

SUBDIVISION REGULATIONS

City of South Hutchinson, Kansas

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prepared by the

SOUTH HUTCHINSON PLANNING COMMISSION

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**City of South Hutchinson, Kansas
Subdivision Regulations**

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GENERAL PROVISIONS

Sections:

1-101 Title and Scope

1-102 Purpose

1-103 Jurisdiction

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1-106 Definitions

1-101 Title and Scope: These Regulations, entitled the South Hutchinson Subdivision Regulations, prescribe minimum design requirements and approval procedures for the development of new subdivisions and resubdivisions of land in South Hutchinson, Kansas, and its extraterritorial jurisdiction as described herein.

1-102 Purpose: The division and improvement of land for urban or nonagricultural development has a significant and lasting impact upon the physical environment of South Hutchinson, Kansas, and its extraterritorial jurisdiction, and it places increasing demands upon public facilities and services. The creation of new streets, lots and utility systems requires significant public and private capital investments. Failure to properly size and construct adequate sewers and streets, ensure available water supplies, manage storm water runoff and erosion, and plan for public services often results in physical and environmental problems which are difficult and costly to resolve.

These Regulations set forth uniform rules and procedures for the division of land and improvement of real property into new lot(s) to assure that new lot(s) or subdivisions are properly planned and integrated with existing streets, utilities and other public facilities systems; to prevent potential environmental hazards; to coordinate the use of private and public resources to achieve planned and orderly land development through proper location and design of streets, building lines, open spaces, and utilities; and to establish standards by which streets, utilities and other physical improvements shall be erected, constructed or installed.

1-103 Jurisdiction: Except as otherwise provided herein, these Regulations shall apply to all of the land within the corporate limits of the City of South Hutchinson, Kansas, and the following described lands in unincorporated Reno County, Kansas, which comprise the extraterritorial jurisdiction of the City of South Hutchinson, Kansas:

In Township 23 South, Range 5 West of the 6th P.M., the following sections or parts of sections: all of sections 30 and 31 lying south of the Arkansas River.

In Township 23 South, Range 6 West of the 6th P.M., the following sections or parts of sections: all of sections 22, 26, 27, 28, 29, 33, 34, 35 and 36; the E 1/2 of section 21; all of sections 23, 24 and 25 lying south and west of the Arkansas River; and all of section 32 except the SW 1/4.

In Township 24 South, Range 6 West of the 6th P.M., the following sections: all of sections 1, 2, 3, 11 and 12; all of section 4 except the SW 1/4; and all of section 10 except the SW 1/4.

1-104 Applicability: These Regulations shall apply to any person desiring to do any of the following:

1. Build on a lot not platted in conformance to these Regulations unless said lot is exempt as provided herein.
2. Subdivide or further subdivide any lot or tract of land into two or more parts.
3. Resubdivide any lot or tract of land that has previously been subdivided into two or more parts.
4. Establish any street, alley, sidewalk, park or other property intended for public use or for the use of prospective or existing owners of lots or tracts of land fronting on or adjacent to such property.

The owner(s) of any land located within the jurisdiction of these Regulations subdividing said land in a manner previously cited shall cause to be prepared a subdivision plat in accordance with the provisions of these Regulations. No building permit shall hereafter be issued by South Hutchinson, Kansas, for construction on any land that has not been subdivided in compliance with these Regulations and all other applicable state laws, Reno County laws and South Hutchinson regulations in effect at the time of the subdivision of said land.

1-105 Exemptions: These Regulations shall not apply in the following instances or transactions:

1. Any lot or tract of land located within the area governed by these Regulations that has been legally subdivided or platted prior to the effective date of these Regulations.
2. The division or further division of land into tracts of 40 acres or more when subdivided only for agricultural purposes, when it does not entail the establishment of a new residential dwelling, and when it does not involve or result in the creation of any new streets, easements of access or other dedication.
3. A transaction between owners of adjoining tracts of land or lots which involves only a change in the boundary between the land owned by such persons, provided no additional lots are created and such newly formed tracts of land or lots comply with the design requirements for lots in Section 4-104 of these Regulations and applicable provisions of the South Hutchinson Land Development Code.
4. The use of land for right-of-way by railroads or public utilities subject to local, state or federal regulations, provided no new street is created or involved.

5. The division of a tract of land or lot which creates no more than one additional tract or lot subject to the provisions for lot splits described in Article 3 of these Regulations, and provided such division does not involve the creation of any new streets or easements of access and such newly created tracts or lots comply with the design requirements for lots in Section 4-104 of these Regulations and applicable provisions of the South Hutchinson Land Development Code. A division created by new public road alignments is permitted and shall not be counted as a division described in this section.

All other divisions of land into lots or tracts of land shall be platted in compliance with the requirements of these Regulations.

1-106 Definitions: For the purpose of these Regulations, certain terms, words, and phrases are hereby defined and shall have the meaning assigned to them in this Section when used or referred to throughout these Regulations.

1. **ACCESS:** The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.
2. **ALLEY:** A public or private thoroughfare which provides only a secondary means of access to abutting property.
3. **ARTERIAL STREET:** See Major Street.
4. **BLOCK:** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroads, rights-of-way, shoreline or waterways, or boundary lines of municipalities.
5. **BOND:** Any form of security including cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the City of South Hutchinson. All bonds shall be approved by South Hutchinson whenever a bond is required by these Regulations.
6. **COLLECTOR STREET:** A street intended to move traffic from local roads to major streets. A collector street serves a neighborhood or large subdivision and should be designed to discourage residential properties from facing onto it.
7. **CORNER LOT:** A lot abutting upon two or more streets at their intersection.
8. **CITY:** The Governing Body of the City of South Hutchinson, Kansas, or its delegated staff, boards or agencies.
9. **CITY ATTORNEY:** The City Attorney, or such licensed attorney designated by the City Attorney, responsible for the prosecution of all violations of these Regulations in accordance with the provisions contained herein, and as established by law.

