

CHAPTER 9

SUBDIVISION REGULATIONS

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Article I. General Provisions

Sec. 9-101 Title.

This chapter shall be known, cited and referred to as the “Subdivision Regulations of the City of Hutchinson, Kansas.”

Sec. 9-102 Intent and Purpose.

It is the intent of the Subdivision Regulations to create standards for the platting and subdividing of land that will facilitate an orderly, planned, efficient and harmonious development of the community. The requirements for subdivision of land are intended to:

- A. Create a logical pattern of lots and blocks that are sized and shaped appropriately for development in conformance with the established zoning district;
- B. Facilitate an efficient street, sidewalk and trail network that provides safe and convenient access for motorists, cyclists, emergency responders, pedestrians and other users of the transportation network;
- C. Provide for a well-built system of public improvements that meets the needs of the area being platted and ties into the existing system;
- D. Provide for adequate dedication of land for open space and recreation to meet the needs of the community and the goals of the Comprehensive Plan;
- E. Protect the development and the larger community from the impacts of flooding and storm water runoff;
- F. Allocate the costs of development equitably and ensure that the cost of improvements, which benefit primarily the tract of land being developed, shall be borne primarily by the owners or developers of the subject tract of land, and that the cost of improvements that provide benefits to the subject tract and the community as a whole be shared by the developer and the community; and
- G. Ensure for recording of subdivisions and other land transactions covered under the Subdivision Regulations.

Sec. 9-103 Authority.

The Subdivision Regulations are adopted in accordance with the provisions of K.S.A. 12-749, which grants the authority for cities to adopt and amend regulations governing the subdivision of land.

Sec. 9-104 Jurisdiction.

The Subdivision Regulations shall apply to all properties that lie wholly or in part within the zoning jurisdiction of the City of Hutchinson, Kansas.

Sec. 9-105 Applicability.

The Subdivision Regulations shall apply to the subdivision of a lot, tract or parcel of land into two or more lots or tracts, or other division of land for the purpose of sale or development, whether immediate or future, including the subdivision or replat of land or lots, unless exempted by the Subdivision Regulations.

Sec. 9-106 Exemptions.

- A. All land shall be platted prior to the subdivision of land or issuance of a building permit for construction of a building, except as outlined below. A plat shall not be required where:

1. There is an existing lot, parcel or tract of land that was legally subdivided prior to the adoption of these regulations.
 2. A lot, parcel or tract of land has been ordered by law to be partitioned.
 3. A tract of land is being divided for agricultural purposes, provided that the minimum lot size is 10 acres.
 4. The proposed building is a detached accessory structure that is clearly subordinate and incidental to an existing permitted principal use.
 5. The proposed building or building addition is deemed by the Director of Planning and Development to be an addition to an existing permitted use.
 6. The land is located in an industrial zoning district and the land has previously been platted.
 7. The division meets the criteria for a lot split in accordance with these regulations.
- B. The Director of Planning and Development may, at his or her discretion, require platting for an exempt subdivision where the subdivision:
1. Requires the installation of any new streets or public easements;
 2. Requires the extension of any new public utilities;
 3. Is located either wholly or partially within a designated special flood hazard area; or
 4. Results in a second split of unplatted property.

Sec. 9-107 Interpretation.

- A. The Subdivision Regulations are not intended to interfere with, abrogate or annul any other ordinance, regulation, statute or provision of law. Where any provision of the Subdivision Regulations imposes restrictions differing from those imposed by any other ordinance, regulation or other provision of law, the more restrictive standard shall apply.
- B. The provisions of the Subdivision Regulations are not intended to abrogate any easement, covenant or other private agreement.
- C. A subdivision of land which was not lawfully existing at the time of the adoption of the Subdivision Regulations shall not become or be made lawful solely by reason of the adoption of said regulations.
- D. The requirements of the Subdivision Regulations shall be the minimum standards which shall apply uniformly throughout the jurisdiction of said regulations, except as provided.

Sec. 9-108 Conditions.

- A. Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is a valid exercise of police power delegated to the City by the State. The developer has the duty of compliance with reasonable conditions imposed by the City Council for design, dedication,

improvement and restrictive use of land, so as to promote the purposes of the Subdivision Regulations.

- B. Plats containing reserve areas, common areas or other properties to be held in common, which are not otherwise available for development, shall be required to have restrictive covenants prepared and recorded in a format acceptable to the City. Said covenants shall establish a mechanism for ongoing maintenance and upkeep of properties held in common.
- C. All conditions of approval of a subdivision, the acceptance of dedications of land, restrictive covenants and subdivision variances granted by the City Council shall be clearly stated on the final plat prior to its recording by the City.

Sec. 9-109 Building Permits.

- A. No building permit for new construction shall be issued for any building or structure proposed to be located on a lot involved in the platting process until such time as the final plat is approved by City Council and recorded by the Register of Deeds.
- B. No building permit shall be issued for any building or structure in the City of Hutchinson unless the Planning and Development Director finds that:
 - 1. All public improvements required as a condition of approval of the final plat on which the lot is shown have been completed or the subdivider has provided security for the completion of such improvements in accordance with the provisions of the Subdivision Regulations; or
 - 2. The property is determined to be a legal lot of record or a legal, nonconforming lot.

Sec. 9-110 Fees.

The subdivider shall pay all fees associated with the filing of a subdivision application as established by the Master Fee Schedule.

- A. A subdivision application filing fee shall be submitted prior to consideration by City Staff of a preliminary plat, final plat or lot split. If an application is withdrawn by the applicant, no filing fee shall be refunded.
- B. All other costs associated with the platting process, including recording, shall be paid by the subdivider.
- C. Should a subdivider fail to gain the required approvals within the timeframes provided in the Subdivision Regulations, a new application, including a new filing fee, shall be required.

Sec. 9-111 Vested Rights.

- A. Development rights in residential development shall vest upon recording of a plat of such land. If construction of required public infrastructure

improvements to support the subdivision is not commenced on such land within seven years of the recording date of the plat, the development rights shall expire. The vesting date shall be printed on the final plat.

- B. Development rights for all purposes other than residential development shall vest upon the issuance of all permits required by the City and upon completion of a substantial amount of work under a validly issued permit.
- C. For phased subdivisions, vesting shall occur by phase in accordance with the established phasing schedule. The anticipated phasing schedule shall be printed on the preliminary plat.
- D. Subdivisions with expired vesting shall be reviewed by the Planning Commission. The purpose of this review shall be to determine whether re-vesting with a right to develop is warranted, subject to conditions as set by the Planning Commission and the Development Review Committee.
- E. Re-vesting decisions may be appealed to the City Council.
- F. If re-vesting is not approved, a replat shall be filed in accordance with these regulations.

Article II. Definitions

Sec. 9-201. Rules.

For the purpose of these regulations the following rules shall apply:

- 1. The word "building" includes "structure," and a building or a structure includes any part thereof.
- 2. The word "shall" is always mandatory; and the word "may" is always permissive.
- 3. The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- 4. The singular number includes the plural and the plural the singular.
- 5. The present tense includes the past and the future tenses and the future the present.
- 6. The Subdivision Regulations shall mean the Subdivision Regulations of the City of Hutchinson.

Sec. 9-202 Definitions.

All definitions pertaining to the Subdivision Regulations are located in Sec. 27-202 of the Hutchinson City Code.

Article III. Administration

Sec. 9-301 Administration.

- A. General.

It shall be the duty of the Planning and Development Department to enforce these regulations and to bring to the attention of the Planning Commission and City Council any violation or lack of compliance herewith. All divisions of land into separate lots and replats shall be subject to the requirements contained in these regulations.
- B. Appeals.

