

UNIFIED ZONING ORDINANCE AND SUBDIVISION REGULATIONS
SECOND EDITION 2007 (ORD. 2008-13 amended ORD. 2007-24)
SPRING HILL, KANSAS

SUBDIVISION REGULATIONS

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SUBDIVISION REGULATIONS OF SPRING HILL, KANSAS

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SECTION 17.370

GENERAL PROVISIONS

- A. Title and Scope.** These Regulations, entitled the Spring Hill Subdivision Regulations, prescribe minimum design requirements and approval procedures for the development of new subdivisions and re-subdivisions of land in the City of Spring Hill and the growth area included in the Interlocal Agreement with the Miami County Commission.
- B. Purpose.** The division and improvement of land for urban development has a significant and lasting impact upon the physical environment of Spring Hill and places increasing demands upon public facilities and services. The creation of new streets, lots and utility systems requires significant capital investments and failure to adequately size and construct sewers and streets, insure adequate water supplies, manage storm water runoff and erosion, and plan for public services may result in physical and environmental problems which are difficult and costly to resolve.

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

In addition, the Community Development Recommendations of the Spring Hill Comprehensive Plan including the Planning Principles and Design Guidelines will supplement these Regulations. The purpose of the Comprehensive Plan Recommendations is to provide quality and design criteria relating to all development within the City.

- C. Applicability.** The provisions and regulations of this chapter apply to all zoning districts, except the provisions of any section of these regulations may be modified in planned zoning districts in accordance with the recommendations of the *Comprehensive Plan* and its associated Planning Principles and Design Guidelines, provided such modifications will not be contrary to the public interest or will not place unnecessary burden on the City.

Except as otherwise provided in this chapter, no subdivision may be developed until both a preliminary and final plat have been approved and filed in accordance with these provisions and the consideration of the *Comprehensive Plan, Major Thoroughfare Plan, Planning Principles and Design Guidelines*, and any applicable studies and plans approved by the Planning Commission and the Governing Body. Approval of a preliminary plat does not constitute acceptance of the subdivision, but authorizes preparation of the final plat. No improvements shall take place in the subdivision prior to approval and recording of the final plat and submittal and approval of street, sanitary sewer, water line and storm sewer

construction plans by the City Engineer.

These Regulations shall apply to any person desiring to do any of the following:

1. Subdivide or further subdivide any lot or tract of land into two or more parts.
2. Re-subdivide any lot or tract of land that has previously been subdivided into two or more parts.
3. 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 Spring Hill or within the growth area 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 will hereafter be issued by the City of Spring Hill for construction on any land that has not been subdivided in compliance with these Regulations and all other applicable state laws and City of Spring Hill regulations in effect at the time of the subdivision of said land.

4. After the effective date of these Subdivision Regulations, the owner or owners of any land, subdividing the same into two or more lots, blocks, tracts, or parcels, shall cause a subdivision plat or parcel split to be made.

D. 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. Exemptions from these Regulations shall not apply to any subsequent subdivision of a lot or tract.
2. The division or further division of land into tracts of 10 acres or more when subdivided only for agricultural use and does not involve or result in the creation of 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 tracts of land or lots comply with the design requirements for lots in Section 17.376.D of these Regulations and applicable provisions of the Spring Hill Zoning Regulations.
4. The use of land for right-of-way by railroad or public utilities subject to local, state, or

federal regulations, provided no new street is 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 tract or lot splits described in Section 17.374 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 17.376.D of these Regulations and applicable provisions of the Spring Hill Zoning Regulations. Any further division of the lot or tract of land shall be platted in compliance with the requirements of these Regulations.