10. **CITY ENGINEER:** The City Engineer, or such licensed engineer designated by the City Engineer or Governing Body, to provide engineering assistance in administering these and other Regulations governing areas of normal responsibilities assigned to the City Engineer.
11. **COUNTY HEALTH OFFICER:** The Director of the Reno County Health Department, or such person designated to administer the health regulations of Reno County.
12. **CUL-DE-SAC:** A local street with only one outlet and having a circular turnaround for the safe and convenient reversal of traffic movement.
13. **DEAD END STREET:** A street having only one outlet.
14. **DEVELOPER:** The owner, or any other person, firm or corporation authorized by the owner, undertaking proceedings under the provisions of these Regulations for the purpose of subdividing land.
15. **DOUBLE FRONTAGE:** A lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.
16. **EASEMENT:** A grant by a property owner to specific persons or the public to use land for a specific purpose or purposes. Also, a right acquired by prescription.
17. **FINAL PLAT:** The map, plan or record of a subdivision and any accompanying materials, as described in these Regulations.
18. **FLAG LOT:** A lot, tract or parcel of land that provides minimum frontage to a road or street by a narrow strip of land and whose main body of land lies to the rear of the property.
19. **FRONTAGE:**
 - A. **STREET FRONTAGE:** All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
 - B. **LOT FRONTAGE:** The distance for which the front boundary line of the lot and the right-of-way are coincident.
20. **FRONTAGE ROAD:** A public or private, marginal access roadway, generally paralleling and contiguous to a street or highway, providing access to abutting properties. A frontage road is designed to promote safety by eliminating unlimited ingress and egress to the principal street or highway by providing points of access at generally uniformly spaced intervals.
21. **GOVERNING BODY:** The Board of City Commissioners of South Hutchinson, Kansas.

22. **GRADE:** The slope of a road, street or other public way (rise/run), specified in percent (%).
23. **IMPROVEMENTS:** All facilities constructed or erected by the developer and/or public entity within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, commercial, or industrial use.
24. **LOCAL STREET:** A street intended to provide access to other roads from individual properties.
25. **LOT:** A portion of a subdivision or other parcel of land intended as a unit of ownership and occupied or intended to be occupied by one main building and an accessory building or a complex of buildings, including the open spaces and parking required by these Regulations and/or the South Hutchinson Land Development Code. A lot may be more than one lot of record or may be a metes-and-bounds described tract having its principal frontage upon a street.
26. **MAJOR STREET:** An arterial or thoroughfare which primarily serves as a transportation link for vehicular traffic and discourages direct access from residential lots.
27. **MONUMENT:** The device, usually a metallic bar or tube, used to mark and identify the corners in the boundaries of subdivisions or lots.
28. **OWNER:** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in a tract of land.
29. **OFFSET STREET:** A continuous street whose centerline is not tangent through an intersection.
30. **PRELIMINARY PLAT:** The preliminary drawing or drawings, described in these Regulations, indicating the proposed manner or layout of the subdivision.
31. **RESUBDIVISION:** A change in a map of an approved or recorded subdivision plat if such change affects any street layout shown on such map, any area reserved thereon for public use, or if it affects any map or plan legally recorded prior to the adoption of any Regulations controlling subdivisions. Tract or lot splitting may be allowed as specified within these Regulations.
32. **RIGHT-OF-WAY:** A strip of land dedicated or reserved for use as a public way, which normally includes streets, sidewalks, or other public utility or service areas.
33. **SETBACK:** The distance between a building and the lot line, or road right-of-way line, whichever provides the desired minimum distance.

34. **SHORT-FORM PLAT:** A map or drawing of a proposed subdivision containing four lots or less giving, in form suitable for filing in the office of the County Register of Deeds, necessary affidavits, dedications and acceptances, and containing a complete legal description (including references to field markers) sufficient to locate on the ground all streets, alleys, blocks, lots and other divisions of the subdivision.
35. **SIDEWALK:** A paved walkway located along the side of a street.
36. **STREET:** An easement or right-of-way, other than an alley, which provides principal access to adjacent properties.
37. **SUBDIVISION:** Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots or interests for the purpose of offering same for sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions, including resubdivision. A subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes-and-bounds description, map, plat or other recorded instrument.
38. **SUBDIVISION, NON-RESIDENTIAL:** A subdivision which is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these Regulations.
39. **TRACT OR LOT SPLIT:** The dividing or redividing of a lot or tract of land into not more than two tracts or lots, subject to the criteria within these Regulations.
40. **WALKWAY:** Any pathway, surfaced or otherwise, intended for pedestrian use only.
41. **ZONING ADMINISTRATOR:** The person or persons authorized and empowered by the Governing Body to administer the requirements of these Regulations.

ARTICLE 2
PROCEDURE FOR APPROVAL OF SUBDIVISIONS

Sections:

- 2-101 General Provisions**
- 2-102 Pre-Platting Conference**
- 2-103 Preliminary Plat**
- 2-104 Final Plat**
- 2-105 Short-Form Plat**

2-101 General Provisions: This Article establishes uniform procedures and platting requirements for subdivisions subject to these Regulations. No final plat shall be filed or recorded with the County Register of Deeds as required by law unless and until it has been acted upon by the Planning Commission and approved by the Governing Body as required herein.

2-102 Pre-Platting Conference: Any person desiring to subdivide land into five or more lots shall be required to attend a pre-platting conference with the Zoning Administrator as a first step to filing an application for a preliminary plat. Owners of proposed subdivisions of less than five lots are encouraged to hold a pre-platting conference; however, it is not mandatory and they may proceed with filing a preliminary plat. Arrangements for this conference shall be made by contacting the Zoning Administrator.

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 South Hutchinson'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 these Regulations, identify additional requirements for further processing of the proposal, and to advise them of applicable zoning provisions or conflicts and special design considerations presented 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 his representative may, if he deems it desirable, prepare a schematic drawing of the proposed subdivision in order to receive any pre-plat comments of the staff which may prove helpful in designing the preliminary plat. The sketch plan should convey the location of the proposed subdivision; the general layout of the proposed subdivision including the location and size of streets and the orientation, number and dimensions of the lots; plans for water supply and sanitary sewage disposal; and any particular design problems posed by the existing natural or man-made conditions and characteristics of the site which could benefit from an early discussion.

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 South Hutchinson 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.

2-103 Preliminary Plat:

1. **Application:** A subdivision application form shall be filed with the Zoning Administrator and shall be accompanied by 20 copies of the preliminary plat. 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 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 and names of streets with general dimensions and appropriate grades 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 to be installed, 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. A statement or other indication of phasing of the development and an appropriate timetable if applicable.
7. Vicinity sketch which 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. He 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 South Hutchinson 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 these Regulations. After reviewing the preliminary plat based on the objectives and requirements of these Regulations, comments from concerned citizens, and the report from the Zoning Administrator, the Planning Commission shall take action on the acceptance, modification or rejection of the preliminary plat. Approval of the preliminary plat by the Planning Commission shall permit the applicant to proceed with the filing of a 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. The Governing Body, at its request, may require that it must approve the preliminary plat before the applicant can submit a final plat.
6. **Effect of Approved Preliminary Plat:** Approval of the preliminary plat does not constitute final acceptance of the subdivision by South Hutchinson. It establishes the overall layout and design of the proposed subdivision and authorizes the applicant to prepare a final plat. Any deviation of the final plat from the intent of the approved preliminary plat as determined by the Planning Commission shall be disallowed and shall cause the reinitiation of the preliminary platting process. 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 six (6) months, is applied for by the developer and granted by the Planning Commission. An extension shall be granted only once.

