividing an existing plat, due consideration shall be given by the subdivider to the dedication or reservation of suitable sites for schools, parks, playgrounds, or other public recreational areas or open spaces. Any areas so dedicated or reserved shall conform as nearly as possible to the recommendation of the Planning Commission in their master plan and to the recommendation of the Board of Education. All areas to be reserved for, or dedicated to public use shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated or acquired by the appropriate agency. Open spaces intended for private use, by the future home owners of the subdivision shall be indicated. If such open space is proposed, protective covenants and/or homeowners maintenance agreements must be approved by the Planning Commission and Governing Body.

SECTION V

PRE-APPLICATION

Prior to submission of a preliminary plat, the subdivider should contact the Secretary of the Planning Commission to determine:

1. Procedure for filing plats.
2. Availability of utilities.
3. Master plan requirements for major streets, land use, parks, schools and other public open spaces.

SECTION VI

PRELIMINARY PLATS:

After reaching the preliminary conclusions regarding the proposed subdivision, the subdivider shall submit a preliminary plat together with any supplementary information necessary to the Secretary of the Planning Commission. A sketch plan is required for tracts of land larger than 80 acres, prior to filing the preliminary plat. The owner/developer or an authorized agent shall personally present the preliminary plat at the Planning Commission meeting.

1. Submission of Preliminary Plat:

- (a) Fee: A filing fee of fifty dollars (\$50.00) shall accompany the filing of each preliminary plat, with the secretary of the Planning Commission.
- (b) Number of copies: The subdivider shall submit fifteen (15) copies of the preliminary plat and fifteen (15) copies of a vicinity map, (if not shown on the preliminary plat), showing the location of the proposed subdivision. These plats shall be filed with the secretary at least twenty (20) days prior to a regular Planning Commission meeting at which the preliminary plat is to be considered.
- (c) The preliminary plat and/or supplementary sheets shall show and contain:
 - (1) The proposed name of the subdivision.
 - (2) The location of the boundary lines in relation to the section or quarter section lines, and north point.
 - (3) Scale-one (1) inch = fifty (50) feet for ten (10) acres or less; over ten acres one (1) inch = one hundred (100) feet may be used.
 - (4) Vicinity map- showing perimeter outline of the subdivision and existing man-made or natural features, and relationship to surrounding area.
 - (5) Existing Conditions:
 - (a) Location, width and name of platted or deeded streets, alleys or other public ways, railroads and utility right-of-way, parks and public open spaces leading into the proposed subdivision and permanent buildings within the proposed subdivision shown.
 - (b) All existing storm and sanitary sewers, water mains, gas mains, telephone cables and electric lines, either overhead or underground, culverts and any other underground installations within or leading into the proposed subdivision with size and necessary features, grades and locations shown.
 - (c) Names of adjacent subdivisions.

- (d) Topography (unless specifically waived by the City Engineer) with contour intervals of not more than two (2) feet, referred to City or USGS datum, a sufficient number of spot elevations may be used in lieu of contours if necessary; also location of water course, bridges, lakes, ravines, and such other information as may be pertinent to the subdivision.
- (6) Location and width of proposed streets, alleys, pedestrian ways and easements.
- (7) The general plan of sewage collection and water supply utilities.
- (8) A comprehensive drainage report may be requested by the City Engineer or Planning Commission prior to or with the submission of the final plat. The City Engineer will give guidelines for the content of such report.

2. Approval or Disapproval of the Preliminary Plat:

The approval of the preliminary plat by the Planning Commission does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the final plat. The approval of the preliminary plat shall be effective for a period of twelve (12) months, unless an extension is granted by the Planning Commission. In case the plat is disapproved the subdivider shall be notified of the reason for the action and what requirements shall be necessary to meet the approval of the Planning Commission. If the final plat has not been submitted for approval, within the specified period, the preliminary plat must be submitted again to the Planning Commission for approval.