E. 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** means the right to cross between public and private property, allowing pedestrians and vehicles to enter and leave property.
2. **Adequate Public Facilities** means those facilities relating to roads, sewer systems, schools, water supply and distribution systems, and fire protection that meet adopted level of service standards.
3. **Alley** means a dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property, the right-of-way, which is 20 feet in width.
4. **Agricultural Use** means the use of a tract of land for the raising of crops, animal husbandry, dairying, pasturage, general farming, truck farming, cultivation of field crops, orchards, groves, raising fish, birds, or poultry; and accessory uses necessary for the carrying out of farming operations, including structures for storage, processing, or sale of products raised on the premises. Agricultural uses shall not include the following:
 - a. The operation or maintenance of greenhouses, nurseries or hydroponic farms operated at retail.
 - b. Wholesale or retail sales as an accessory use unless the same are permitted by these Regulations.
 - c. The operation or maintenance of a commercial stockyard or feedlot.
5. **Arterial Street (or boulevard)** means an arterial street or thoroughfare, which primarily serves as a transportation link for vehicular traffic, and also serves as a formally designed street of distinguished character to establish community identity.
6. **Block** means a tract of land bounded by streets, or by a combination of streets and public

parks, cemeteries, railroads, right-of-ways, shoreline of waterways, or boundary lines of municipalities.

7. **Bond** means any form of security, including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the City Attorney. The City Attorney shall approve all bonds whenever a bond is required by these Subdivision Regulations.
8. **Collector Street (or avenue)** means a road intended to move traffic from local streets to secondary arterials, and also serves as a formally designed roadway to create special character and identity within a development. A collector street serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it, unless a well connected supporting street network is provided to diffuse traffic through the development. A collector street (avenue) design includes wider sidewalks set further back from the street, buildings set further back from the roadway, and more extensive landscape treatment than a typical local street. Such roadways may also incorporate on-street bike-lanes, and in some locations include a landscape median or common left-turn lane.
9. **Comprehensive Plan** means the Spring Hill Comprehensive Plan, as adopted by the Spring Hill City Council in April 1996, and as amended from time to time.
10. **Corner Lot** means a lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.
11. **City Attorney** means the City Attorney, or such licensed attorney designated by the Governing Body to furnish legal assistance for the administration of these Regulations.
12. **City Engineer** means the City Engineer or such licensed professional engineer designated by the Governing Body to provide engineering assistance in administering these and other regulations governing areas of the normal responsibilities assigned to the City Engineer.
13. **County Health Officer** means the Director of the County Health Department or such person designated to administer the health regulations of the County.
14. **Cul-De-Sac** means a local street with only one outlet and having a circular turnaround for the safe and convenient reversal of traffic movement.
15. **Dead End Street** means a street having only one outlet and having no turnaround.
16. **Developer** means 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.

- 17. Double Frontage** means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.
- 18. Easement** means an authorization by a property owner for the use by another, for a specified purpose, of any designated part of his property.
- 19. Final Plat** means the map or plan or record of a subdivision and any accompanying materials, as described in the Subdivision Regulations.
- 20. Frontage** means
 - 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 coincidental.
- 21. Frontage Road** means a public or private marginal access roadway generally paralleling and contiguous to a street or highway providing access to abutting properties and which is designed to promote safety by eliminating unlimited ingress and egress to such street or highway by providing points of access at generally uniformly spaced intervals.
- 22. Governing Body** means the Spring Hill City Council and Mayor.
- 23. Growth Area** means the area around the City of Spring Hill that is identified as Exhibit A of the Interlocal Agreement between Miami County, Kansas and the City of Spring Hill, Kansas providing for the joint regulation of the use of land lying within territory designated as the growth area of the City of Spring Hill as approved and adopted by Ordinance No. 97-02.
- 24. Grade** means the slope of a road, street or other public way, specified in percent.
- 25. Improvements** means all facilities constructed or erected by the developer and/or City within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, commercial or industrial use.
- 26. Local Street** means a road intended to provide access to other roads from individual properties.

