

ARTICLE 15. RULES, REGULATIONS AND DEFINITIONS

Section 1. Interpretation and Construction: The following rules and regulations regarding interpretation and construction of the Ulysses-Grant County, Kansas, Subdivision Regulations shall apply:

1. Where the conditions imposed by the provisions of these regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
2. The provisions of these regulations are not intended to abrogate any easement, covenant or other private agreement; provided, that where the requirements of these regulations are more restrictive or impose higher standards or regulations that such easement, covenant or other private agreement, the requirements of these regulations shall govern.
3. A subdivision of land which was not lawful at the time of the adoption of these regulations shall not become or be made lawful solely by reason of adoption of these regulations.
4. The provisions of these regulations are cumulative and are additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter in the provisions of these regulations.
5. In the construction of these regulations, the provisions and rules of this section shall be preserved and applied, except when the context clearly requires otherwise:
 - (a) Words used in the present tense shall include the future.
 - (b) Words in the singular number include the plural number, and words in the plural number include the singular number.
 - (c) The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
 - (d) The word "shall" is mandatory.
 - (e) The word "may" is permissive.
 - (f) The word "person" includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
 - (g) Unless otherwise specified, all distances shall be measured horizontally.
 - (h) Any word or phrase which is defined in this Article or elsewhere in these regulations shall have the meaning as so defined whenever the

word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.

Section 5. Definitions: Definitions for the interpretation of the subdivision regulations are as follows:

1. **ADMINISTRATOR:** A person designated by the Governing Body as the administrator of these regulations.
2. **ALLEY:** A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street .
3. **AGRICULTURAL PURPOSES:** . The principal use of land is for agricultural purposes, including farming, dairies, pasturage, agriculture, horticulture, floriculture, viticulture and animal husbandry. The term Agricultural Use@ shall also include dwellings but only as necessary to the operation of the agricultural use by those owning and/or operating the premises.
4. **APPLICANT:** The owner or duly designated representative of land proposed to be subdivided, or for which other action has been requested. Consent shall be required from the legal owner of the premises.
5. **APPROVED PUBLIC SANITARY SEWER SYSTEM:** A sewage disposal plant, sewage lagoon system, main sanitary sewer lines and other lines approved by the City of Ulysses, Kansas, and/or the Board of County Commissioners of Grant County, Kansas, and by the Kansas State Department of Health and Environment.
6. **APPROVED PUBLIC WATER SYSTEM:** Water treatment plant and service lines approved by the City of Ulysses, Kansas, and/or the Board of County Commissioners of Grant County, Kansas, and by the Kansas State Department of Health and Environment.
7. **AREA:** The size of a piece of land, usually described in terms of square feet or acres.
8. **ARTERIAL STREET:** (See STREET CLASSIFICATION).
9. **BLOCK:** A piece or parcel of land entirely surrounded by public highway, streets, streams, railroad rights-of-way or parks, etc., or a combination thereof.
10. **BOND:** A form of security, including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Governing Body.

11. **BUILDING:** Any covered structure built for the support, shelter, or enclosure of person, animals, or movable property of any kind and which is permanently affixed to the land.
12. **BUILDING SETBACK LINE:** A line on a plat generally parallel to the street right-of-way indicating the limit beyond which no buildings or structures may be erected.
13. **CITY ENGINEER:** The person responsible to perform the duties of the City Engineer including any and all special engineers as appointed by the Governing Body.
14. **COLLECTOR STREET:** (See STREET CLASSIFICATION).
15. **COMPREHENSIVE PLAN:** The duly adopted comprehensive plan for the development of the community which includes maps, charts, illustrations and texts for, but not necessarily limited to the following:
 - (a) Land use studies
 - (b) Goals and objectives
 - (c) Population study and forecasts
 - (d) Economic base study
 - (e) Housing survey
 - (f) Transportation plan
 - (g) Community facilities and public utilities plan
 - (h) General development plan
 - (i) Drainage
16. **COUNTY COMMISSION:** Board of County Commissioners of Grant County, Kansas. (May also be referred to as Governing Body).
17. **CUL-DE-SAC:** A street having one end open to traffic and permanently terminated by a vehicle turnaround.
18. **DEAD-END STREET:** A street having one outlet.
19. **DESIGN:** The location of streets, alignment of streets, grades and widths of streets, alignment of easements, grades and widths of easements, alignment and right-of-way for drainage and sanitary sewers, and the designation of minimum lot area, width and length.
20. **DESIGN STANDARDS OR DESIGN REQUIREMENTS:** All requirements and regulations that relate to design and layout of subdivisions.
21. **DEVELOPER:** (See SUBDIVIDER).