SECTION VII

1. Submission of Final Plat:

- (a) After approval of the preliminary plat, the subdivider shall submit fifteen (15) copies of the final plat to the Secretary of the Planning Commission at least ten (10) days prior to the Planning Commission public hearing. The original plat, a mylar, shall be presented to the Secretary for signatures at the public hearing. One reproducible copy shall also be submitted, however it may be submitted after all appropriate signatures have been executed. The size of the final plat shall meet the requirements of the Register of Deeds.
- (b) Fees: A fee of fifty dollars (\$50.00) shall accompany the filing of each plat with the Secretary of the Planning Commission.
- (c) Final Plat, contents: The final plat shall conform with the approved preliminary plat.

- (1) The proposed name of the subdivision. In the body of the legal description, the name shall make reference to the quarter section, section, township and range in which it is located, and/or the name of the addition or

subdivision of which it is a replat of. The name shall not duplicate or too closely resemble the name(s) of any existing subdivisions.

- (2) The location of the boundary lines in relation to section or quarter section lines; including the description boundaries of the subdivision based on an accurate traverse giving bearings and linear dimensions which must mathematically close.
- (3) Dimensions of boundaries, streets and important features: Accurate dimensions of all lines, angles and curves used to describe boundaries, streets, areas reserved for public use and other important features shall be shown. Sufficient data shall also be shown to determine the bearing and length of every lot line, block line, street centerline, and boundary line.
Ditto marks may be used. Notation of internal angles is permitted. Length of curve, radius, central angle, chord length and tangent length of each curve, or segment thereof, shall be given, tabulation of this data is permitted. Non-tangent curves and non-radial lines shall be identified. The plat shall show the centerline of each street.
 - (a) Bearings and angles shall be noted in degrees, minutes, and seconds.
 - (b) Linear dimensions should be noted to the nearest hundredth of a foot.
 - (c) Allowable error of closure of any block within the plat or its boundary is one (1) foot in ten thousand (10,000) feet. Closure calculations shall also be submitted with the plat, a separate sheet may be used.
 - (d) The plat should show sidelines of alleys and easements, bearings, distances and widths of alleys shall be noted. Easements shall be noted as to the use intended, i.e., utility, drainage, etc.
- (4) Block and Lot Numbers: The blocks shall be consecutively numbered within each block beginning with one (1). Lots shall be consecutively numbered within each block beginning with one (1). Large tracts or parcels may be consecutively lettered beginning with "A".
- (5) Lot Areas: Areas of each lot shall be given. A tabular form is allowable. This information may be submitted on a separate sheet.
- (6) Street Names: Street names shall be shown and shall conform to any City street naming policies, ordinances, or as approved or recommended by the Planning Commission.
- (7) Boundaries of Public or Reserved Areas: Boundary lines of areas dedicated to and for public use and/or areas reserved for

- other purposes shall be as prescribed in Section VII (1)(d)(3).
- (8) Building setback Lines: Building setback lines shall be shown by dashed lines and dimensions on the face of the plat or by a note stating setbacks. Setbacks shall be shown for both front and side streets.
 - (9) Scales, North Points: The scale of the drawing should be shown graphically and in feet per inch. A north point shall be shown, the basis of the bearings shall be indicated at the north arrow or in the body of the legal description.
 - (a) For subdivisions less than ten (10) acres, gross area, the scale shall not be less than one (1) inch to fifty (50) feet.
 - (b) For gross area over ten (10) acres a scale of one (1) inch per hundred (100) feet may be used.
 - (10) Grading and Drainage; It shall be the responsibility of the developer and/or contractor to distinguish the drainage plan of the proposed development, for streets, alleys, and all interior lots, by following the approved methods: (this may be presented on a separate sheet);
 - (a) Plan A: The interior lots shall be graded within a breakpoint near the center of the lot, causing drainage to flow to both street and the alley. This plan shall only be used if the alley is paved. The minimum slope of this type of alley drainage shall be 0.20%. The minimum slope for lot drainage shall be 0.20%.
 - (b) Plan B: The interior lots shall be graded such that the drainage flows from a high point in the alley towards street(s). The minimum slope for drainage is 0.20%.
 - (c) Other Methods: Any other drainage method or plan shall be approved by the City Engineer.
 - (11) Certifications Required on the Final Plat; dedications, certifications, approvals, acknowledgements, endorsements, acceptance of dedications shall appear only once and upon the first or first and such other sheets as may be required, of several sheets.
 - (a) Certification and dedication by the parties holding title, signed and acknowledged by all parties having title interest in the land being platted and consenting to the preparation and recording of the plat as submitted. The original copy of the plat shall carry the signatures of the owner(s) or corporation and shall be duly notarized by a Notary Public, at the time it is presented for approval to the Planning Commission.