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 20 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. In addition to the 20 copies, one (1) original final plat shall be submitted at least ten (10) days prior to the Planning Commission meeting. Said original final plat shall be clearly and legibly drawn at a scale of 1" = 100' in India ink upon a 24" x 36" tracing cloth of good quality, and shall contain the information required 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 acknowledgment 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 sites for public use.
18. Such other certificates, affidavits, endorsements, or dedications as may be required by the Planning Commission in the enforcement of these Regulations.
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 South Hutchinson, 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 Reno County, Kansas.

B. Items Pertaining to the Final Plat:

1. Two (2) copies of separate drawings showing a profile and cross section of all streets, alleys or public ways to be dedicated for public use. The profiles and cross sections shall be drawn to specifications as on file and acceptable to the City Engineer's office.

2. A certificate which states that the person or persons whose names are signed to this document and/or appear on the final plat are the sole and lawful owners of the property, that the plat is made with their desires, and that they dedicate the areas shown on the plat or as set forth in the document to the perpetual use and ownership by the public for the specific purpose stated therein or thereon. Ownership shall be verified by the County Clerk.
 3. Certification by the County Clerk showing that all due or unpaid taxes have been paid in full.
 4. A copy of any restrictive covenants applicable to the subdivision, if any; provided, the developer or subsequent homeowners association shall be responsible for the enforcement of any and all restrictive covenants filed for any subdivision and no provisions of said restrictive covenants shall supersede any restrictions or regulations established by these or any other local or state rules, regulations or laws.
 5. Three (3) copies of a properly executed written agreement by the developer to undertake and complete, to the satisfaction of the City, all public improvements required as a condition for approval of the plat. The agreement shall also set out the time limit for the completion of the specified work, the amount of bond or other acceptable surety to be posted as security for satisfactory completion of the work, and the right of the City, in the event the required work is not completed in a proper or timely manner, to perform or complete the work and recover the actual cost thereof from the developer or the developer's sureties. The developer's agreement for public improvements will set out the public improvements required and also set out or incorporate by appropriate references, the plans and specifications for said improvements. The developer's agreement and bond for required public improvements shall be reviewed and approved as to the form and content by the City Engineer and the City Attorney. The Governing Body may defer the submission of the written agreement until after the final plat has been approved.
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 45 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 South Hutchinson 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 8 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 Reno County, Kansas, after approval of the final plat by the Governing Body as required by State law.

2-105 Short-Form Plat:

1. **Application:** A short-form plat procedure is included within these Regulations 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 these Regulations. 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 20 copies of the plat with the Zoning Administrator along with the additional information required herein.
2. **Short-Form Plat Contents:** A short-form plat must be drawn with India ink on good quality tracing paper and must be drawn to a scale of not less than 1" = 200'. 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, including but not limited to all bonding requirements.
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.

**ARTICLE 3
TRACT OR LOT SPLITS**

Sections:

3-101 Objective

3-102 Authorization for Approval of Lot Splits

3-103 Application Procedure

3-104 Approval Guidelines

3-105 Industrial Lot Splits

3-101 Objective: The objective of this Article is to provide for the division of a tract of land or lot into not more than 2 tracts or lots without having to comply with the platting requirements described in Article 2. Such tract or lot split shall be subject to the guidelines established in Section 3-104 and any further divisions of the tract(s) or lot(s) shall be platted in compliance with the requirements of Article 2.

3-102 Authorization for Approval of Lot Splits: The Zoning Administrator is hereby authorized to approve or disapprove a tract or lot split in accordance with the provisions of this Article. Appeals from a decision made by the Zoning Administrator may be made by the applicant to the Governing Body for a final determination.

3-103 Application Procedure: The application for a tract or lot split shall be made to the Zoning Administrator on forms provided and shall be accompanied by the following information:

1. Three copies of a drawing to a scale of not less than 1" = 100' showing the lots involved, the precise location of any structures thereon, and the location and dimensions of the original and proposed lots or tracts. Said drawing shall be a certificate of survey from a licensed land surveyor to determine the exact location of the structures and the precise dimensions of the lots or tracts.

3-104 Approval Guidelines: No tract or lot split shall be approved if one or more of the following applies:

1. A new street or alley is needed or proposed.
2. Such action will result in significant increases in service requirements, e.g., utilities, traffic control, streets, etc.; or will interfere with maintaining existing service levels, e.g., additional curb cuts or points of access, repaving, etc.
3. There is less street right-of-way than required by these Regulations, unless dedication of additional right-of-way can be made by separate instrument.
4. Any easement requirements have not been satisfied.

5. Such split will result in a tract or lot without direct access to and/or less than 50 feet of frontage on a street.
6. A substandard sized tract or lot will be created according to these Regulations or the South Hutchinson Land Development Code.

The Zoning Administrator shall, in writing, either approve, with or without conditions, or disapprove the tract or lot split within 15 working days of the application.

The Zoning Administrator may make such additional requirements as deemed necessary to carry out the intent and purpose of these Regulations. Such requirements may include, but not be limited to, installation of public facilities or dedication of right-of-way and/or easements.

3-105 Industrial Lot Splits: The unlimited division of a platted lot used for industrial purposes only shall be permitted; provided, the resulting lots are used for industrial purposes in accordance with the South Hutchinson Land Development Code.

ARTICLE 4
SUBDIVISION DESIGN STANDARDS

Sections:

- 4-101 Applicability**
- 4-102 Street Standards**
- 4-103 Alleys**
- 4-104 Block Standards**
- 4-105 Lots**
- 4-106 Easements**
- 4-107 Drainage**
- 4-108 Water and Sewer Facilities**
- 4-109 Large Lot Subdivisions**
- 4-110 Public Sites and Open Spaces**
- 4-111 Bench Marks, Corner Monuments, and Other Markers**
- 4-112 Community Assets**

4-101 Applicability: All subdivisions of land subject to these Regulations shall conform to the following minimum design standards. Such design criteria shall govern the approval of subdivision plats by the Planning Commission and the Governing Body. All plats shall be prepared under the direct supervision of a registered engineer or land surveyor of the State of Kansas, and all submittals shall bear the seal of said registered engineer or land surveyor.