Any decision of the Director of Planning and Development on matters contained herein may be appealed to the City Council. Appeal requests shall be submitted in writing to the Planning and Development Department and shall state the nature of the appeal, including the specific section of these regulations being appealed and a detailed explanation of the reason for the appeal. Appeals will be processed following the same procedure as subdivision variances, with the Planning Commission making a recommendation to the City Council regarding the appeal. No action shall be taken on a subdivision for which an appeal has been filed until a final ruling on the appeal has been made by City Council.
- C. Duties.
 - 1. The Planning and Development Department duties are to:
 - a. Maintain permanent and current records with respect to these regulations.
 - b. Make such other determinations and decisions as may be required by these regulations, by the Planning Commission, or by the City Council.
 - c. Assure compliance with procedures as stated in Sec. 9-401 et. seq. of the Subdivision Regulations.
 - 2. The Planning Commission duties are to:
 - a. Make such decisions and actions necessary to ensure the integrity of these regulations.
 - b. Conduct public meetings, review and make recommendations to the City Council on any proposed amendments to these regulations.
 - c. Make other determinations and decisions as may be required of the Planning Commission by these regulations and by applicable state law.
 - d. Review and prepare recommendations concerning proposed subdivision variances, subdivision vacations and dedications.
 - e. Comply with procedures as outlined in Sec. 9-401, et. seq. of the Subdivision Regulations.

3. The City Council duties are to:
 - a. Review the findings made by the Planning Commission and make decisions on any recommended subdivision variances submitted in accordance with these provisions.
 - b. Consider adopting subdivision regulations and consider approving any proposed amendments to these regulations, as recommended by the Planning Commission.
 - c. Consider and decide appeals of the decision of the Director of Planning and Development concerning the enforcement or interpretation of these regulations.
 - d. Comply with procedures as outlined in Sec. 9-401, et. seq. of the Subdivision Regulations.
4. The Development Review Committee duties are to:
 - a. Adhere to the standards specified in these regulations. Recommendations that do not adhere to these regulations shall require a subdivision variance, in accordance with Sec. 9-702 of these regulations.
 - b. Comply with procedures as outlined in Sec. 9-401, et. seq. of the Subdivision Regulations.

Sec. 9-302 Violations, Penalties and Remedies.

A. Violations.

The following shall constitute violations of these Subdivision Regulations:

1. To sell any lot prior to approval and recording of a plat, as provided under these regulations.
2. To submit for recording any subdivision plat, land division or other development plan that has not been approved in accordance with the procedures of these Subdivision Regulations or that does not qualify for an exemption under these Subdivision Regulations;
3. To engage in the construction of a building or development or division of land requiring one or more approvals under these Subdivision Regulations without obtaining all such required approvals;
4. To violate the terms of any approval granted under these Subdivision Regulation or any condition imposed on such approval; or
5. To violate any lawful order issued by any official or entity under these Subdivision Regulations.

B. Penalties and Remedies.

The following penalties and remedies shall be available to the City in enforcing these Subdivision Regulations:

1. The City may seek an injunction or other equitable relief in the District Court to stop any violation of these Subdivision Regulations or of a permit, certificate or other form of authorization granted hereunder.
2. The City may seek a court order from the District Court in the nature of mandamus, abatement or other action or proceeding to abate or

- remove a violation or to restore otherwise the premises in question to the condition in which they existed prior to the violation.
3. The City may seek such criminal or civil penalties as are provided by Kansas law or by the Hutchinson City Code. For purposes of these penalties, each day's violation shall constitute a separate offense.
 4. The Building Official may deny or withhold all permits, certificates or other forms of authorization on any land, or structure or improvements thereon:
 - a. Which has been divided or subdivided other than in accordance with the requirements of these Subdivision Regulations; or
 - b. On which there is an uncorrected violation of these Subdivision Regulations.
 5. Any permit or other form of authorization required under these Subdivision Regulations may be revoked by any City official with authority to issue such permit when the official determines:
 - a. That there is departure from the plans, specifications or conditions as required under the terms of the Subdivision approval;
 - b. That the Subdivision approval was procured by false representation or was issued by mistake; or
 - c. That any of the provisions of these Subdivision Regulations are being violated.
 6. Written notice of revocation shall be served upon the owner, the owner's agent or contractor or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location, and thereafter construction shall stop.
 7. Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of these Subdivision Regulations, the Building Official shall order the work to be immediately stopped.
 - a. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.
 - b. Violation of a stop-work order shall constitute a misdemeanor.

Article IV. Procedures

Sec. 9-401 General.

- A. **Applicability.**
All subdivisions of land shall be reviewed and approved in accordance with the Subdivision Regulations, except those that are exempt from said regulations.

- B. Timing.
1. Pre-submittal Consultation. Developers of property requiring platting shall be required to meet with the Director of Planning and Development and the City Engineer or their designees for a pre-submittal consultation to determine what technical studies will be required for the subdivision. This meeting shall be held prior to beginning the platting process.
 2. Preliminary Plat. A preliminary plat is a tentative drawing of a proposed subdivision that includes the features described in Article VI – Design Standards of the Subdivision Regulations and the supporting submittal items indicated in this section. The preliminary plat drawing and supporting documents shall be filed with the Planning and Development Department and approved by the Planning Commission prior to submittal of a final plat, unless approved in accordance with Sec. 9-401.D.
 3. Final Plat. A final plat drawing and supporting documents shall be filed with the Planning and Development Department:
 - a. following a public meeting and approval of the preliminary plat drawing the by Planning Commission, unless approved in accordance with Sec. 9-401.D.;
 - b. prior to consummation of the sale of any subdivision of land or part thereof;
 - c. prior to dedicating streets and lots;
 - d. prior to commencement of grading or construction work for streets, lots or detention features associated with a proposed subdivision, and
 - e. prior to the time any map of the subdivision is made in a form suitable for recording.
- C. Conformance.
The preliminary and final plats shall be prepared in accordance with these Subdivision Regulations, and the subdivision shall be compatible with development of neighboring areas and in conformance with the Comprehensive Plan. The subdivision shall further conform with zoning regulations and all other applicable regulations of the city, county and state.
- D. Concurrent Submittals.
The preliminary and final plats may be submitted concurrently provided approval is granted by the Director of Planning and Development and one or more of the following findings can be made:
1. The subdivision contains fewer than four lots and does not involve dedication of public right-of-way or other public land; or
 2. The subdivider provides written justification that a hardship exists and the Development Review Committee reviews and approves the request based upon the subdivider's justification.

Sec. 9-402 Platting Process.

Unless specifically authorized by the Director of Planning and Development, platting shall be accomplished in three stages, as follows:

- A. Pre-Submittal Consultation
- B. Preliminary Plat
- C. Final Plat

Sec. 9-403 Preliminary Plat Process.

- A. Application Requirements.
Complete applications for Preliminary Plats must be submitted a minimum of 35 days prior to the public meeting. The following items shall be submitted in support of an application for preliminary plat approval:
 - 1. A completed preliminary plat application and plat drawings in a number, type and format as required by the application;
 - 2. Copy of the warranty deed for the property;
 - 3. The appropriate application fee as established in the city's master fee schedule;
 - 4. All studies as may reasonably be required by the Director of Planning and Development and the City Engineer pursuant to Sec. 9-407;
 - 5. A current title report (less than 90 days old) together with legible copies of exception documents; and
 - 6. For residential subdivisions, preliminary drawings of subdivision buffer landscaping, where required, as well as preliminary landscape drawings for drainage facilities associated with the subdivision.
- B. City Procedures.
Upon receipt of the completed preliminary plat application, the City will take the following actions:
 - 1. The Development Review Committee and any other interested parties will review pertinent requirements for platting, including streets, easements, physical arrangement of lots, and general regulations for public water and sewer connections. Comments will then be provided to the applicant regarding the plat for revisions to be made.
 - 2. The Planning and Development Department will prepare a staff report for the Planning Commission.
- C. Planning Commission Procedures.
The Planning Commission is responsible for reviewing the preliminary plat as follows:
 - 1. The Planning Commission will hold a public meeting regarding the application;
 - 2. The Planning Commission shall act on a proposed preliminary plat within 60 days after the first meeting of the commission following the date of the submission of the plat. The Planning Commission will

approve, approve with conditions, table until the next meeting, or deny the preliminary plat application. No plat shall be tabled more than twice.