22. EASEMENT: A grant by the subdivider and/or property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.
23. ENGINEER: A professional engineer or land surveyor licensed by the State or licensed to practice in the State of Kansas.
24. FENCE: A freestanding structure of metal, masonry composition, wood or any combination thereof resting on or partially buried in the ground and rising above ground level, used for confinement, screen or partition purposes.
25. FINAL PLAT: A plan or map prepared in accordance with the provisions of these subdivision regulations 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 Grant County, Kansas.
26. FLOOD PLAIN OR FLOOD PLAIN DISTRICT: That area designated by the governing body as susceptible to flooding.
27. GOVERNING BODY: The City Council of the City of Ulysses, Kansas, and/or the Board of County Commissioners of Grant County, Kansas.
28. HALF STREET: A street bordering one or more property lines of a subdivision tract to which the subdivider has allocated only a portion of the required street right-of-way width.
29. IMPROVEMENT: Street pavements, curbs, pedestrian ways, permanent street monuments, trees, utilities or other appropriate items that are required to be constructed or are agreed to be constructed, by the subdivider on the land to be used for public or private use by the lot owners in the subdivision as a condition precedent to the approval and acceptance of the final plat.
30. LAND USE PLAN: A portion of the comprehensive plan indicating the general anticipated use of the land within the city planning jurisdiction.
31. LANDSCAPING: The improvement of a lot, parcel, or tract of land with grass, shrubs, and/or trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
32. LOCAL STREET (ALSO MINOR STREET): (See STREET CLASSIFICATION).

33. LOT: A portion of land in a subdivision, intended as a unit for transfer of ownership or for development. Where a parcel of ground is not part of a subdivision but due to a valid interpretation of this ordinance, a building permit may be issued, such parcel will be considered the same as a lot and all pertinent zoning regulation requirements must be met.
34. LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection.
35. LOT, DEPTH: The mean horizontal distance between the front lot line and the rear lot line.
36. LOT, DOUBLE FRONTAGE: A lot having frontage on two (2) nonintersecting streets, also defined as a through lot.
37. LOT, INTERIOR: A lot other than a corner lot which has frontage on one street only.
38. LOT LINE: The boundary line of a lot.
39. LOT SPLIT: The division of a lot into two or more lots or portions thereof in a manner and procedure specified within these regulations.
40. LOT WIDTH: The mean horizontal distance between the side lot lines.
41. MAJOR THOROUGHFARE: (See STREET CLASSIFICATION).
42. MARGINAL ACCESS STREETS OR FRONTAGE ROADS: (See STREET CLASSIFICATION).
43. MINIMUM ELEVATION: The finished floor elevation of the lowest floor.
44. OPEN SPACE: An area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas, or required front, rear or side yards.
45. OWNER: Any person or persons, firm or firms, corporation or corporations, or any other legal entity having title to land.
46. PEDESTRIAN WAY: A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
47. PERFORMANCE BOND OR GUARANTY: Any form of guaranty acceptable by the Governing Body but, most frequently a surety bond cash deposit, letter

of credit, made out to the appropriate Governing Body in an amount equal to the full cost of the improvements which are required by these regulations, said cost being estimated by the County or City Engineer, and said surety bond or cash deposit being legally sufficient to secure to the Governing Body that said improvements will be constructed in accordance with these regulations.