All subdivisions shall be platted with due consideration toward sound traffic engineering principles, safe and accessible building sites, adequate methods of storm water drainage and provisions for a sanitary water supply and effective sewage disposal system. All subdivision plats shall be consistent with applicable City development plans and policies and shall be coordinated with existing, planned or committed public improvements. All subdivision plats shall comply with all local, state and federal laws and regulations.

4-102 Street Standards:

- 1. Comprehensive Plan Compliance:** The arrangement, character, extent, and location of all streets shall conform to the Comprehensive Plan or other plans and standards as adopted.
- 2. External Street Considerations:** The arrangement, alignment, and width of streets in new subdivisions shall be properly integrated with the existing principal street or road system and where appropriate shall provide for the continuation of existing principal streets in adjoining subdivisions or their projection where adjoining property is not platted. In no case shall the width of streets in new subdivisions be less than the minimum street widths established in this Article.

3. **Internal Street Layout, General:** The location, arrangement, character and type of all streets shall be designed in relation to topographical conditions, the extent and impact of storm water runoff, the safe and convenient circulation of traffic within the subdivision, and the uses of the land to be served by such streets. When possible, local streets shall be planned so as to discourage through traffic and to conveniently channel traffic onto collector and arterial streets.
4. **Internal Street Layout, Residential Development:** The use of curvilinear streets, cul-de-sacs, u-shaped streets, or cluster developments shall be encouraged in residential areas when appropriate. However, the excessive use of cul-de-sacs shall be discouraged. No streets shall be laid out so as to intersect with themselves, unless topographic conditions warrant.
5. **Internal Street Layout, Non-Residential Development:** In commercial or industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, the provision of alleys, truck loading and maneuvering areas, walks, and parking areas to as to minimize conflict of movement between the various types of traffic, including pedestrian.
6. **Street Intersections:** Streets shall be designed to intersect as nearly as possible at right angles, except where topography or other natural conditions justify a variation. However, in no instances shall two streets intersect at an interior angle of less than 75 degrees without written consent of the City Engineer.
7. **Multiple Intersections:** Intersections involving the junction of more than two (2) streets shall be avoided whenever possible.
8. **Intersection Curvature:** When connecting streets deflect from each other with an interior angle of less than 75 degrees they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than two hundred (200) feet for local and collector streets, and of such greater radii as the City Engineer shall determine for arterial streets.
9. **Curb Radii and Vision Triangle:** Street pavement at intersections shall be rounded by the following minimum radii:

<u>Street Classification</u> <u>Radii</u>	<u>Intersection With</u>	<u>Minimum Curb</u>
Arterial or Collector	Arterial or Collector	25 feet
Local	Arterial	25 feet
Local	Collector or Local	20 feet

The Planning Commission may set specifications for curb radii, upon advice of the City Engineer, greater than the minimum standards herein.

10. **Offset Streets:** Offset streets whose centerlines are separated by less than 150 feet shall be avoided, except where topography or other conditions justify a variation.

11. **Reserve Strips:** There shall be no reserve strips controlling access to streets. The subdividing of land shall be such as to provide each lot, by means of either a public street or way or permanent easement, with satisfactory access to an existing public highway or street.
12. **Private Streets:** There shall be no private streets platted in any subdivision.
13. **Travel Easements:** The Planning Commission may recommend a Travel Easement to be substituted for a public street where it is deemed necessary or advantageous. Such easement shall include covenants, running in favor of the City related to future construction and maintenance, and shall be designed to the proper standards as set out in these Regulations, unless otherwise allowed by the Planning Commission. Travel easements are to be for the share access (driveway) by not more than two (2) lots.
14. **Half Streets:** Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these Regulations and where the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
15. **Visibility:** Clear visibility, measured along the centerline of a street, shall be provided for at least two hundred (200) feet on all streets.
16. **Access to Arterials:**
 - A. Where a proposed commercial or industrial subdivision borders on or contains an existing or proposed limited access arterial, the Planning Commission may require a street system design which affords separation of through and local traffic. This may be accomplished through reverse frontage lots with access control provisions along the rear property line, deep lots with rear service areas, or frontage roads.
 - B. Where a residential subdivision borders on or contains an existing or proposed arterial street, the Planning Commission may require that access to such streets be limited by any of the following means:
 1. The subdivision of lots so as to back onto the arterial street and front onto a parallel local street. No access shall be provided directly to any lot from the arterial street, and screening shall be provided by the developer in a screening easement along the rear property lines of such lots.
 2. A series of cul-de-sacs, u-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the street lines of their terminal lots backing onto the arterial street. No direct access to the arterial street shall be allowed.

3. A frontage road, separated from the arterial street by a ten (10) foot wide planting or grass strip, and having access at suitable points.
17. **Railroad Right-of-way:** Where a subdivision borders on or contains a railroad right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land, such as for park purposes in residential districts or for commercial and industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
 18. **Dead-End Streets and Cul-De-Sacs:** Permanent dead-end streets shall be cul-de-sacs. A cul-de-sac shall be no longer than 600 feet in length, measured along the centerline of the cul-de-sac from the centerline of the intersecting street to the radius point, and shall have an adequate turnaround with a minimum 60 foot radius right-of-way at the closed end. Temporary dead-end streets longer than 100 feet intended to be continued for access to adjoining property shall have a temporary turnaround area to provide service equal to the cul-de-sac requirement stated above.
 19. **Right-Of-Way and Street Widths:** In order to provide for streets of suitable location, width and improvements to accommodate future traffic and afford satisfactory access to emergency and service vehicles, and to coordinate streets to as to develop a convenient system that avoids undue hardships to adjoining properties, the following design standards are hereby required. Street classifications may be indicated on the Comprehensive Plan or other plans or standards as adopted, or shall be as determined by the Planning Commission.