3. If the Planning Commission finds that the plat does not conform to the requirements of these regulations, the commission may deny the preliminary plat. If the plat is denied, the applicant will be notified in writing of the decision and the reasons for the disapproval.

D. Failure of Planning Commission to Act on Preliminary Plat.

If the Planning Commission fails to make a determination on the preliminary plat within 60 days after the first meeting of the commission following the date of the submission of the plat, the plat shall be deemed to have been approved, unless the applicant consents to extend or waive the 60 day limitation.

E. Effect of Approval of Preliminary Plat.

1. Approval of the preliminary plat shall not constitute approval of the subdivision by the Planning Commission. Approval shall only signify the acceptability of the proposed subdivision.
2. Approval of the preliminary plat shall be considered permission to proceed to preparation of the final plat.
3. Approval of the preliminary plat shall be effective for no more than three years from the date approval was granted. A final plat must be submitted for Planning Commission approval within the three year period, or approval of the preliminary plat shall be deemed null and void.

F. Effect of Denial of Preliminary Plat.

If the preliminary plat is denied by the Planning Commission and the applicant wants to apply for a new subdivision on the same property, this will be considered a new case file, with a new application, application fee and supporting documents required. Applicants must wait a minimum of one year from the date of denial prior to submitting a new application for properties where a preliminary plat has been denied.

Sec. 9-404 Final Plat Process.

A. Application Requirements.

A final plat application may be submitted following preliminary plat approval by the Planning Commission. A complete application, including all supporting documentation, must be submitted a minimum of 21 days prior to the Planning Commission meeting. Incomplete applications will not be processed by the City. The following documentation is required:

1. A completed final plat application form signed by the property owner along with plat drawings and supporting documents in a number, type and format as required by the application;
2. Final landscape plans for those residential subdivisions requiring subdivision buffers and all subdivisions containing drainage basins;

3. Final copies of any technical studies, as required by the City Engineer and/or the Director of Planning and Development, pursuant to Sec. 9-407;
 4. Construction drawings, including water, sanitary sewer, stormwater and street plans; unless the City Engineer has approved deferred submittal of these drawings;
 5. Engineering cost estimates for public improvements;
 6. Draft petitions, if special assessments are requested;
 7. A copy of any restrictive covenants applicable to the subdivision;
 8. Current title report (if more than 6 months have elapsed since approval of the preliminary plat);
 9. Copy of the warranty deed, if ownership has changed since the preliminary plat was approved;
 10. The application fee, as established in the master fee schedule.
- B. City Procedures. Upon receipt of the completed final plat application, the City will take the following actions:
1. The Development Review Committee will review and comment on the final plat, construction drawings, cost estimates and petitions. Elements that do not conform with these Subdivision Regulations shall be changed to meet the standards set forth.
 2. The Planning and Development Department will prepare a staff report for the Planning Commission.
- C. Planning Commission Procedures.
1. The Planning Commission will hold a public meeting regarding the application.
 2. The Planning Commission will approve, approve with conditions, or deny the final plat. The Commission may also table the application to the next meeting, pursuant to obtaining additional information. No plat shall be tabled more than twice unless the applicant consents to extend or waive the 60-day limit to act upon the plat, as required under KSA 12-752(b).
 - a. The Planning Commission may approve the plat on the condition that the City Engineering Department approve the construction drawings prior to the plat moving forward to City Council, provided that the applicant agrees to extend or waive the 60-day limit to act upon the plat, as required under KSA 12-752(b).
- D. Failure of Planning Commission to Act on Final Plat.
If the Planning Commission fails to make a determination on the final plat within 60 days after the first meeting of the Commission following the date of the submission of the final plat, the plat shall be deemed to have been approved, unless the applicant consents to extend or waive the 60-day limitation.
- E. Planning Commission Decision.
The Planning Commission will render a decision on the proposed final plat. If the final plat is approved by the Planning Commission, the applicant may

take the approved plat to the City Council for final approval and acceptance. If the final plat is denied by the Planning Commission, the applicant will be given a written explanation detailing the reasons for the denial and the plat will not be forwarded to City Council. The applicant may, within 90 days of a denial by the Planning Commission, file a revised final plat addressing the denial conditions without having to file a new application.

- F. Application Submittal to City Council.
1. A final plat approved by the Planning Commission shall be forwarded to City Council provided the following documents are submitted a minimum of 14 days prior to the City Council meeting:
 - a. Signed final petitions, if special assessments are requested;
 - b. Signed and notarized mylar of the final plat;
 - c. City Engineer approval of construction drawings and cost estimates;
 - d. Assurance of construction or installation of required improvements, such as a surety bond, letter of credit, escrow of funds, property escrow, or public agency financing;
 - e. Recording fee made payable to the Reno County Register of Deeds; and
 - f. Proof that all taxes and special assessments are paid in a format acceptable by the Reno County Register of Deeds.
 2. Upon receipt of the completed documentation, the City Finance Director will certify the petitions and prepare resolutions for special assessments requested. The Planning and Development Department will prepare a staff report for City Council review.
 3. The City Council will hold a meeting regarding the final plat. Upon review, the City Council shall approve the plat, approve the plat with conditions, or deny the plat. A denial shall constitute a reversal of the Planning Commission decision of approval.
 4. The City Council shall render a decision on the final plat within 30 days following the first meeting of the City Council after the date of the submission of the approved final plat and all supporting documents as noted in this section. The City Council may defer action for an additional 30 days for the purpose of allowing for modifications to comply with the requirements established by the City Council.
- G. Following City Council Action.
1. If the City Council approves the final plat and accepts all dedications of easements, public property and other items, City staff will obtain signatures of officials for the mylar and record the final plat with the Reno County Register of Deeds Office.
 2. If the City Council denies the final plat and the applicant wants to apply for a new subdivision on the same property, this will be considered a new case file, with a new application, application fee and supporting documents required. Applicants must wait a minimum of one year from the date of denial prior to submitting a new

- application for properties where a final plat has been denied.
3. Building permits may be obtained from the City following recording of the final plat, and once all infrastructure is in place (including but not limited to roads, stormwater, and water and sewer requirements). This requirement may be waived by the City Engineer based on the scope of the project.

Sec. 9-405 Phased Subdivisions.

- A. An approved preliminary plat may be final platted in phases rather than as a whole, provided the following conditions are met:
 1. Each final plat shall contain sufficient area to install improvements economically.
 2. The Planning Commission approves the proposed phases.
 3. At least one final plat shall be submitted for approval within three years from the date of approval of the overall preliminary plat or the plat will be considered null and void and a new application shall be required.
 4. All perimeter right-of-way shall be dedicated for the entire preliminary plat with the first final plat phase approval.
 5. All steps required for the approval of final plats, including the recording of the final plat, shall be completed.
 6. For each phase, a separate final plat application, including a separate final plat unique to the phasing area, shall be submitted to the Planning and Development Department. All phases shall follow the final plat procedures, as described in Sec. 9-404.

Sec. 9-406 Submission of Technical Studies.

- A. The Director of Planning and Development and/or the City Engineer may require applicants for preliminary and final plats to submit such technical studies as may be necessary to enable the Planning Commission or City Council to evaluate the application. Examples of technical studies that may be required include, but are not limited to: traffic studies, engineering studies, geologic or hydrogeologic studies, flood studies, noise studies, drainage studies, market studies or economic impact reports. The preparer of said studies shall be subject to the approval of the Director of Planning and Development and the City Engineer, and all costs of preparation shall be borne by the applicant. Any decision by the Director of Planning and Development and the City Engineer to require a technical study or disapprove a selected preparer may be appealed to the Planning Commission. The Planning Commission decision shall be final.
- B. Should the Planning Commission or the City Council determine that a technical study is needed in order to fully evaluate a subdivision application, said study may be required prior to taking action on the subdivision application. The selection of preparer shall be approved by the requesting

body. The decision by the Planning Commission or City Council to require a technical study or disapprove a preparer shall be final.