- (b) Certification by a Registered Land Surveyor, Licensed Professional Engineer or other person qualified by the Kansas State Board of Technical Professions, under the Laws of Kansas.
- (c) Approval by the Planning Commission to be signed by the Chairman and the Secretary.
- (d) Governing Body: To be signed by the Mayor and attested to by the City Clerk. The Governing Body will not consider a final plat unless all certifications, dedications and approvals required above have been executed.
- (e) City Attorney.
- (f) Space for recording of the instrument and the name of the Register of Deeds.

2. Extent and Manner of Physical Improvements:

As a condition to the approval of the Plat, the subdivider shall submit in writing to the Governing Body an agreement to assume all applicable development costs as per the current policies of the City; the installation of all applicable improvements in accordance with these Regulations; and a request to the Governing Body for Special Assessment financing of these particular improvements or installations allowable under current Governing Body Policies.

3. Consideration by Planning Commission:

The owner/developer or an authorized agent shall personally present the final plat at the Planning Commission meeting. If the Planning Commission rejects or withholds approval of a plat, the subdivider may request that said plat be submitted to the Governing Body. The Secretary of the Planning Commission shall forward the proposed plat together with the report of the Planning Commission, stating the reasons for its action. The Governing Body may make such findings and determinations as they deem it proper. Provided that if the plat is not approved within 60 days after the first meeting of the Planning Commission following the submission of the plat to the Secretary thereof, such plat shall be deemed to have been approved and certificate shall be issued by the Secretary of the Planning Commission upon demand, such plat may be then presented to the Governing Body for approval. The owner/developer shall be responsible for making arrangements to have the final plat submitted to the Governing Body for its consideration.

4. Filing of the Plat:

The Secretary of the Planning Commission or City/County Clerk shall file the plat and other required documents with the Register of Deeds. Filing fees shall be billed to the owner/developer.

5. Supplemental Documents and Information to Accompany the Final Plat:

- (a) If private restrictions are required to be filed affecting the subdivision or any part thereof, they shall be made a part of the plat.
- (b) Any deeds or easements across property not being platted which are necessary to provide ingress/egress or utility connections.
- (c) Grading Plan: It shall be the responsibility of the developer and/or contractor to distinguish the drainage and grading plan of the proposed development, for streets, alleys and all interior lots provided in Sec. VII (D) (12) of these regulations.
- (d) Drainage Plan: A subdivision drainage plan, prepared by a Licensed Engineer, may be required to be prepared in a manner approved by the City Engineer.

SECTION VIII

CORRECTION PLATS

1. Submission

- (a) After certain types of errors on a recorded plat have been discovered, a correction plat may be prepared which shall be filed with the Register of Deeds. The type of errors which may be corrected are:
 - (i) angular or linear dimensions on a lot or lots
 - (ii) legal description errors
 - (iii) other errors which do not affect street, alley, easement or other public property
- (b) The original correction plat and three (3) prints thereof shall be submitted to the Secretary of the Planning Commission. One reproducible copy (two for subdivisions in a 3 mile limit) shall also be submitted, however, it may be submitted after all signatures have been obtained. The Secretary shall cause the correction plat to be reviewed. If, in the opinion of the secretary, the plat does not contain any nonconforming items or adverse affects to streets, alleys, easements or other public property, the secretary shall sign an approval statement on the plat. Upon such approval the correction plat shall then be filed with the Register of Deeds.
- (c) Filing Fee: A filing fee of \$10.00 shall be charged.
- (d) Contents of Correction Plat: The correction plat shall conform to the original plat of record,
 - (1) ~~The name of the subdivision shall be the same as the original plat or portion thereof and shall be identified as a Correction Plat.~~
 - (2) The corrections made shall be identified in an appropriate manner, so as to be easily distinguished.