- 27. Lot** means 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. 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 or officially approved place.
- 28. Monument** means the device, usually a metallic bar or tubes, used to mark and identify the corners in the boundaries of subdivisions or lots.
- 29. Offset Street** means a continuous street whose centerline is not tangent through an intersection.
- 30. Open Space** means any parcel or area of land or water set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space may include common, active and landscaped areas, as well as, areas of natural preservation.
- a. **Open space, active** means that part of the net site area of a development that may be improved or set aside, dedicated, designated or reserved for recreational use such as swimming pools, play equipment for children, ball fields, picnic tables, sports courts, etc. Such open space may also include turf/lawn areas, shrubs and trees, walkways, paved terraces, sitting areas and outdoor recreational areas such as commonly found in a neighborhood park.
 - b. **Open space, common** means that part of the net site area of a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of a development. In no case shall common open space include required setback areas or contain structures other than those intended for landscape or recreational purposes.
 - c. **Open Space, natural (Also called passive or preserve)** means essentially unimproved land or water area, not individually owned, that is part of the net site area of a development and is designed and intended for the common use or enjoyment of the residents of a development. Such open space may include natural features which are physical characteristics of properties that are not man-made (e.g. soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life, and wildlife).
- 31. Owner** means 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.

- 32. Parkway** means a wide roadway that may vary in character and traffic carrying capacity ranging from a collector street (avenue) through a neighborhood to an arterial street with a boulevard character. A parkway design typically consists of a meandering divided roadway with special features incorporated in a varying sized median. In limited locations a parkway may not include a median where the parkway extends through or along side a park, drainage corridor, or natural open space area.
- 33. Preliminary Plat** means the preliminary drawing or drawings, described in these Regulations, indicating the proposed manner or layout of the subdivision.
- 34. Re-subdivision** means a change in a map of an approved or recorded subdivision plat if such change affects any street layout shown on such map, 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.
- 35. Right-Of-Way** means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the dimensions of areas of such lots or parcels.
- 36. Setback** means the distance between a building and the lot line nearest thereto.
- 37. Sidewalk** means a paved walkway located along the side of a street.
- 38. Street** means a right-of-way, other than an alley, dedicated to the public use, which provides principal access to adjacent properties.
- 39. Subdivision** mean 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 offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, including re-subdivision. 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.
- 40. Subdivision, Non-Residential** means a subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these Regulations.
- 41. Tract or Lot Split** means 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.

42. Walkways means where blocks have substantial pedestrian traffic may occur such as adjacent to schools, the Planning Commission may require pedestrian walkways through blocks. Such walkways shall be 10 feet in width, shall be adequately fenced and shall contain a concrete walk the entire length. Such walkways shall be dedicated to the public in the same manner as streets.

43. Zoning Administrator means the Planning and Development Coordinator for the City of Spring Hill.

F. Adequate Public Facilities and Services.

1. In order to prevent the premature development of land which might pose a threat to the health, safety or general welfare of the community at large, or the occupants of land in the particular area of the City, it shall be the policy of the City that no application for conditional use permit, preliminary or final development plan or preliminary or final plat shall be approved unless public facilities and services are available, or will be provided as a condition of the application, which are adequate to serve the development.
2. For purposes of this section, the determination of the adequacy of public facilities and services shall be made in accordance with the following criteria.
 - a. The road network serving the site shall be capable of handling the increased traffic generated by the development. The Governing Body has the discretion to require the creation of a benefit district for the improvement of nearby arterial streets to ensure that the road network is capable of handling present and future traffic caused by development in the area.
 - b. The development must be served by a public sanitary sewer system. Sewer lines and sewage treatment plant capacity must be certified by the City Engineer as being capable of handling the waste flows from the development. Exceptions to sanitary sewers (i.e., private sewage disposal systems) shall be in accordance with the provisions set forth by the Sewer Regulations of the City of Spring Hill Chapter 13, Article 5.
 - c. The development must have access to a public water supply. Water lines must be certified by the City Engineer or the appropriate water district as being capable of serving the development.
 - d. The development must have an adequate drainage system. The utilization of on-site or on-stream detention and natural drainage ways is recommended. Storm

drainage shall be carried by enclosed systems or open channels, as certified by the City Engineer.