Article V. Lot Splits

Sec. 9-501 Intent and Authority.

The intent of this Article is to provide for the division of property into not more than two tracts. However, a lot that is zoned for industrial purposes and for which a plat has been officially recorded may be further divided into two or more tracts without further re-platting provided that the lot split requirements herein are followed and provided that none of the conditions under Sec. 9-503 are found to exist.

Sec. 9-502 Application.

Applications for lot split approval shall be made by the owner of the property to the Planning and Development Department on forms provided. Said application shall be accompanied by:

- A. Scaled drawings, in paper and PDF format, prepared by a licensed surveyor of the lots involved in the lot split containing the following information:
 1. Location of the existing lot within the subdivision as related to the nearest existing streets;
 2. Location of the existing easements and utilities;
 3. Dimensions of the divided portions of the lot;
 4. Location and width of driveways or accessways, existing and proposed;
 5. Dimensions of all existing structures and their locations with respect to the existing and proposed lot lines;
 6. Signature of the owner(s); and
 7. Legal description of the existing property and each of the proposed properties.
- B. Drawing and legal descriptions prepared by a licensed land surveyor in a suitable format for recording showing the new lots.
- C. Application fee, in an amount as provided on the master fee schedule.
- D. Recording fee.
- E. Any other materials as deemed necessary by the Planning and Development Department.

Sec. 9-503 Conditions.

If any of the following conditions apply to the proposed project, platting shall be required in accordance with the Subdivision Regulations, and a lot split shall not be approved.

- A. A new street or alley or other public improvement is needed or proposed to support the split.
- B. The split will result in significant increases in service requirements or will interfere with maintaining existing service levels.

- C. There is less street right-of-way width than required by the Subdivision Regulations.
- D. Easement requirements have not been satisfied or existing easements would have to be modified to accommodate the proposed lot split.
- E. The split will result in a lot without an existing recorded access to or sufficient frontage upon a public street.
- F. A substandard lot will be created.
- G. The property is located within a Special Flood Hazard Area.
- H. The lot has been previously split.

Sec. 9-504 Lot Split Approval.

- A. Upon receipt of a complete application for a lot split, the Development Review Committee shall review it for compliance with the Hutchinson City Code. If, in the determination of the Development Review Committee, the application and certified survey comply with the Hutchinson City Code, the lot split shall be approved by the Planning and Development Department and signed by the Director of Planning and Development.
- B. The City shall file the approved lot split with the Reno County Register of Deeds. A recorded copy of the document will be returned to the applicant.

Article VI. Design Standards

Sec. 9-601 Purpose.

The Subdivision Regulations provide regulations for design and layout of subdivision, including private and public infrastructure requirements.

Sec. 9-602 Applicability.

- A. Generally.
The Subdivision Regulations shall apply to all subdivision plats in all zoning districts.
- B. Exceptions for Existing Improvements.
 - 1. This subsection applies to any proposed subdivision that is a replat or consists of an area presently having any or all of the improvements required by the Subdivision Regulations.
 - 2. An application meeting the requirements of Sec. 9-602.B.1. shall not be required to duplicate existing public or private improvements and may develop without adding further improvements if existing improvements meet the requirements of the Subdivision Regulations and are in good condition, as determined by the City Engineer.
 - 3. If the existing public improvements do not meet the standards established in the Subdivision Regulations, the applicant shall be required to repair, correct or replace deficient improvements or apply for a subdivision variance. Applicants shall not be required to provide

off-site improvements, or on-site improvements that serve areas outside of the proposed development, to the extent that those improvements exceed the impacts of the proposed development.

Sec. 9-603 Provision of Adequate Public Facilities.

The purpose of this section is to prevent the premature development of land that may negatively impact the health, safety or welfare of properties in the vicinity of the development proposal or in the City at large. No subdivision application shall be approved unless adequate public facilities and services are available, or will be made available as a condition of approval, to serve the development. Determination of the adequacy of public facilities shall be made in accordance with the following criteria:

- A. Roads.
 - 1. The road network serving the site shall be capable of handling the increased traffic generated by the development.
 - 2. The City Council may require creation of a benefit district for the purpose of improving nearby roadways to ensure the road network is capable of handling present and future traffic generated by the development. Alternately, the City Council may require the developer enter into a Developer's Agreement with the City for ensuring future roadway expansions and improvements.
 - 3. Subdivisions abutting public streets or proposed public streets shall dedicate sufficient right-of-way to the City for installation of said roadway and improvements, insofar as is possible. The City Engineer shall make the determination as to the amount of right-of-way required. Right-of-way for dedication shall be shown and so noted on the preliminary and final plat.
- B. Sanitary Sewer.

Subdivisions shall be served by a public sanitary sewer system and shall comply with Chapter 19 of the Hutchinson City Code, as amended. The City Engineer shall confirm adequate capacity exists within the City's sanitary sewer system to service the subdivision.
- C. Water.

Subdivisions shall be served by a public water supply and shall comply with Chapter 20 of the Hutchinson City Code, as amended. The City Engineer shall confirm adequate capacity exists within the City's water system to service the subdivision.
- D. Stormwater Management.

Subdivisions shall contain an adequate stormwater management system and shall comply with Chapter 19 of the Hutchinson City Code, as amended. The City Engineer shall confirm that adequate capacity exists within the City's stormwater system to service the development.

Sec. 9-604 Stormwater Management.

The developer shall provide for the improvements necessary to adequately handle stormwater quality and quantity in the form of storm or floodwater runoff channels, basins and/or drainage systems.

- A. Stormwater Design Plans.
Stormwater design information shall be submitted as part of the preliminary and final plat documents, in accordance with the requirements of the City Engineer and Chapter 19, Article XII – Stormwater Management.
- B. Public Storm Sewer System.
 - 1. Where a public storm sewer system is accessible and has sufficient capacity, as determined by the City Engineer, the developer shall design for installation of storm sewer facilities connecting to said system.
 - 2. All public storm sewer systems shall be extended to the subdivision boundary in order to facilitate connection for adjacent properties.
- C. Maintenance and Inspection.
Maintenance and inspection of stormwater facilities shall meet the requirements of Sec. 19-1207 of the Hutchinson City Code.

Sec. 9-605 Water and Sanitary Sewer.

- A. General.
 - 1. The applicant shall assure that each lot in a new subdivision has access to a safe, healthful and adequate water supply and sanitary sewer collection and treatment system.
 - 2. All subdivisions shall be served by the City of Hutchinson's public water supply system and public sanitary sewer system and shall tie into the existing facilities.
 - 3. All public water and sanitary sewer improvements shall be extended to the limits of the subdivision.
 - 4. All public sanitary sewer and water improvements shall comply with Chapter 19 and Chapter 20 of the Hutchinson City Code, respectively.
 - 5. No building permit within a subdivision shall be issued prior to the installation and inspection/acceptance of the water system and sanitary sewer system improvements by the City.
 - 6. All water and sanitary sewer system improvements located within the street right-of-way shall be installed prior to the final paving of any street shown on the final plat.
 - 7. All water and sanitary sewer improvements shall be subject to approval of the Kansas Department of Health and Environment (KDHE).
- B. Water Supply and Distribution System.
 - 1. Water shall be provided with due regard to:

- a. The water supply needs of the anticipated land use;
 - b. The fire protection needs of the anticipated land use;
 - c. The availability of a public water supply source; and
 - d. The limitations and opportunities of soils, geology and topography.
- 2. The developer shall provide for adequate water system facilities in accordance with the provisions of Sec. 20-501, et. seq. of the Hutchinson City Code and the standards and specifications of the City Engineer.
 - 3. All water main extensions shall be approved by the City Engineer.
 - 4. Fire hydrants shall be required for all new subdivisions and shall be located at each intersection, as well as at an interval not to exceed 500 feet, or as required due to the nature of the development. No anticipated structure shall be located more than 250 feet from a fire hydrant.
- C. Sanitary Sewer System.
- 1. Sanitary sewer shall be designed to meet the requirements of Sec. 19-402 et. seq. of the Hutchinson City Code and shall be provided with due regard to:
 - a. The anticipated wastewater volumes of planned land uses;
 - b. Protection of groundwater quality;
 - c. The health and safety of residents, occupants, workers and the public in general; and
 - d. availability of a public wastewater collection and treatment source.

