

EXEMPTIONS FROM PLATTING REQUIREMENTS

It is required that the application for an exemption to platting include a statement specifying under what provision of the Subdivision Regulation the exemption is requested. In addition, it is required that a copy of the deed of the property, which shows that the subject property qualifies for the exemption, shall be submitted with the exemption application. In addition, it is advisable that a copy of the Health Departments approval of the exemption area for an on-site sewage treatment system also be submitted with the exemption application.

The following text represents the Exemption Section of the Subdivision Regulation.

105 EXEMPTIONS.

Notwithstanding the requirements of Sections 103 and 104, these Regulations shall not apply in the following instances or transactions:

- A. Whenever any lot, parcel or tract of land located within the area governed by these Regulations has been legally subdivided, resubdivided, replatted or established, on the records of the Register of Deeds, by a metes and bounds description prior to July 1, 1968.
- B. A transaction between owners of adjoining land which involves only a change in the boundary between the land owned by such persons and which does not create an additional building site or which does not result in the creation of a substandard building site by either owner according to any applicable zoning regulations or sanitary code.
- C. A conveyance of a portion of a lot or tract or interest therein for use as a street or railroad right-of-way, a drainage easement or easement to a public utility subject to local, state or federal regulation, provided a new street or easement of access is not created.
- D. Land used for county, state or federal highways or related public purposes concerning the dedication of a portion of a lot or tract for such a public use or instruments relating to the vacation of land impressed with such a public use.
- E. Any lot split divided in accordance with the provisions of Article 9 of these Regulations.
- F. A conveyance made to correct a description in a prior conveyance that is clearly labeled as a "Correction Conveyance."
- G. Any transfer by operation of law.
- H. For land in the unincorporated area, the division or further division of land into unplatted metes and bounds tracts, each of which contains 20 or more acres, and which:

- (1) Does not involve any new streets or easements of access, as determined by the Planning Commission, and is located adjacent to a public road which has been accepted by the County or a township or which is located adjacent to an existing private road whose right-of-way width conforms to the right-of-way standards of this Regulation.
 - (2) In the case of an existing private road, there must be covenants filed of record which provide for the maintenance of the private road. The covenants must provide a mechanism which authorizes the County to maintain the private road, and charge incurred costs to the owners of the land being provided access, if the owners fail to maintain the private road.
 - (3) Has land suitable for dwelling purposes which is not located in an area subject to flooding as determined by Section 606 of these Regulations. If any portion of unincorporated property lies in a flood hazard area as shown on the Flood Boundary and Floodway Maps published by the Federal Emergency Management Agency or if drainage channels and swales exist on the property which carry runoff from adjacent property or public roads, the flood hazard area or drainage channel shall be protected by grant of easement, dedication or other similar device as may be required by the Director of the County Bureau of Public Services;
 - (4) If the property is located adjacent to a public road right-of-way which does not conform to the right-of-way width requirements of these Regulations, additional right-of-way shall be granted by dedication or easement as may be required to conform to these Regulations.
 - (5) Is to be used for agricultural or single family residential purposes only; and
 - (6) Conforms with any applicable zoning regulations and sanitary code.
- I. Land in the unincorporated area which was divided into metes and bounds tracts or parcels of 10 or more acres in size prior to August 9, 1990 and which:
- (1) Does not involve any new streets or easements of access and is located adjacent to a public road which has been accepted by the County or a township or which is located adjacent to an existing private road whose right-of-way width conforms to the right-of-way standards of this Regulation.
 - (2) In the case of an existing private road, there must be covenants filed of record, which provide for the maintenance of the private road. The covenants must provide a mechanism which authorizes the County to maintain the private road, and charge

incurred costs to the owners of the land being provided access, if the owners fail to maintain the private road.

- (3) Has land suitable for dwelling purposes which is not located in an area subject to flooding as determined by Section 606 of these Regulations. If any portion of unincorporated property lies in a flood hazard area as shown on the Flood Boundary and Floodway Maps published by the Federal Emergency Management Agency or if drainage channels and swales exist on the property which carry runoff from adjacent property or public roads, the flood hazard area or drainage channel shall be protected by grant of easement, dedication or other similar device as may be required by the Director of the County Bureau of Public Services;
- (4) If the property is located adjacent to a public road right-of-way which does not conform to the right-of-way width requirements of these Regulations, additional right-of-way shall be granted by dedication or easement as may be required to conform to these Regulations.

It shall be the responsibility of the property owner or their agent to provide to the Department of Community Development copies of recorded instruments which show the name of the current owner and a complete legal description of the property for which an exemption is requested, including documentation identifying that date upon which the legal description for the property was established.

Any request made in writing for a determination as to qualifications for being exempt from these Regulations shall be answered by the Department of Community Development either in the affirmative or negative within 45 days after the filing of the request or the exemption shall be considered granted.

REQUEST FOR AN EXEMPTION FROM PLATTING

CITY OF DERBY, KANSAS

_____, 20__

APPLICANTS NAME: _____

ADDRESS: _____

_____ ZIP CODE _____

PHONE NUMBER: _____

AGENT: _____

ADDRESS: _____

_____ ZIP CODE _____

PHONE NUMBER: _____

LEGAL DESCRIPTION OF PROPERTY:

GENERAL LOCATION:

UNDER WHAT PROVISION OF THE SUBDIVISION REGULATION IS THIS EXEMPTION REQUESTED? _____

CURRENT LAND USE: _____

PROPOSED LAND USE: _____

SURROUNDING LAND USE: _____

PLANNING COMMISSION SECRETARY INFORMATION

Date Received: _____, 20__.

FILING FEE: \$50.00

The Derby City Planning Commission will consider this REQUEST FOR AN EXEMPTION FROM PLATTING at its meeting on _____, 20__ which begins at 7:00pm.