48. PLANNING AREA: The City of Ulysses, Kansas and all land in Grant County lying outside said City, but within three miles of the nearest point of the City Limits (See City Clerk or Code Enforcement Officer for specific limits).
49. PLANNING COMMISSION: The Ulysses-Grant County Joint Planning Commission.
50. PLANNING COMMISSION OFFICE: Ulysses City Hall: Office of the Code Enforcement Officer.
51. PRELIMINARY PLAT: A map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it. This map need not be based on accurate or detailed final survey of the property or lots in the subdivision.
52. PRIVATE STREET OR ROAD: A non-dedicated way, other than driveways, which forms the principal vehicular access to two or more properties. Private streets or roads are prohibited except in individual cases as approved by the Governing Body when an existing land-locked residence is to be served.
53. PROTECTIVE COVENANTS: Restrictions governing the use of land within a given subdivision placed on the land by the owner at the time of platting.
54. PUBLIC IMPROVEMENTS: All facilities constructed or erected by a subdivider generally within a specified subdivision to permit and facilitate the use of lots or blocks and dedicated and subsequently accepted for public use by the Governing Body.
55. PUBLIC SEWERS: The collection lines, laterals and mains as well as all treatment facilities attached thereto and duly approved by the Kansas State Department of Health and Environment.
56. PUBLIC WATER: Water supplied for domestic purposes by the city or county and approved by the Kansas State Department of Health and Environment.
57. REGULATORY FLOOD: (Applicable only under an approved Flood Ordinance).

58. REGULATORY FLOOD ELEVATION: (Applicable only under an approved Flood Ordinance).
59. REGULATORY FLOOD PLAIN: (Applicable only under an approved Flood Ordinance).
60. RESUBDIVISION (REPLAT): The further subdivision of a tract of land which has previously been lawfully subdivided and for which a plat of such prior subdivision has been duly recorded.
61. RIGHT-OF-WAY: The area between boundary lines of a street or other easement.
62. ROADWAY (TRAVELED WAY): The portion of the street available for vehicular traffic, and where curbs are laid, the portion from back to back of curbs.
63. SECRETARY: Secretary of the Planning Commission.
64. 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 not be erected or altered.
65. SIDEWALK: A pedestrian walkway with a concrete surface constructed to city minimum standards.
66. SKETCH PLAN: A map or plan of a proposed subdivision preparatory to the preparation of the preliminary plat to enable the subdivider to save time and expense in reaching tentative general agreements by a discussion of the form and objectives of these regulations.
67. STREET: A right-of-way, other than an alley, dedicated to the public use, or a private right-of-way serving more than one ownership, which provides principal vehicular and pedestrian access to adjacent properties.

- (a) Major (Arterial) Street: A street which provides for through traffic movement between and around areas and across the city generally with direct access to abutting commercial, industrial, high density, and institutional property; subject to necessary control of entrances, exits and curb uses. Residential uses generally have limited access.
- (b) Collector Street: A street which provides for traffic movement between arterial and local streets, with direct access to abutting property.
- (c) Local (Minor) Street: A street which provides direct access to abutting land and for local traffic movement, whether in business, industrial or residential areas.
- (d) Marginal Access Street or Frontage Road: A minor street which is parallel and adjacent to an arterial (major) street, highway, or railroad right-of-way and provides access to abutting properties.

68. STREET, MARGINAL ACCESS: (See STREET CLASSIFICATION).

69. STREET WIDTH: The distance measured perpendicular to the centerline of the paved portion of the right-of-way; either to the back of the curb, where a curb exists, or to the edge of the pavement where no curb exists.

70. STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Structures include, but are not limited to: buildings, walls, sheds, and towers.

71. SUBDIVIDER: A person, firm, corporation, partnership, association, estate, trust or any combination thereof acting as defined herein, as a unit who causes land to be subdivided for himself or for others.

72. 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. The pending transfer of ownership of a portion of a parcel or tract through "contract" sale or similar agreement is considered a subdivision. If a new street is involved, any division of a parcel of land shall be considered to be a subdivision. The term subdivision includes resubdivision and the term "resubdivision" as used herein, 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.

73. TURNAROUND. An area at the closed end of a dead-end street or cul-de-sac within which vehicles may reverse their direction without any backing up.

74. VISION TRIANGLE: An area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially

impede vision between a height of three (3) feet and eight (8) feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, 90 feet in each direction along the centerline of the streets.

75. WATERCOURSE: A body of water flowing in an identifiable channel, watercourse, natural, or man-made, and which is not dry more than six (6) months a year.