Sec. 9-606 Block Layout.

- A. Generally.
The lengths, widths, and shapes of blocks shall conform to the applicable zoning district requirements as to lot sizes and dimensions and the standards established in this section.
- B. Residential Block Design. The following shall apply to blocks located within a residential zoning district:
 - 1. A block shall not exceed 1,300 feet in length. A block may be larger if:
 - a. Topographical limitations are present; or
 - b. The block is adjacent to limited access highways, arterial streets, expressways, major collector streets, railroads or waterways.
 - 2. Blocks shall have sufficient depth to provide for two tiers of lots of appropriate depth. The developer may propose and the Commission may approve blocks wide enough to provide for one tier of lots where such blocks are adjacent to arterial streets, expressways, major collector streets, railroads or waterways.

3. Blocks may be irregular in shape if they are in keeping with the character of the overall pattern of blocks in the proposed subdivision and their design meets the requirements of lot standards and traffic flow and control considerations.
4. All blocks shall be lettered, beginning with "A" and continuing sequentially in a logical fashion throughout the subdivision.
5. Blocks exceeding 800 feet in length shall provide utility and pedestrian connections via easements to adjacent blocks wherever feasible. Said easements shall be a minimum of 10 feet in width and shall contain a paved walking path or sidewalk constructed of asphalt or concrete a minimum of five feet in width and shall be landscaped with materials that generally match the remainder of the subdivision. Maintenance of the corridor area shall be the responsibility of the Home Owners Association for the subdivision or other responsible party. A note assigning maintenance responsibility shall be added to the final plat.

Sec. 9-607 Lots.

- A. Generally.
 1. The lot size, width, depth, shape and orientation, and the minimum building setback lines shall comply with the applicable zoning district regulations. The arrangement and size of lots shall be such that there will be no foreseeable difficulties in securing building permits and building in compliance with applicable documents, laws, rules, regulations, standards and policies.
 2. Side lot lines should generally be perpendicular to straight streets and radial to curved streets and cul-de-sacs unless a variation will give a better street or lot plan.
 3. All residential lots shall have frontage on a public street. Nonresidential lots shall front on a public or private street or have access to a public or private street by means of an access easement approved by the City.
 4. Lots shall not be so large as to encourage lot splitting in the future.
- B. Through Lots.
 1. Through lots shall be permitted for commercial, industrial, or multi-family uses.
 2. In all other cases, through lots shall only be permitted where they are needed to separate residential development from a state highway, expressway, freeway, county highway or arterial street. In such cases, a subdivision buffer shall be installed in accordance with the provisions of Sec. 27-908 of the Hutchinson City Code.
- C. Flag Lots.

Flag lots are prohibited in all new residential subdivisions. To facilitate infill development, flag lots shall be allowed only in areas where land would be

otherwise undevelopable. Flag lots shall contain adequate provisions for vehicular access, utilities and drainage.

Sec. 9-608 Easements.

- A. Utility Easements.
 - 1. Utility easements shall be required to accommodate public or private utilities.
 - 2. Utility easements shall be located adjacent to the existing or proposed right-of-way, unless an alternate location would be more reasonable for the development (i.e., if the existing utilities in surrounding developments are located in the rear yards).
 - 3. Utility easements shall be a minimum of 20 feet in width when dedicated for a City utility and 10 feet in width when dedicated for any other utility. The City Engineer may increase or decrease the minimum width of the easement based upon local conditions and pipe size.
 - 4. Utility easements shall be dedicated to the City of Hutchinson or to the utility provider for their intended purpose.
 - 5. Drainage easements shall not be collocated with other utility easements.
- B. Recreational Easements.

Recreational easements may be required in conjunction with trails, trailheads or other parks and recreation facilities. The size and location of recreation easements shall be approved by the Director of Parks and Facilities.

Sec. 9-609 Streets.

A. Cross-sections. All streets, whether public or private, shall be designed as follows:

Street Design Standards MPH - Miles per hour VPD - Vehicles per day	City Street Classification (KDOT Functional Classification)							
	Arterials (Minor Arterials)	Collector (Major/Minor Collectors)	Commercial (Major/Minor Collectors)	Industrial (Major/Minor Collectors)	Apartment (Collector/Local)	Local (Local)	R-1 Zone - Collector (Major/Minor Collector)	R-1 Zone - Local (Local)
Min. R/W (ft) ⁽¹⁾	80-120	60-80	60-80	60-80	60-80	50-55 ⁽⁸⁾	70 ⁽²⁾	60 ⁽²⁾
No. of Traffic Lanes	2-6	2-3	2-3	2-3	2-3	2	2	2
Min. Lane width (ft)	12 ⁽³⁾	12 ⁽³⁾	15.5 ⁽⁴⁾	15.5 ⁽⁴⁾	15.5 ⁽⁴⁾	12	16	12
Design Vol. Range (VPD)	10,000 to 30,000	1,500 to 12,000	1,500 to 12,000	1,500 to 12,000	1,500 to 12,000	Less than 1,500	1,500 to 12,000	Less than 1,500
Min. Design Speed (MPH)	45	30	30	30	30	30	30	30
Max./Min. Gradient (%) ⁽⁵⁾	5/0.5	8/0.5	8/0.5	8/0.5	8/0.5	10/0.5	8/1 ⁽⁶⁾	10/1 ⁽⁶⁾
Min. Radius of Horiz. Curves (ft)	1,039	333	333	333	333	333	333	333
Curb	Yes	Yes	Yes	Yes	Yes	Yes	None	None
Min. Pavement Thickness (Asphalt) (inches) ⁽⁷⁾	11	9	9	9	9	7	9	7
Min. Pavement Thickness (Concrete) (inches)	9	7	7	7	7	6	7	6
Subgrade	Site specific pavement design required for 20-year design life of pavement							
Crown (%)	2	2	2	2	2	2	2	2
Curb Radii (ft)	50	30	30	30	30	20	30	20
Min. Spacing of Similar Roadways (ft)	5,280	400	400	400	400	300	400	300
On Street Parking ⁽⁹⁾	Prohibited	Permitted	Prohibited	Prohibited	Permitted	Permitted	Permitted	Permitted
Cul-de-sac Max. Length (ft)	N/A	N/A	1,000	800	800	800	800	800
Cul-de-sac Min. Radius of r/w at bulb (ft)	N/A	N/A	60	60	60	50	60	50
Cul-de-sac Min. Radius of pavement at bulb (ft)	N/A	N/A	50	50	50	40	50	40
Cul-de-sac Min. Radius of Island (ft)	N/A	N/A	Prohibited	Prohibited	Prohibited	11	Prohibited	11

Notes:

- (1) Section line roads shall have a minimum right of way width of 120 feet. More width may be needed at intersections to accommodate turn lanes.
- (2) Additional 10-foot-wide utility and grading easement required on each side.
- (3) 11-foot-wide lanes may be approved by the City Engineer for streets with three or more lanes.
- (4) A three-lane section requires a minimum lane width of 12 feet.
- (5) Gradients outside of standard shall be approved by the City Engineer.
- (6) Ditches must have a minimum one percent grade.
- (7) Top two inches must be surface course.
- (8) 50-foot width approvable if only City-owned utilities and streetlights are to be located in right-of-way, otherwise a 55-foot width is required.
- (9) On local streets, parking will be permitted on both sides of a 29-foot-wide (back of curb to back of curb) street. On collector streets, parking cannot interfere with travel lanes.

B. Connectivity.

Street layouts shall respond to local conditions, such as topography, watercourses, greenways and the existing street systems of neighboring developments. A well-connected street network shall be provided to spread traffic efficiently throughout the system, and to provide greater opportunities for access and circulation of motor vehicles, pedestrians and cyclists.