<u>IMPROVEMENT</u> <u>RESIDENTIAL</u>	<u>RESIDENTIAL</u>	<u>NON-</u>	
<u>Minimum Right-of-Way (in feet)</u>			
Arterial	80		
80			
Collector	60		
60			
Local	60		
60			
Cul-de-sac	60		
60			
<u>Minimum Paved Width B/B (in feet)</u>			
	<u>(High)</u>	<u>(Low)</u>	
Arterial	40*	40*	60*
Collector	32*	32*	40*
Local	32**	32**	32***
Cul-de-sac	32**	32**	32***

*With concrete 6" Vertical Firm Curbs

**With 2'6" Roll Type Curb & Gutter
***Curb design at discretion of City Engineer

20. **Parking and Sidewalk Requirements:** The following shall be required improvements accommodating on-street parking and sidewalks:

On-Street Parking & Sidewalk Requirements

	<u>Parking</u>	<u>Sidewalks</u>
Arterial	None permitted	On both sides
Collector	Case-by-case	On both sides
Local	One side only	On one side*
Cul-de-sac	One side only	On one side*

*On same side as "No Parking"

21. **Street Widths:** In front of areas designated and zoned for a commercial or industrial use, or where a petition for a change in zoning is contemplated for a commercial or industrial use, to permit such use, the street width shall be increased by such amount on each side deemed necessary by the Planning Commission to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide safe parking space for such commercial or industrial districts.
22. **Centered Improvements:** The improved portion of streets shall be centered within the right-of-way, except in the cases where the Planning Commission may allow.
23. **Vertical Curves:** Vertical curves are required for changes in grade.
24. **Reverse Curves:** A tangent shall be provided between all reverse curves of a sufficient length, as related to the radius of the curves, so as to provide for a smooth flow of traffic.
25. **Road Grades:** No street grade shall be greater than seven percent (7%) nor less than five-tenths of one percent (0.5%).
26. **Street Names:** Streets which are substantially in alignment with existing streets shall, unless otherwise illogical or due to severe directional change, bear the names of the existing streets. The names of such new streets shall be approved by the Planning Commission.
27. **Street Surfacing:** All streets shall be constructed according to the standards and specifications of the City as established by and on file with the City Engineer.

4-103 **Alleys:**

1. **Alleys Required, When:** Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed. Alleys shall be discouraged in residential areas.
2. **Width:** The minimum width of an alley shall be twenty (20) feet.

3. **Grade**: All alleys shall be graded to drain.
4. **Dead-End Alleys**: Dead-end alleys are prohibited.

4-104 Block Standards:

1. **Lengths**: Blocks shall be delineated by intersecting streets at such intervals as to sufficiently provide for cross traffic and to furnish access to existing streets adjoining the new subdivision. In residential districts, no block shall be longer than 900 feet between centerlines of streets, except variations may be allowed in instances where topography or other conditions prohibit compliance.
2. **Design**: The configuration of blocks shall be determined with regard given to:
 - A. Zoning requirements as to lot sizes and dimensions.
 - B. Provision of adequate building sites suitable to the particular needs of the type of use intended.
 - C. Topography as it affects storm water drainage and erosion.
 - D. Need for convenient circulation, access, safety and control of vehicular and pedestrian traffic.
3. **Walkways**: Pedestrian walkways may be required where deemed necessary by the Planning Commission to provide convenient access to schools, parks, playgrounds or other public or private community facilities. Pedestrian crosswalks, not less than (10) feet in width, shall be required where deemed essential by the Planning Commission to provide circulation or access to schools, parks, playgrounds, shopping centers, transportation and other facilities.
4. **Pedestrian Easements**: Pedestrian easements not less than ten (10) feet in width shall be dedicated to the public through blocks where deemed essential by the Planning Commission to provide pedestrian access to schools or other community facilities. These easements shall be provided with walkways and said walkways shall be constructed in a manner approved by the City Engineer.

4-105 Lots:

1. **Frontage Requirements**: Every lot shall have frontage on a street at least equal to the requirements of the zoning district in which it is located; except those lots fronting on the end of a cul-de-sac, which shall meet the frontage requirements as measured on a radius at the front yard setback line, and except those lots served by an approved travel easement.

2. **Size:** The size, width, depth, shape and orientation of lots and any minimum building setback lines shall be appropriate to provide safe and adequate building sites based upon the location of the subdivision and for the type of development and use intended. At a minimum, lots shall have dimensions and sizes and provide for space requirements no less than as required by the Land Development Code.
3. **Side Lot Lines:** All side lot lines shall be at right angles to straight street lines and radial to curved street lines where practicable.
4. **Commercial/Industrial Lots:** Lots reserved or laid out for commercial and/or industrial purposes shall be of adequate size to provide for the off-street service and parking facilities required by the type of use, zoning district and development contemplated.
5. **Double Frontage:** Double frontage lots shall be avoided for single-family residential dwellings except where the lots abut upon a limited access highway or arterial street, or where the topography of the land prevents reasonable subdivision into additional lots. Double frontage lots shall not have vehicular access between such lots and an abutting limited access highway or arterial street.
6. **Major Streets:** When possible, lots intended for residential use facing on major streets shall be avoided. It is preferable that the sides or backs of such lots adjoin major streets with the vehicular egress from such lots being oriented to a minor street.
7. **Corner Lots:** Corner lots intended for residential use shall have additional width to allow appropriate building setback and orientation to both streets and to provide adequate corner visibility.
8. **Addressing of Lots:** House numbers shall be assigned to each lot by the Zoning Administrator and shall be displayed and legible in accordance with City standards.

4-106 Easements:

1. **Utility:** Permanent easements shall be provided where necessary for the location and servicing of utility poles, wires, conduits, storm and sanitary sewers, water and gas mains and other public utilities. Utility easements located along rear lot lines shall measure at least 20 feet wide and be centered on such rear lot line. Utility easements located along side lot lines shall measure at least 15 feet wide and shall be centered on such side lot lines; provided, whenever utility easements are located around the perimeter of the area to be subdivided, they shall be contained wholly within such area. Utility easements located along front lot lines shall measure at least 10 feet wide. No utilities shall be buried within the driving surface of the street.
2. **Drainage:** A drainage easement may be required for a proposed subdivision which is traversed by a watercourse, drainage way or drainage channel. Such easement shall conform substantially to the lines of such watercourse and shall be of such width as may be necessary to provide adequate storm water drainage and access for maintenance.

3. **Travel Easements:** Travel easements may be allowed in accordance with the provisions of this Article.
4. **Pedestrian Easements:** Pedestrian easements may be required in accordance with the provisions of this Article.
5. **Aviation Easements and Other Restrictions:** Land located within the vicinity of established flight paths and noise impact areas of public-owned or controlled airports, as determined by the Planning Commission, shall be required to grant a permanent aviation easement to the public. All aviation easements shall allow aircraft to operate within the "navigable airspace" as defined by the Federal Aviation Act of 1958, as amended. Consistent with FAA Regulations, the Planning Commission may disapprove a plat, or portion thereof, which could create a hazardous situation for air traffic and the general public resulting from development and construction of a project.