- e. Fire protection services should be available to the development.
3. Where adequate public facilities and services are not in place or scheduled to be constructed within one (1) year of the consideration of the application, the City may make approval of the application subject to adequate facilities being provided as described in 17.370.F.2. In determining whether such conditional approval is appropriate, the Planning Commission and the Governing Body shall consider the following factors:
 - a. The nature, extent and estimated cost of the required facilities or services.
 - b. The proposed method of providing the adequate facilities.
 - c. The extent to which other property owners would be required to share in the cost of the improvements.
 - d. Any public amenities to be provided by the development, such as the donation or dedication of land or improvements for public facilities or services including, but not limited to, water, sewers and streets.
 4. An applicant may propose to provide adequate facilities as described in 17.370.F.2, by either providing the facilities or services at their own expense or by agreeing with the City to fund all or a part of the cost of such improvements. The intent of the effect of either method shall be to offset fairly and equitably the timing of the costs of the improvements or any higher net public costs resulting from the impact of the development. In any computations of additional net public costs, the differences between otherwise anticipated public costs and development impact costs, and otherwise anticipated public revenue and development impact revenues shall be considered, among other factors. The Planning Commission or Governing Body may require expert determination and analysis of public costs and revenues and the development's impact thereon.
 5. In the event that an application does not establish adequacy of facilities and services pursuant to the criteria set forth in Section 17.370.F.2, and the applicant does not propose to provide the adequate facilities and services, approval of the application may occur only upon express findings that, due to the nature of the proposed development, the occupants of the development will not be endangered and the inadequacy of a particular facility or service will not pose a threat to the health, safety or general welfare of nearby properties or the community at large. In cases where a prior development application has established the adequacy of public facilities, or

where the adequacy of public facilities is evident based upon the location of the property, the Planning Commission may waive the requirement that the applicant provide assurances of any or all public facilities or services as part of the application process.

SECTION 17.372

PROCEDURE FOR APPROVAL OF SUBDIVISIONS

- A. General Provisions.** This Section establishes uniform procedures and platting requirements for subdivisions subject to these Regulations. No final plat shall be filed with the County Register of Deeds as required by law until the Spring Hill Planning Commission has acted it upon and approved by the Governing Body as required herein.
- B. Pre-Platting Conference.** Any person desiring to subdivide land into 40 or more lots shall hold a pre-platting conference with the Zoning Administrator as a first step to filing an application for a preliminary plan. Owners of proposed subdivisions of less than 40 lots are encouraged to hold a pre-platting conference; however they may proceed with filing a preliminary plat. Arrangements for this conference shall be made by contacting the Zoning Administrator.

The purpose of this pre-platting conference is to inform the Zoning Administrator and 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 the City's utility and street system and the City's development policies and plans. The conference enables the Zoning Administrator staff to inform owners and their agents of the general conformance or non-conformance of the subdivision proposal with these Subdivision Regulations, additional requirements for further processing of the plan, 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.), as well as the provision of adequate public facilities.

The landowner or his representative may, if he deems desirable, prepare a schematic drawing of the proposed subdivision in order to receive any pre-plat comments of the Zoning Administrator, which may prove helpful in designing the preliminary plat. The sketch plan should convey the location of the proposed development, the general layout of the proposed subdivision, including the location and size of streets and the orientation, numbers and dimensions of the lots; plans for water supply and sewage disposal, and any particular design problems posed by the existing natural or manmade conditions and characteristics of the site which could benefit from any early discussion.

The platting conference may include representatives of the City of Spring Hill 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 since the Governing Body has final authority on all subdivision plats upon action from the Spring Hill Planning Commission.

C. Preliminary Plat.

- 1. Application.** The subdivision application form shall be filed with the Zoning Administrator and shall be accompanied by 16 copies of the preliminary plat and a digital format approved by the Zoning Administrator. The appropriate fee shall be paid upon filing the application.
- 2. Preliminary Development Plan as Substitute for Preliminary Plat.** Where property has been zoned to a planned zoning district, an approved preliminary development plan may substitute for a preliminary plat where said preliminary development plan contains all information required for preliminary plats as set forth in Section 17.372.C.3, Preliminary Plat Contents.
- 3. Preliminary Plat Contents.** The following information shall be shown on the preliminary plat or attached hereto:
 - a. Items Pertaining to the Title:
 - i. The name of the proposed subdivision.
 - ii. Location of the subdivision by reference to a section corner.
 - iii. The name(s) and address(es) of the owner(s)/developer and the licensed surveyor, architect, or engineer who prepared the plat.
 - iv. North arrow.
 - v. Scale of drawings (The preliminary plat shall be drawn to a scale of not less than 1 inch = 100 feet; however, with special conditions and prior approval, this scale may be exceeded).
 - vi. The legal description of the entire dimension of the subdivision.
 - b. Items Pertaining to the Subject Property (Existing):
 - i. All of the land to be platted as well as all platted or unplatted adjacent properties shall be shown. A heavy solid line should accurately indicate the boundary of the platted area.
 - ii. Existing contours with the contour intervals not more than five feet. All elevations and contours shall be related to mean sea level.