(3) Certificates:

- (i) A certificate of the corrections shall be signed by the Registered Land Surveyor, Licensed Professional Engineer or other person qualified by the Kansas State Board of Technical Professions, under the laws of Kansas.
- (ii) Certificate signed by the property owner of record, of the portions being corrected, acknowledging the correction plat.
- (iii) An approval by the Secretary of the Planning Commission.
- (iv) Space recording the instrument and the name of the Register of Deeds.

SECTION IX

SURVEY MONUMENTS

1. Locations:

- (a) The Registered Land Surveyor or Professional Engineer, or any others qualified by the Kansas State Board of Technical Profession shall set a permanent monument at each and every controlling corner on the boundary of the parcel or tract being subdivided, monuments shall be placed at intervals of 900 feet on straight lines.
- (b) Permanent monuments shall be set at all lot and block corners,
- (c) In cases where the placement of a monument at its proper location is impractical, it shall be permissible to set reference monument close to that point. If such reference monument is set, its location shall be properly shown on the plat. When conditions warrant setting a monument on an offset, the location shall be selected so that the monument lies on a line of the survey or on the prolongation of such line. Offsets shall be set at even foot intervals from the true location.

2. Character, Type, Position Noted on the Plat, and Approval:

- (a) The character, type and position shall be noted on the plat, all distances must be expressed to the nearest hundredth of a foot.
- (b) Permanent monuments shall be of material capable of being detected by commonly used magnetic or electronic equipment.
 - (1) The monument size shall be a solid steel rod of not less than 1/2" O.D.
 - (2) The minimum length shall be 24".

3. Placement:

- (a) All boundary monuments and interior controlling corners shall be set prior to the filing of the final plat.

SECTION X

VARIANCES AND EXCEPTIONS

Whenever it is found that the land included in a subdivision plat, presented for approval, is of such size, or shape or is subject to, or is affected by topographical location and conditions, or is to be devoted to such usage that full conformity to the provisions of these regulations is impossible or is impractical, the Planning Commission may recommend to the Governing Body, by letter of transmittal, that said Governing Bodies authorize variations or conditional exceptions in the final plat so that substantial justice may be done and the public interest secured. In recommending such variations or conditional exceptions, the Planning Commission shall find the following:

- (1) That there are special circumstances or conditions affecting the property.
- (2) That the variations or exceptions are necessary for the reasonable and acceptable development of the property in question.
- (3) That the granting of the variation or conditional exception will not be detrimental to the public welfare or injurious to the other property in the vicinity in which the property is situated.

SECTION XI

SEVERABILITY

If any section of this regulation be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separately and apart from the remaining provisions of these regulations, such section to be completely severable from the remaining provisions of such regulations, and the remaining provisions of these regulations shall remain in full force and affect.

SECTION XII

EFFECTIVE DATE

These regulations shall take effect and be in force and after its adoption by the Planning Commission and the Governing Body.

Approved by the Holcomb-Garden City-Finney County Area Planning Commission
this 18th day of August, 1983.

Passed by the Board of Commissioners of the City of Garden City this 28th day
of March, 1984.

ORDINANCE NO. 1546, effective date 31 March, 1984.

Passed by the Board of Councilmen of the City of Holcomb, this 11th.
day of April, 1984.

ORDINANCE NO. 135, effective date April 19, 1984.

Ivan F. Myers

Ivan F. Myers, Mayor

SEAL:

ATTEST:

David L. Geist
David L. Geist, City Clerk