4-107 Drainage:

1. **Drainage Plans:** The developer shall include a drainage plan, as required by Section 2-103(2)(b)(4), and shall design storm water facilities according to the Storm Drainage Master Plan for the City. Drainage plans shall include, but are not limited to:
 - A. A complete drainage-area map showing the natural drainage area boundaries, direction of surface flow, any large impervious areas, existing and proposed streets, man-made or natural obstructions to be avoided for storm drainage locations, runoff calculations for existing and for developed conditions, and proposed inlet locations.
 - B. A grading design so that drainage from each lot should flow directly to a channel or detention area without crossing more than four (4) adjacent lots or four hundred (400) feet, whichever is less.
2. **Detention Facilities:** The developer shall install detention facilities when the Planning Commission determines that a subdivision provides enough area for runoff control and determines that detention facilities are necessary, and will not adversely affect downstream conditions. Examples of instances when detention facilities are required are:
 - A. If the runoff coefficient is greater than point five (.5), any subdivision request of five (5) acres or more must provide detention facilities.
3. **Storm Sewers:** The dedicated non-pavement street right-of-way may be utilized for storm sewer facilities.

4-108 Water and Sewer Facilities:

1. Water and Sewer:

- A. All subdivisions located either within the City limits or in areas to be annexed by the City shall have water and sanitary sewer systems designed to the standards of the City Engineering Department.
- B. All other subdivisions within the jurisdiction of these Regulations shall design the water and sanitary sewer systems in accordance with the standards of the Reno County Sanitation Regulations.

2. Fire Hydrants: Fire hydrants shall be located on all City streets at least every four hundred (400) feet when the development is being or is proposed to be served by City water. The Planning Commission may require the location of hydrants closer than four hundred (400) feet based on the recommendation of the Fire Chief.

3. Location: Water and sanitary sewer systems may be located within the dedicated non-pavement street right-of-way.

4-109 Large Lot Subdivisions: When a proposed subdivision involves lots of one (1) acre or more in area, consideration shall be given to the design and layout of the subdivision to any re-subdividing that might take place in the future, with proper provision being made for such street extensions and utility improvements as may be necessary.

4-110 Public Sites and Open Spaces: Where deemed necessary by the Planning Commission, upon consideration of the particular type of development proposed in the subdivision, the Planning Commission may require the dedication or reservation of such other areas or sites of a character, extent, and location suitable to the needs created by such development for schools, parks, and other public or open spaces. The requirement of the dedication of such public sites and open spaces by the Planning Commission shall not constitute an acceptance of the dedication by the City.

4-111 Bench Marks, Corner Monuments, and Other Markers:

1. Bench Marks:

- A. All elevations shown on plats shall be based on city datum.
- B. The permanent bench mark location and description that is used to extend datum to the project shall be noted on the Preliminary Plat and Final Plat.

2. **Monuments:**

- A. Monuments at the main controlling corners of each unit of a subdivision shall consist of one-half (1/2) inch iron bar, three (3) feet long, and be encased in concrete. Variations to the three (3) foot length may be allowed based on subsurface conditions.
- B. All lot corners and control points for horizontal curves within the subdivision shall be marked with a one-half (1/2) inch iron bar at least two (2) feet long.

3. **U.S. Government Corners:** Whenever a survey originates from a United States public land survey corner or any related accessory, the land surveyor shall file a copy of the completed survey and references to the corner or accessory with the Department of Archives, Kansas State Historical Society and with the County Surveyor. Such survey shall be filed within thirty (30) days of the date the references are made.

- A. Any altered, removed, damaged or destroyed corner shall be restored.
- B. Whenever such a corner or any related accessory is restored, re-established or replaced due to construction activities, a restoration report shall be filed with the Department of Archives, Kansas State Historical Society as specified in K.S.A. 21-3724, as amended.

4. **Existing Markers:** At any time during construction of the subdivision, if a stone marker should be found, the developer shall place an iron disc next to the stone to facilitate the location of the stone in the future.

4-112 Community Assets: In all subdivisions, due regard shall be given to the preservation of any historical sites, drainage courses, areas of particular aesthetic value, or large and/or valuable trees.

**ARTICLE 5
REQUIREMENTS FOR IMPROVEMENTS**

Sections:

- 5-101 Applicability**
- 5-102 Required Improvements**
- 5-103 Financing**
- 5-104 Relation to Plat Approval**
- 5-105 Relocation of Existing Facilities**
- 5-106 Acceptance**
- 5-107 Building Permits**
- 5-108 Off-Site Improvements**

5-101 Applicability: Prior to and as a condition of approval of any final plat by the Governing Body, the developer shall agree to install or provide for the installation of certain improvements within the proposed subdivision. Such improvements installed by the developer shall comply with the standards and specifications of the City, utility company or public agency having jurisdiction and shall be subject to any applicable surety requirements to guarantee their proper installation.

5-102 Required Improvements: Every developer shall install, or through the appropriate public agency and/or utility company provide for the installation of the following improvements in accordance with the conditions and specifications required herein:

1. Water Supply and Sewage Disposal:

A. Water Supply:

1. Where an approved public water supply is reasonably accessible or procurable, the developer shall contract with the City of South Hutchinson Water Department to make the water supply available for each lot within the subdivided area.
2. In a proposed subdivision, pending accessibility of a public water supply, the subdivider may be required to construct wells or a private water supply system in such a manner that an adequate supply of potable water will be available to every lot in the subdivision at the time improvements are erected thereon. The adequacy, healthfulness, and potability of the water supply shall be subject to the approval of the State Board of Health. The construction of the water supply system shall be subject to the approval of the City Engineer.
3. The developer shall also contract with the City of South Hutchinson for the installation, maintenance, and operation of fire hydrants in accordance with the City requirements.

B. Sanitary Sewer System:

1. Where the sanitary sewer system of the City is reasonably accessible, and the subdivision is within the city limits of the City of South Hutchinson, each lot within the subdivided area shall be provided with a connection thereto. All connections shall be subject to the approval of the City, and any subdivided area not within the city limits shall not connect its sewers with the sanitary sewer system of the City without express permission of the Governing Body.
 2. In subdivisions beyond the city limits, in which the lots are less than one (1) acre in area, and where plans for the installation of sanitary sewers in the vicinity of a subdivision have been prepared by the City Engineer, the developer may be required to install sanitary sewers in conformity with such plans. In such cases, until a connection can be made with the public sanitary sewer system, the use of a central sewage treatment system will be permitted, provided such treatment system is approved by the City Engineer. Where the installation of sanitary sewers is not required, and where the lots are more than one (1) acre in area, the developer may install individual disposal devices for each lot at the time improvements are erected thereon. All such individual sewage disposal systems shall be subject to the approval of the City Engineer.
 3. All sanitary sewer plans and profiles shall be subject to the approval of the Kansas State Board of Health.
2. **Provision for Storm Drainage:** The developer shall make adequate provision for the control and discharge of storm water from the platted area and in doing so shall give consideration to the alternatives and principles of storm water management. When necessary, the construction of storm sewers shall be properly integrated with any existing storm sewer system and shall provide for the anticipated extension of said system to serve additional areas. The storm drainage plan and subsequent installation of culverts, storm sewers, stabilization ditches, storm water detention or retention ponds and other improvements shall follow accepted engineering standards and principles of design and construction. All storm drainage plans shall be prepared by a registered engineer of the State of Kansas and shall bear the seal of said registered engineer and must receive approval of the City Engineer.
3. **Provisions for Streets:** The developer shall provide for the improvement of all new streets within the platted area. Such street improvements should adequately reflect the classification of the particular street, its location and anticipated volume of traffic. All grades, drainage facilities and surfacing requirements shall be constructed according to the standards and specifications of the City. Said construction standards are on file and available in the office of the City Engineer. All street plans and specifications shall be approved by the City Engineer and final acceptance of the construction of said streets shall be made by the City Engineer.