1. External Connectivity.

- a. Where adjoining properties are not subdivided, the arrangement of streets within a subdivision shall provide for the extension of streets into the unsubdivided area.
- b. Lots shall be arranged to allow for the opening of future streets and logical connections to future subdivisions.
- c. Unless precluded by topography or other physical conditions, proposed streets shall be extended to the boundary lines of the property being subdivided or developed. A deviation from this requirement may be granted by the Director of Planning and Development in conjunction with the City Engineer where it can be shown that the extension is not necessary or desirable for the coordination of the layout of the proposed development with adjacent properties.
- d. At least one street shall extend to the boundary line of the property being developed for each 1,300 linear feet of the boundary between adjoining tracts. This section does not require extension of streets into floodplain or other sensitive development areas.

C. Standards.

All streets shall be designed in accordance with the American Association of State Highway and Transportation Officials' (AASHTO's) Geometric Design of Highways and Streets standards.

- D. Intersections.
1. The intersection of more than two streets at a single point is prohibited.
 2. Streets shall intersect one another at approximately a 90-degree angle. Intersections at angles smaller than 75 degrees are not permitted.
 3. Three-way "T" intersections shall be permitted for local and collector streets. T-intersections involving arterial streets or expressways shall require approval by the City Engineer.
 4. Off-center intersections shall be offset by a minimum centerline to centerline dimension of 150 feet.
 5. Roundabouts shall be permitted with the approval of the City Engineer.
- E. Reverse Curves. A tangent of at least 100 feet in length shall be introduced between reverse curves on arterial and collector streets. The minimum tangent length between reverse curves shall be 50 feet for local streets. No tangent shall be required for radii longer than 500 feet.
- F. Private Streets.
1. Subdivisions containing private streets are discouraged. Private streets shall only be allowed in cases where the Planning Commission and Governing Body have been provided with adequate assurances that private parties will be responsible for ongoing care, maintenance and surfacing of these facilities.
 2. Private streets shall comply with the design standards listed in Sec. 9-609.A above.
 3. Private streets shall be designated as a separate tract or tracts under common ownership on the final plat.
 4. Public access easements shall be dedicated to assure adequate access to all adjacent properties. The dedication statement shall be required to state that the private streets are open to traffic. Private streets shall be consistent with public streets in their ability to service government agencies and public utilities and shall not be blocked off from public streets, unless they meet the requirements of Sec. 9-621 of these regulations.
- G. Median Strips and Entrance Ways.
1. Median strips which are part of a dedicated public right of way may only be used for landscaping, lighting, subdivision entrance signs, a public utility, or by the City. All stated improvements shall meet City standards and obtain appropriate permits prior to installation.
 2. A developer or property owner may beautify a median strip with landscaping which conforms with sight distance requirements. Said entity shall enter into a development agreement with the City to have permanent responsibility for maintenance and liability of the landscaping improvements.

Sec. 9-610 Street Naming.

- A. The subdivider shall provide the proposed names of all streets at the time of preliminary plat. Streets shall be named in accordance with the following:
1. Proposed streets clearly aligned with existing streets shall be given the same name.
 2. East-west streets that cross Main Street or have a counterpart street to the east or west of Main Street shall be labeled with an "East" prefix on the east side of Main Street and a "West" prefix on the west side of Main Street (e.g. East Fourth Avenue).
 3. North-south streets that cross Sherman Avenue or have a counterpart street to the north or south of Sherman Avenue shall be labeled with a "North" prefix on the north side of Sherman Avenue and a "South" prefix on the south side of Sherman Avenue (e.g. South Halstead Street).
 4. New street names shall not duplicate the names or numbers of any existing streets, even though different suffixes are used (e.g. Jones Parkway and Jones Circle are too similar to one another to be distinguishable) and shall be substantially different so as to be distinguishable and not confusing.
 5. Streets generally running in one direction shall have one name and the name shall continue throughout the course of the roadway.
 6. Streets that change direction by an angle of 90 degrees or more and continue in the new direction a distance of more than 400 feet shall be given a new name from the point of change of direction.
 7. Loop streets may be given one name throughout their length provided that the street spans no more than 400 feet.
 8. Streets that run generally east-west shall be given the suffix "Avenue."
 9. Streets that run generally north-south shall be given the suffix "Street."
 10. Curving streets that run in more than one direction shall be given the suffix "Drive."
 11. Cul-de-sac, dead-end or similar streets may be assigned the suffix "Circle," "Lane," "Court," "Place" or "Way."

Sec. 9-611 Driveways and Access Management.

- A. Access Control.
1. Each lot shall have access to a public roadway either directly or via a private roadway access easement. Lots or development without adequate road access shall not be approved.
 2. Property located in commercial, industrial or multi-family residential districts shall show the anticipated range of proposed driveway locations on the preliminary and final plat drawings.

3. In the interest of public safety and for the preservation of traffic carrying capacity of abutting roadways, the Planning Commission may recommend and the City Council shall have the right to control points of access to all property from the public street system. Such controls shall be noted on the final plat.
- B. Driveway Alignment.
Multi-family and non-residential driveways shall be aligned with existing driveways on the opposite side of the street or offset by a minimum distance of 150 feet, wherever feasible. Driveway geometrics shall be compatible with those for the opposing driveway. Waivers of this requirement may be made by the City Engineer for existing properties with no other means of access or where a traffic study is performed.
 - C. Shared Accesses (Common Driveways).
Shared accesses and shared driveways are encouraged for commercial and industrial development. Driveways may be shared by adjacent property owners if a common driveway (ingress and egress) easement is denoted as such on the final plat.
 - D. Construction on Public Right-of-Way Under State Control or Jurisdiction.
All construction within the right-of-way of or under the control or jurisdiction of the state of Kansas shall be reviewed and approved by the appropriate state agency prior to submittal of plans to the City of Hutchinson.

Sec. 9-612 Street Trees.

- A. Applicability.
To provide an attractive urban canopy, street trees are required in all residential and commercial zoning districts along local and collector streets.
- B. General Requirements.
 1. Street trees shall be spaced as uniformly as possible, with an average spacing of 40 linear feet between trees, resulting in a minimum of one tree per lot in residential districts, and shall have a minimum caliper of two inches as measured six inches above the ground. Street trees shall have a one-year warranty.
 2. A minimum of two street trees are required on corner lots.
 3. Street trees shall count toward the landscaping requirements for multi-family and commercial developments.
 4. Exceptions to the location and spacing of trees may be allowed to accommodate for the location of utilities, streetlights, driveways, storm drain structures and traffic sight distance triangle areas.
 5. In subdivisions where there is a planter strip, street trees shall be planted between the back of curb and the sidewalk. In areas where there is no sidewalk, or the sidewalk abuts the street, street trees shall be planted in the vegetated portion of the right-of-way behind the curb or behind the sidewalk.

- C. Timing.
Street tree species and typical spacing requirements shall be included with all preliminary plats. Trees shall be planted in approved locations and at the density specified prior to issuance of an occupancy permit for the associated structure.
- D. Required Species.
 - 1. The Director of Parks and Facilities shall determine the botanical and common names of the street trees to be planted based on the requirements of this section.
 - 2. Planting of native tree species is encouraged. All street trees shall be deciduous species and shall be found in the document, *Preferred Trees for South Central Kansas*, a copy of which is available on the City of Hutchinson web site.
 - 3. The Director of Parks and Facilities may approve other species that are similar in quality, durability, and appearance, and that are suitable for the climate and rainfall conditions in Hutchinson.
- E. Maintenance.
 - 1. It shall be the responsibility of the adjoining property owner to maintain street trees.
 - 2. The responsible property owner shall remove and replace street trees that are dead, dying, diseased or otherwise unsafe.

Sec. 9-613 Streetlights.