- iii. 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.
 - iv. Environmental features, including the location and direction of drainage channels and areas subject to one hundred-year flood, including those areas identified by flood studies prepared by the Johnson County Storm Water Management Program.
- c. Items Pertaining to the Plat (Proposed):
- i. Layout and names of streets, with general dimensions and appropriate grades and their relationship to adjoining or projected streets or roadways.
 - ii. Intended layout, zoning, numbers, and dimensions of lots.
 - iii. Parcels of land intended to be dedicated or reserved for parks, school or other public use, or to be reserved for the use of property owners within the subdivision.
 - iv. A preliminary plat will not be approved without a plan showing how water and sanitary sewers will serve it.
 - v. Location and type of utilities to be installed, including the approximate location of extensions of any sanitary and/or storm sewers and water mains.
 - vi. Utility and other easements, indicating width and purpose.
 - vii. A statement or other indications of phasing of the development and an appropriate timetable if applicable.
 - viii. Vicinity sketch which indicates the relationship between the proposed subdivision and the surrounding properties, streets and other features.
- d. Items to Accompany the Plat:
- i. The names and addresses of owners of record of lands located within at least 200 feet of the area proposed to be platted in the city limits; and the area of notification shall be extended to at least 1,000 feet in the unincorporated area when properties proposed to be platted are located adjacent to or outside of the city limits; or 1,000 feet in the growth area, of the proposed platted area in accordance with Section 17.364.E of the City of Spring Hill Zoning Ordinance.

Twenty days prior to the meeting, the City Clerk shall mail to each party a courtesy letter with information about the plat application and the meeting date and location the Planning Commission will consider the application. The applicant may submit the same certified list of owners of record of lands located either within: 200 feet in the city limits; 1,000 feet in the unincorporated area adjacent to or outside of the city limits; or 1,000 feet in the growth area, submitted for a preliminary plat application, provided the application for preliminary plat is made within six months of the approval of such rezoning.

- ii. Proof of adequate public facilities as set forth by Section 17.370.F.
- iii. The applicant shall furnish a traffic impact study and a storm water runoff study pertaining to the planned district.

4. Application Complete. Upon receipt of the preliminary plat and supportive data required in this Section, the Zoning Administrator shall certify the application as complete and affix the date of the application acceptance on the plat. He shall then place the preliminary plat on the agenda for consideration at the next meeting of the Spring Hill Planning Commission, provided the application is certified no less than 20 days before the next regular meeting.

5. General City Staff and Utility Review. The Zoning Administrator shall distribute copies of the preliminary plat to the appropriate city departments and agencies and 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 City Planning Commission.

6. City Planning Commission Review and Actions. A courtesy letter shall be mailed at least 20 days prior to the meeting date to owners of record listed in the certified list of owners submitted in accordance with Section 17.372.C.3.d.i. The Planning Commission shall determine if the preliminary plat conforms to the provisions of the subdivision regulations, and the recommendations of the *Comprehensive Plan* and associated Planning Principles and Design Guidelines. If the Planning Commission finds the preliminary plat does not conform to the requirements of the subdivision regulations, and the recommendations of the *Comprehensive Plan* and associated Planning Principles and Design Guidelines, the Planning Commission shall notify the owner or owners of such fact.

After reviewing the preliminary plat, comments from concerned citizens, and the report from the Zoning Administrator, the Planning Commission shall take action on the acceptance, modification(s), 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 17.372.D.

The Planning Commission shall forward to the Governing Body a statement of the action taken by the Planning Commission.

The Governing Body may, at its request, require that it must approve the preliminary plat before the applicant can submit a final plat.