4. **Inspections:** All construction and installation shall be inspected by the City Engineering Department. The developer shall pay for inspection personnel furnished by the City, under the supervision of the City Engineer, on all improvements constructed by the developer as contractor or subcontractor. A schedule of fees shall be prepared by the City Engineer.
5. **Installation of Utility Lines & Appurtenances:** The developer shall be responsible for making the necessary arrangements with the appropriate utility companies for the installation of utility lines and appurtenances. The installation of such utilities shall be done in such a manner as to not interfere with other underground utilities and their installation shall be coordinated through the City Engineer. Underground utility lines which cross underneath the right-of-way of a street shall be installed prior to the improvement of any such street in order to reduce the damage caused by street cuts. Incidental appurtenances, such as transformer enclosures and meter cabinets, shall be located so as not to be hazardous to the public and shall be approved by the City Engineer.
6. **Installation of Monuments:** The developer shall install monuments within the area to be subdivided. Such monuments shall be of the size and type and placed as required by the City Engineer.
7. **Exceptions:** All improvement requirements as set out within this Article shall be provided for in all subdivisions with the following exceptions:
 - A. Upon specific request from the developer and concurrence of the Governing Body, certain improvements may be waived. Such waiver may include, but not be limited to, instances where the proposed subdivision is a resubdivision and/or concerns an area presently having any or all the required improvements as set out in Section 5-102 and where such improvements comply with the requirements of said Section and are in acceptable condition as determined by the City Engineer.
 - B. The Governing Body may make other reasonable requirements for dedications or installations of public improvements or facilities deemed necessary to meet the public needs caused by the new subdivision. Such additional requirements may include, but not be limited to, the provision of park or open space land as is warranted by the reasonably foreseeable future population and use of the area as a result of the proposed subdivision.

5-103 Financing:

1. **Subdivision Improvements:** A method for financing proposed improvements and a breakdown of anticipated costs shall be submitted with the Final Plat. This shall be accomplished by filing a Subdivision Improvements Agreement or a Benefit District Petition, and shall be required for all subdivisions of land except for Tract or Lot Splits which require no improvements. The Governing Body shall have sole responsibility to accept or reject the Subdivision Improvement Agreement or Benefit District Petition. Financing methods may include, but are not limited to, the following guarantees.

- A. **Petition for Establishment of a Benefit District:** The percentage split of costs shall be based on the policy established by the Governing Body. The City may decide not to participate in Benefit Districts that do not comply with the Capital Improvements Program, those that are located contiguous to existing City limits, or those which are inconsistent with the Comprehensive Plan.
 - B. **Surety Bonds:** The developer shall provide the City Engineer with all calculations and information needed to check the cost estimates of said improvements. This cost shall be estimated by the developer and shall be verified by the City Engineer. The developer shall then be required to obtain a security bond from a surety bonding company authorized to do business in the State of Kansas. The bond shall be made payable to the City of South Hutchinson and shall be a percentage of the total improvements costs as recommended by the City Engineer or such other financial assurance accepted by the Governing Body. The duration of the bond shall be until such time as the improvements are completed, inspected and accepted by the City.
 - C. **Alternatives:** Other financing methods may include cash or collateral, Escrow Accounts, Property Escrow Accounts, or any other guarantee the Governing Body shall deem acceptable.
2. **Defaulting:** The Governing Body may, upon advice of the City Engineer, find that the developer is in default of the Subdivision Improvements Agreement. Such finding shall occur at a regularly scheduled meeting of the Governing Body. Two (2) weeks prior to such scheduled meeting, the developer shall be notified by registered mail of possible default proceedings. At the meeting the developer shall be given the opportunity to rebut findings of default.

Defaulting results from:

- A. Improper construction standards and specifications.
 - B. Failure to install agreed upon improvements.
 - C. Construction of improvements not according to agreed upon time schedule, allowing for unexpected or unavoidable delays.
 - D. Other financial and/or contractual conditions which might lead to the developer being unable to complete the agreed upon improvements.
3. **Default Proceedings:** The Governing Body may find the developer not in default, extend the time limit, or:

- A. Should the Governing Body find the Subdivision Improvements Agreement to have been violated, it may liquidate the improvements guarantee, in whatever form it takes, and apply the proceeds of this guarantee to the construction of the improvements set out in the Subdivision Improvements Agreement.
 - B. Should the proceeds of the guarantee not be sufficient to cover the costs of said improvements, the Governing Body may assess to the developer, property owners, or both, the construction costs of the improvements that exceed the amount provided by the developer. This may take the form of a lien against the property covered in the Subdivision Improvements Agreement.
 - C. Should the proceeds of the guarantee exceed the actual cost of the improvements, and any cost incurred in the default procedures, the City shall return the unexpended balance to the individual named on the Subdivision Improvements Agreement as the one having secured the guarantee.
4. **Guarantee Release:** When all improvements have been completed and have been inspected, approved and accepted, the City shall authorize the release of the guarantee.

5-104 Relation to Plat Approval:

- 1. **Adequate Public Facilities:** Prior to approval of the Preliminary Plat, the Planning Commission shall find that sufficient public facilities and services are either available, shall be available within a reasonable time as programmed in the Capital Improvements Program, or shall be provided by the developer in accordance with the requirements of these Regulations to adequately service the type of subdivision and development being proposed.
- 2. **Subdivision Improvements:** When the construction or installation of street improvements, sidewalk improvements, public water supply, sanitary sewer systems, storm sewer systems or other drainage improvements, or other facilities is required to serve the proposed development within a subdivision, a prerequisite for the consideration of the Final Plat shall be the submission of a Benefit District Petition or a Subdivision Improvements Agreement specifically setting forth the extent, time schedule, and method of financing such construction or installation as proposed by the owner or developer. The Benefit District Petition or the Subdivision Improvements Agreement shall contain sufficient information to make a determination that the proposed construction or installation shall meet or exceed the standards set forth in the Subdivision Regulations herein. A phased construction time schedule may be recommended by the Planning Commission, subject to Governing Body approval, which is based on the owner's or developer's estimate of the pace at which development will proceed within the subdivision.