- A. Authority to Require. The City shall require the installation of streetlights with steel or metal poles in accordance with adopted design and specification standards.
- B. Location. Proposed streetlight locations shall be included on the preliminary plat. The Planning Commission shall approve all streetlight locations.
- C. Coordination. The Developer shall provide the trenching and installation of conduit for streetlights. It shall be the responsibility of the Developer to coordinate installation of streetlights with the electric utility provider.
- D. Timing. Streetlight installation shall occur prior to issuance of an occupancy permit in the subdivision.

Sec. 9-614 Sidewalks, Trails and Bikeways.

- A. Sidewalks.
 - 1. All subdivisions shall contain sidewalks constructed in accordance with the following standards:

Roadway Type	Where Required	Minimum Width (feet)	Location
Local Street ¹	Both sides of the street	4 ³	Within the ROW; either adjacent to the street or separated by a planter strip a minimum of 5 feet in width, as determined by the Developer in conjunction with the City Engineer.
Collector Street	Both sides of the street	5	Within the ROW; separated by a planter strip a minimum of 5 feet in width.
Arterial Street	Both sides of the street	8	Within the ROW; separated by a planter strip a minimum of 5 feet in width. ²
Expressway	Not required	10	If installed, within the ROW; separated by a planter strip a minimum of 10 feet in width.
Private	At least one side of the street	5	Within the private roadway dedication; adjacent to the curb.

¹ Residential development abutting local streets in the T-A, R-1 and R-2 zoning districts may request a subdivision variance from this requirement.

² If the sidewalk of a new development is being installed that will connect to a neighboring sidewalk which is directly adjacent to the curb, the developer shall be responsible for installing the new sidewalk 5 feet from the curb, and connecting it to the existing sidewalk. This 5-foot setback shall not be required if the development is between two pre-existing sidewalks that are directly adjacent to the curb. In such a situation, the sidewalk may be continued adjacent to the curb.

³A 5-foot-wide sidewalk may be required for reasons of safety or handicap accessibility.

2. Timing.

Sidewalks shall be installed with development of the abutting lot and shall be inspected and approved prior to issuance of a final certificate of occupancy. Developers shall have a maximum of seven years from issuance of the first building permit in a residential subdivision phase for installation of all new sidewalks associated with that subdivision phase. The City shall have the authority to require a bond, developer's agreement or other instrument in order to ensure installation of sidewalks within the seven year period.

3. Infill Development.

The City Engineer is authorized to make a recommendation to City Council as to whether sidewalks are required for infill development, based upon due consideration of the following factors:

- a. Proximity to schools, shopping destinations and other pedestrian destinations.
- b. Potential connectivity to the existing sidewalk system.

- c. The City Council shall make the final determination if sidewalks are required in infill developments.
- B. Trails.
 - 1. Public trails and trail segments. Public trails and trail segments shall be required to be constructed as part of the subdivision where identified on the *Bicycle and Pedestrian Master Plan*. Trails shall meet the following standards:
 - a. Trails shall be constructed of asphalt or concrete, installed at a minimum depth of four inches.
 - b. Trails shall be a minimum of 10 feet in width and shall be located within a dedicated public easement.
 - c. Trails shall be separated from roadways by a minimum distance of 10 feet where possible.
 - d. The City Engineer, in conjunction with the Director of Parks and Facilities, shall have the authority to modify the above requirements in cases where physical constraints on the property limit installation of trails and trail segments.
- C. Bikeways.

On-street bikeway improvements, including cycle tracks, bike lanes and bike routes, shall be provided within the boundaries of subdivisions along adjacent arterial and collector streets when identified in the *Bicycle and Pedestrian Master Plan*. The developer shall dedicate adequate width for bikeways where these facilities are shown in said Plan. The City of Hutchinson shall be responsible for installing bike markings on pavement.

Sec. 9-615 Preservation of Natural Features and Amenities.

- A. Purpose.

To protect the unique character of the City of Hutchinson, trees, watercourses, historic sites and structures and similar irreplaceable community assets shall be preserved as part of subdivision design wherever possible.
- B. Existing Trees.
 - 1. Existing trees shall be annotated with species and size on the preliminary plat. The Director of Parks and Facilities shall review the preliminary plat and determine which trees are noteworthy. All noteworthy trees shall be included as part of a tree preservation area and shall be protected from all construction activities.
 - 2. To the greatest extent feasible, utility easements and development shall be located away from tree preservation areas. When utilities or infrastructure systems must cross tree preservation areas, every effort shall be made to minimize tree removal. If removal of trees is deemed excessive, the Director of Parks and Facilities may require replacement of trees or payment into the Trees for Tomorrow Fund.

- C. Tree Replacement.
 - 1. Trees removed from within a tree preservation area shall be replaced with a species, as approved by the Director of Parks and Facilities.
 - 2. Replacement trees shall meet the minimum requirements as outlined in Sec. 9-606.B.1.
- D. Tree Preservation Fund.
 - 1. Where the Director of Parks and Facilities has determined that replacement of existing trees is not feasible, payment of a cash equivalent shall be permitted at the rate of 1.5 times the monetary value of the tree and topsoil destroyed, up to a maximum of \$10,000 per tree.
 - 2. The monetary value shall be determined based upon tables and formulas produced by the Council of Tree and Landscape Appraisers. Alternately, the subdivider may, at his sole cost, obtain an appraisal by a certified arborist using the International Society of Arboriculture Manual of Plant Appraisal.
 - 3. The Trees for Tomorrow Fund shall be used to install new trees on City-owned property and rights-of-way.
- E. Historic Features.

All subdivisions containing historic features listed on the local, state or national register, shall be required to comply with the applicable Historic Preservation regulations. Wherever possible, historic features shall be retained and preserved.

Sec. 9-616 Parks, Public Recreation and Open Space Dedication.

Reserved. This section is reserved and is intended for future development upon completion of a Parks Master Plan or Study.

Sec. 9-617 Common Areas and Reserve Areas.

- A. Areas to be held in common or reserve may be permitted in a subdivision pursuant to the following:
 - 1. A draft agreement for development and maintenance of the common area or reserve area is filed with the City at the time of preliminary plat for review.
 - 2. Said agreement shall address the ownership, use, preservation, liability and continued maintenance of common areas and reserve areas and shall be included among the covenants and restrictions for the development.
 - 3. The restrictions and covenants shall ensure that the common areas and reserve areas shall not become the maintenance or ownership liability of the City.
 - 4. Common areas and reserve areas shall be owned by a corporation, partnership, neighborhood association or organization existing or to be created with legal authority to hold and maintain property.

5. City may approve, amend or disapprove the proposed restrictions and covenants.
6. Approved restrictions and covenants shall be recorded with the final plat.
7. If a reserve area is not adequately maintained, the City may undertake all legal remedies available to cause said maintenance to occur, including, but not limited to, performing the maintenance and assessing property owners within the subdivision.
8. All subdivisions containing common or reserve areas shall include the following note: *"It shall be the joint responsibility of all owners of property located within this plat to provide for the ongoing maintenance and upkeep of all common and reserve areas."*

Sec. 9-618 Watercourses and Floodplain.

A. Review Required.

The City must review subdivision proposals to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal is in a flood prone area, any such proposal shall be reviewed by the Floodplain Administrator to assure that:

1. The proposal is consistent with the need to minimize flood damage within the flood prone area;
2. All public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards.

B. Utilities.

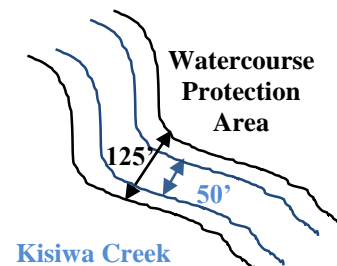
The installation, placement or maintenance of any and all underground electrical or communication wiring or associated structures or facilities, whether above or underground, shall be reviewed by the Floodplain Administrator and the City Engineer in any regulatory floodplains, flood-prone areas, drainage easements, major drainageways, or any other area where the possibility of standing water exists.