7. **Effect of Approved Preliminary Plat.** Approval of the preliminary plat does not constitute final acceptance of the subdivision by the Governing Body. 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 re-initiation of the preliminary platting process.

The applicant shall file a final plat application along with the required documents described in Section 17.372.D within one year after approval of the preliminary plat by the Planning Commission. 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 one year, is applied for by the developer and granted by the Zoning Administrator. An extension shall be granted only once.

D. 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, and 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 a final plat application with the Zoning Administrator including 16 copies of the final plat and a digital format approved by the Zoning Administrator, along with the additional 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:
 - i. Two copies of separate drawings showing a profile and cross section of all streets, alleys or public use areas. The profiles and cross sections shall be drawn to specifications as on file, and acceptable to the City Engineer.

- ii. 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 or agents 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 by the public for the specific purpose stated herein. The City Clerk shall verify ownership.
- iii. Certification by the County Clerk in Johnson County or the County Treasure in Miami County showing that all due or unpaid taxes have been paid in full.
- iv. A copy of restrictive covenants applicable to the subdivision including the fencing requirements of the Spring Hill Zoning Ordinance.
- v. Where natural drainage ways are part of the drainage dedication easement, note that the drainage way will be maintained by the abutting property owners.
- vi. Proof of adequate public facilities as set forth by Section 17.370.F.
- vii. Provide for adequate control of storm water runoff to prevent soil erosion, such as silt fences. This includes applying for a Notice of Intent (NOI) for storm water discharges associated with construction activity under the National Discharge Elimination System. A copy of the NOI along with the Storm water Pollution Prevention Plan must be filed with the Zoning Administrator.
- viii. Provide for adequate disposal of construction refuse. No construction refuse will be allowed to be stored, maintained or kept in the open on any lot, tract or parcel.
- ix. Three 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 surety bond 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 or from the certified check.

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.

- x. Assurance of construction of public improvements to be dedicated to the City shall be made in the form of performance and maintenance bonds or by the creation of a benefit district.

Prior to the issuance of the building permit for the first lot in the subdivision, the developer shall submit a performance and maintenance bond, in an amount to be determined by the Public Works Director, to ensure that public improvements, streetlights, sidewalks and trails, street trees, neighborhood amenities, and landscaping identified within the master landscape fence / screening plan will be installed, approved, and maintained after completion of the development. The developer may submit separate bonds from contractors for applicable public improvements, including streets, storm sewers and drainage systems, sanitary sewers, water distribution systems and landscaping. Said bond(s) shall be to the favor of the City and shall be furnished at the time construction plans are submitted for approval. The amount of the bond(s) shall be for the full cost of the improvements and shall remain in effect for two (2) years from the date of completion and acceptance by the Governing Body of the City. Separate bonds may be presented for separate improvements as defined by the Public Works Director. Said bonds shall be properly executed prior to any grading or construction and shall be released upon written approval of the Public Works Director. No building permit shall be issued for a lot or tract in a subdivision which abuts a public improvement for which a bond has not been furnished. No occupancy permit shall be issued for any such building in a subdivision until a project completion certificate is issued by the Public Works Director.

As an alternative to providing performance and maintenance bonds to assure the construction of public improvements, the developer may present a petition to the Governing Body for creation of a benefit district as a means of guaranteeing the installation of public improvements. This alternative may be utilized only if the following conditions are met:

- The petition is presented on forms secured from the City Benefit District Coordinator or on forms otherwise acceptable to the Public Works Director.
- The petition must be valid under the applicable Kansas Statutes.
- The petition must be approved by the Governing Body.
- The initiating resolution for such improvement must be adopted by the Governing Body concurrent with the petition approval or as soon thereafter, as may be provided by law. The cost of the publication of said resolution shall be borne by the subdivider.
- The City Clerk shall record the resolution with the Register of Deeds.