3. **On-Site Systems:** When on-site sewerage and/or water systems are proposed to be used in a County subdivision, a prerequisite for the approval of a Final Plat shall be a plan of such systems bearing the signed approval by the Director of the County Health Department. The approved plan for the on-site system shall be presented to the City along with the submission of the Final Plat.
4. **Central Systems:** When a central sewerage and/or water system is proposed for immediate or future use to serve all units within a County subdivision, a prerequisite for the approval of a Final Plat shall be an engineering report and a plant approved by the Director of the County Health Department. Such approved plan shall be presented to the City along with the submission of the Final Plat. In addition to the preparation and approval of such plans, the owner may file a formal written application with the County Commissioners for establishment of a County Sanitary Sewer and/or Water District to serve the subdivision. Such application, or "petition", shall be presented to the County Commissioners prior to the submission of the Final Plat to the City. A preliminary plan for the development and maintenance of such sewerage and/or water systems by either the owner or a Benefit District shall be prepared by the owner and presented to the City along with the Preliminary Plat.
5. **Final Approval:** Any approval required under this section does not obligate the Planning Commission to approve the proposed plat if the Planning Commission finds the overall development to be inconsistent with any established policies and plans.

5-105 Relocation of Existing Facilities:

1. **Financial Obligations:** Whenever any existing improvements and/or utilities are required to be relocated or upgraded due to the subdivision or construction of improvements required as a condition for approval of the subdivision plat, and in the event such was not known at the time of initial construction, the costs of such relocation or upgrading shall be the sole responsibility of the new subdivision. Franchise agreements between the City and private utilities in effect at the time of construction, may dictate the responsibility for absorbing costs associated with relocating or repairing utility lines. Responsibility may also depend on whether the relocation or repair is a private or public benefit.
2. **Duplication of Improvements:** Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements as set out above, and where such improvements meet the requirements of these Regulations and are in good condition as determined by the City Engineer, no further provision need be made by the developer to duplicate such improvements. The developer shall provide for the repair, correction or replacement of improvements so that all improvements will then meet the said requirements.

3. **Street Widening or Reduction:** Where the proposed subdivision is a resubdivision or concerns an area presently abutting or containing any existing public street or less than the minimum required right-of-way width or roadway width, land shall be dedicated so as to provide a minimum street right-of-way width established by these Regulations and/or City policy. The developer of such proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by these Regulations and the City Engineer. The City Engineer shall determine what adjustment to make where the widenings merge with existing streets which are of smaller width at the boundary of such proposed subdivision. The City Engineer may approve reduction of the minimum roadway width, as required by these Regulations, to match an existing roadway system where physical consideration warrants such action.

5-106 Acceptance: No improvements may be accepted until the City Engineer has inspected said improvements and certified that they meet the applicable standards.

5-107 Building Permits: No building permits may be granted until the proposed subdivision has been approved and recorded.

5-108 Off-Site Improvements: The Planning Commission may, upon advice and findings, require the developer to submit a Subdivision Improvements Agreement or a Benefit District Petition, in accordance with the provisions of this Article, for the installation or upgrading of off-site improvements if such need is substantially created by a proposed subdivision. Off-site improvements should be within dedicated easements or rights-of-way and serve a public purpose. The financing of such improvements shall be handled as if they were on-site improvements. The Governing Body may require such subdivision to participate in the following facilities and improvements, or any other off-site improvements as recommended by the Planning Commission, if the need is created by a proposed subdivision:

1. Special grading requirements;
2. Street improvements;
3. Drainage improvements;
4. Traffic control devices; or,
5. Landscaping.

ARTICLE 6 ADMINISTRATION

Sections:

6-101 Rule Exceptions

6-102 Appeals

6-103 Penalty for Violations, Actions

6-101 Rule Exceptions: The standards and procedures required in these Regulations shall be interpreted and applied literally in the case of all subdivision plats submitted after the date of the adoption of these Regulations. In case, however, of hardship caused by size, location or configuration of land, topography or other factors which affect a specific tract or subdivision or portion thereof, the applicant may request a rule exception from one or more of the requirements contained herein. A rule exception may be requested, on forms provided, at the time of filing of the preliminary or final plat application. A rule exception may be approved by the Governing Body, provided, that in its judgment, such action will not violate the public interest, unnecessarily burden the City, or will annul the intent and purpose of these Regulations.

6-102 Appeals: Any decision of the Planning Commission or the Zoning Administrator on matters contained herein may be appealed to the Governing Body and the Governing Body may reverse or affirm such decision.

6-103 Penalty for Violations, Actions: The violation of any provision of these Regulations shall be deemed a misdemeanor and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine not to exceed \$500.00 and that each day's violation shall constitute a separate offense. The Governing Body shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of these Regulations and to abate nuisances maintained in violation thereof; and in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of any building, structure or land.

**ARTICLE 7
MISCELLANEOUS**

Sections:

7-101 Validity

7-102 Accrued Rights and Liabilities Saved

7-103 Severability

7-104 Effective Date

7-105 Repealing Clause

7-101 Validity: If any section, paragraph, subdivision, clause, phrase, or provision of these Regulations shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of these Regulations as a whole or any part or provision thereof, other than the part so declared to be invalid or unconstitutional. All Regulations or parts of Regulations in conflict herewith are hereby repealed.

7-102 Accrued Rights and Liabilities Saved: The repeal of Regulations provided in Section 7-105 herein, shall not affect any rights accrued, fines, penalties, forfeitures, or liabilities incurred thereunder, or actions involving any of the provisions of said Regulations or parts thereof. Said Regulations below repealed are hereby continued in force and effect, after the passage, approval and publication of these Regulations, for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

7-103 Severability: Each article, section, and subdivision of a section of these Regulations is hereby declared to be independent of every other article, section, or subdivision of a section, so far as inducement for the passage of these Regulations is concerned.

7-104 Effective Date: These Regulations, being designated as the "Subdivision Regulations of South Hutchinson, Kansas", shall be in full force and effect from and after its passage and publication in accordance with K.S.A 12-3009 through 12-3012.

7-105 Repealing Clause: These Regulations repeal the previous Subdivision Regulations of South Hutchinson, Kansas, in its entirety.