C. Designated Special Flood Hazard Areas.

All designated Special Flood Hazard Areas (100-year and 500-year floodplain areas) shall be annotated on the preliminary and final plat. Annotations shall be consistent with the adopted Flood Insurance Rate Map (FIRM) and shall include the FIRM number and effective date on the plat.

D. Watercourses.

1. In order to eliminate the negative impacts of siltation and pollution associated with encroachments into watercourses, whether natural or manmade, and their adjoining overflow areas, as well as to reduce the impacts of flooding, the City shall require



- dedication of easements for watercourse protection areas.
2. Watercourse protection areas shall be equal to a minimum of 2.5 times the average width of the watercourse, as determined by the City Engineer. In cases where there is an established Special Flood Hazard Area, the protection area shall follow the 100-year floodplain boundary. Amenities, such as walking paths and landscaping, shall be permitted within the watercourse protection area, however, no structures shall be permitted.
 3. The City Engineer may require a study to establish the limits of a watercourse protection area in cases where existing watercourses have experienced recurring floods.
 4. The subdivider may, at his sole expense, hire a civil engineer licensed to practice in the State of Kansas to prepare a study to reduce the dedication width in areas where there is not a mapped floodplain.
 5. Exceptions for existing developments or infill properties may be granted via subdivision variance.

Sec. 9-619 Underground Utilities.

- A. General.
 1. All new utility facilities, including but not limited to natural gas, electric power, telephone and cable television cables shall be located underground throughout any new subdivision. Wherever existing utility facilities are located aboveground, except where existing on public rights-of-way, they shall be removed and placed underground throughout any new subdivision. In cases where property is being replatted, a subdivision variance may be granted for this section, if the findings in Sec. 9-702.B. can be made.
 2. The Planning Commission may approve perpetual unobstructed easements on private property for utilities. Such easements shall be at least ten feet wide. The Planning Commission may require easements of a greater width in special circumstances. Easements shall be located with due consideration of the location of existing utilities and after coordination with the applicable utility companies.
 3. Maintenance of easement areas shall be the responsibility of the property owner.
- B. Standards.

The underground installation of utility lines shall meet existing safety standards based upon the National Electric Code.
- C. Coordination of Installation.
 1. The subdivider shall make the necessary arrangements to install underground facilities, including circuits for street lights and traffic signals, which are required by the City.
 2. Arrangements shall be made with each of the companies or persons supplying the electrical and communications services to the

development, in accordance with the established charges of the company or person.

3. Letters from each utility company indicating that ample capacity is available and appropriate coordination has been arranged shall be submitted to the Planning and Development Department at the time the final subdivision is filed.

Sec. 9-620 Gated Communities.

Gated communities shall be permitted with the approval of the City.

Sec. 9-621 Public Infrastructure Improvement Financing.

- A. Special Assessment Financing.
In order to facilitate new development, the City has approved a policy for special assessment financing of public infrastructure improvements. Developers wishing to utilize special assessment financing shall comply with the provisions of City Council Policy 20: "A policy for the development and financing of Public Improvements utilizing Special Assessments."
- B. Developer Financing of Public Infrastructure Improvements.
The developer may opt to pay for some or all of the public infrastructure improvements required to support the subdivision. Developers opting to fund all of the public infrastructure improvements shall comply with the submittal and bidding requirements of the City Engineer.

Sec. 9-622 Subdivision Plat Requirements.

- A. Preliminary Plats.
Preliminary plats shall include all of the required items as identified on the document, "City of Hutchinson Preliminary Plat Design Requirements," a copy of which is available on the City's web site and in the Planning and Development Department Office.
- B. Final Plats.
Final plats shall meet the requirements of the Reno County Board of Commissioners' adopted Resolution No. 2014-52, and any amendments thereto. In addition, all of the required items as identified on the document, "City of Hutchinson Final Plat Design Requirements," a copy of which is available on the City's web site and in the Planning and Development Department Office, shall be provided on the final plat.

Article VII. Amendments and Subdivision Variances

Sec. 9-701 Amendments.

Any of the provisions of the Subdivision Regulations may be amended by approval of the City Council according to the following procedure.

- A. **Public Hearing.**
Prior to amending these subdivision regulations, the Planning Commission shall call and hold a public hearing.
1. **Notice.** The notice of the public hearing shall be published at least once in the official city newspaper a minimum of 20 days prior to the hearing. The notice shall fix the date, time and place for the public hearing and shall describe the proposal in general terms.
 2. **Adjournment.** The hearing may be adjourned or tabled, as necessary.
 3. **Action.** At the conclusion of the public hearing, the Planning Commission shall, by an affirmative vote of a majority of the entire membership of the commission, prepare recommendations in the form of proposed subdivision regulations and shall submit the same, together with the written summary of the public hearing, to the City Council.
- B. **City Council.**
Upon receiving the Planning Commission recommendations, the City Council may:
1. approve the Planning Commission's recommendations by ordinance;
 2. override the Planning Commission's recommendations by a 2/3 majority vote; or
 3. return the proposed amendments to the Planning Commission for further consideration. Amendments returned to the Planning Commission shall include a statement specifying the basis for the City Council's failure to approve or disapprove the amendments.
- C. **Returned Recommendations.**
1. If the City Council returns the Planning Commission's recommendations, the Planning Commission, after considering the amendments and City Council's statement of basis, may:
 - a. resubmit its original recommendations, giving the reasons for the resubmission;
 - b. submit new recommendations; or
 - c. submit amended recommendations.
 2. Upon the receipt of the Planning Commission's recommendations, the City Council may, by a simple majority:
 - a. adopt the Planning Commission's recommendations by ordinance;
 - b. revise or amend and adopt the Planning Commission's recommendations by ordinance; or
 - c. take no further action. If no further action is taken, the amendments shall be deemed as unapproved.
 3. **Returned Amendments.**
If the Planning Commission fails to deliver its recommendations to the City Council following the Planning Commission's next regular meeting after receipt of the City Council's returned amendments, this

shall be considered as a resubmission of the original recommendations.

D. Effective Date.

The proposed subdivision regulations and any approved amendments thereto shall become effective upon publication of the adopting ordinance.

Sec. 9-702 Subdivision Variances.

A. General.

Where the Planning Commission finds that a particular hardship or practical difficulty results from strict compliance with the subdivision standards, as specified in these regulations, a subdivision variance may be granted. Economic loss or hardship is not sufficient grounds for granting of a subdivision variance. A subdivision variance shall not have the effect of nullifying the intent or purpose of these regulations.

B. Findings.

In granting a subdivision variance, the Planning Commission shall make the findings specified below.

1. The granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property or improvements in the neighborhood where the subdivision is located.
2. The conditions upon which the request for a variance are based are unique to the property for which the variance is sought, and are not generally applicable to other property in the vicinity.
3. Because of the particular physical surroundings, shape or topographical conditions of the subdivision property, an extraordinary hardship to the owner would result, as distinguished from a mere inconvenience, if the standards of the Subdivision Regulations were applied.
4. The variance will not in any manner cause the need for variances of the zoning regulations, comprehensive plan, official street classification map or other adopted plan or regulation of the City.

C. Conditions.

In approving subdivision variances, the Planning Commission may require such conditions as will, in its judgment, secure the objectives of the standards of the Subdivision Regulations.

D. Procedures.

1. Applications for subdivision variance shall be submitted on forms provided by the City in conjunction with the preliminary plat application.
2. The Planning Commission shall consider the subdivision variance and, making the findings as provided in Sec. 9-702.B, take one of the following actions:
 - a. approval;
 - b. approval with conditions;
 - c. approval with modifications; or

- d. denial.
- 3. If the Planning Commission approves the subdivision variance, the applicant may prepare a final plat application, incorporating the subdivision variance. The final plat drawing shall contain a record of the subdivision variance, including the date granted, the nature of the variance and the case number.
- 4. If the Planning Commission denies the subdivision variance, the applicant shall, dependent upon the nature of the variance request, prepare a revised preliminary plat that meets the requirements of the Subdivision Regulations.

(Ord. 2015-42, Adop. 10/20/2015)