The developer shall provide a performance and maintenance bond, a letter of credit, or other surety acceptable to the City Attorney to ensure that all erosion control measures are installed and maintained and that all of the development's streets and sidewalks remain free of debris (e.g. dirt, mud, gravel, etc.) during all phases of construction. If the Public Works Director determines an area of the development not to be adequately maintained or free of said debris, the developer shall be notified. From the time of notification, the developer shall have six hours to complete the removal of all said debris. If, after six hours, the developer has not acted, or if such action has failed to adequately remove all debris, the Public Works Director may direct the City to remove the debris and assess all cleanup charges against the developer and the performance and maintenance bond, letter of credit, or other surety.

- xi. The plat shall show the signatures of owners, city officials, notary, certifications by a licensed Engineer or registered land surveyors and shall be dated. If owned by a corporation the plat shall show the name of corporation and the title of the officer signing. Names shall be typed below all signature lines.
 - xii. The plat shall bear the following seals:
 - City.
 - Notary.
 - Licensed Engineer or registered land surveyor.
 - Seal if a corporation.
 - xiii. The consent and agreement clause should stipulate in or on instrument that Special Assessments on dedicated land become and remain a lien on the remainder of the land fronting on or abutting such dedicated roads and streets. (See revised statutes 19-1949; and 19-27, 101, 1953).
 - xiv. Submit, for the appraiser, the square footage of all areas other than building lots and dedicated streets. Please designate usage for areas.
- b. 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. Who 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 then 20 days after said application or no more than 45 days thereafter.
 - c. General City Staff and Utility Review. The Zoning Administrator shall transmit copies of the final plat, along with other documents submitted to the appropriate 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.

- d. Spring Hill Planning Commission Review and Action. The Planning Commission shall determine if the final plat conforms to the provisions of the subdivision regulations, and the recommendations of the *Comprehensive Plan* and associated Planning Principles and Design Guidelines. If such determination is not made within 60 days after the first meeting of such commission following the date of the submission of the plat to the Zoning Administrator thereof, such plat shall be deemed to have been approved and a certificate shall be issued by the Zoning Administrator upon demand. If the Planning Commission finds the final plat does not conform to the requirements of the subdivision regulations, and the recommendations of the *Comprehensive Plan* and associated Planning Principles and Design Guidelines, the Planning Commission shall notify the owner or owners of such fact. If the final plat conforms to the requirements of such regulations, there shall be endorsed thereon the fact that the plat has been submitted to and approved by the Planning Commission.

- e. Governing Body Review and Action. The Governing Body shall accept or refuse the dedications of land for public purposes within 30 days after the first meeting of the Governing Body following the date of the submission of the plat to the clerk thereof. The Governing Body may defer action for an additional 30 days for the purpose of allowing for modifications to comply with the requirements established by the Governing Body. No additional filing fees shall be assessed during that period. If the Governing Body defers or refuses such dedication, it shall advise the Planning Commission of the reasons therefore.

The Zoning Administrator may approve a minor engineering change to a plat after it has been approved. Both the Planning Commission and the Governing Body shall approve all other changes or amendments to a plat.

- f. Recording of Final Plat. It shall be the applicant's responsibility to file the final plat with the Register of Deeds of Johnson County or Miami County, Kansas, after approval of the final plat by the Governing Body, as required by State law. The final plat will not be considered official until a file stamp copy is submitted to the City Clerk.

- g. Excise Tax. The developer shall be required to contribute to an excise tax equal to the platted area times the tax rate to the City before the Mayor signs an approved recordable plat.

E. Replat.

- 1. Application.** A replat may be filed for any platted property. If the replat will not change the location of the utility easements or road right-of-way, a preliminary plat will not be required. If a replat does change the location of the easements and right-of-way, then a preliminary plat will be required.

SECTION 17.374

TRACT OR LOT SPLITS

- A. Objective.** The objective of this Section is to provide for the division of a tract of land or lot into not more than two tracts or lots without having to comply with the platting requirements described in Section 17.372. Such tract or lot split shall be subject to the guidelines established in Section 17.374.D and any further divisions of the tract or lot shall be platted in compliance with the requirements of Section 17.372.
- B. Authorization for Approval of Lot Splits.** The Planning Commission is hereby authorized to approve or disapprove lot splits in accordance with the provisions of this Section. The applicant may make appeals from a decision made by the Planning Commission to the Governing Body for a final determination.
- C. Application Procedures.** The application shall be accompanied by the following information:
- Three copies of a survey to scale of the lots involved, showing the exact location of any structures thereon, and the location and dimensions of the split.
- D. Approval Guidelines.** No lot or tract split will be approved if one 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, repaving, etc.
 3. There is less street right-of-way than required by these Regulations, unless such dedication can be made a separate instrument.
 4. All easement requirements have not been satisfied.
 5. Such split will result in a tract without direct access and less than 75 feet of frontage on a street.
 6. A substandard sized lot or parcel will be created according to these Regulations or the Spring Hill Zoning Regulations.
 7. The lot split does not have a plan on how it will be served by water and sanitary sewers.

The Planning Commission shall in writing, either approve with or without conditions, or disapprove the lot split within 30 days of the application.

The Planning Commission may make such additional requirements as deemed necessary to carry out the intent and purpose of existing subdivision regulations. Requirements may include, but not be limited to, installation of public facilities or dedication of right-of-way and easements.

- E. Savings Clause.** Nothing in this Section shall be deemed to be in conflict with K.S.A. 79-405 et. seq.

SECTION 17.376

SUBDIVISION DESIGN STANDARDS

- A. 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 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 Citywide development plans and policies and shall be coordinated with existing planned or committed public improvements.

- B. Street Standards.** The *Technical Specifications for Public Improvement Projects* and the *Design Criteria for Public Improvement Projects* include detailed criteria required for street design and construction. The final street design and arrangement of the development shall be completed in accordance with the *Major Thoroughfare Plan* of the *Comprehensive Plan* and applicable corridor studies and plans and shall be subject to approval by the Planning Commission and the Governing Body. The following are the general street design criteria.

- 1. External Street Considerations.** The arrangement, alignment, and width of streets in new subdivisions shall be properly integrated with the existing principal street 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 Section.

All subdivisions are required to have access to a paved street. If a street is not paved then the developer will be responsible to pave the road, if it is located in the City, to the standards listed in the *Technical Specifications* and the *Design Criteria*. If a portion of an arterial or collector street is located within both the city limits of Spring Hill and the unincorporated area of Johnson County or Miami County, or the Spring Hill Growth Area, then the road shall be surfaced with a permanent, bituminous or concrete paving from the intersections of all local and collector streets in the subdivision to an intersection with an existing paved arterial street. For roads in the Spring Hill Growth Area, the developer will be responsible for paving the road to Miami County standards. In the Growth Area, the road must be paved up to an intersection with an existing paved road.

- 2. Internal Street Layout.** The location, arrangement, character and type of all streets shall be designed in their relations to topographical conditions, the extent and impact of

storm water runoff, the safe and convenient circulation of traffic within the subdivision, the uses of the land to be served by such streets, and shall comply with the recommendations of the *Comprehensive Plan* including the Planning Principles and Design Guidelines, as well as the following design principles:

- a. Use topography and natural open space areas as the basis for the layout of a street network, allowing for open spaces to be maintained as continuous and interconnected as possible.
 - b. Provide a street network consisting of a grid, modified grid, or hybrid street layout that responds to local topography, water courses and greenways. Where through street connections are not desirable due to topographic features, collector or local streets parallel to open space areas or looped streets with neighborhood greens shall be favored over cul-de-sac streets. A hybrid street network is considered one that combines the circulation advantages of a grid network with the open space aspects of a curvilinear system by incorporating green space for woodlands, conservation areas, and other open space areas with the street elements. This approach may reduce the amount of total roadways of a strict grid, while maintaining connectivity within a development that is not hampered by dead-end or cul-de-sac streets. This approach provides neighborhood greens within circular or looped street elements for quality neighborhood design and identity, neighborhood open space, and in some instances large enough to serve as a neighborhood park.
 - c. Local streets shall be planned so as to diffuse traffic through a development and to discourage through traffic from being channeled onto a limited number of local and collector streets.
 - d. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, or developed, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission and Governing Body such extension is not necessary or desirable for the coordination of the layout of the subdivision or development with the existing layout or the most advantageous future development of adjacent tracts. At a minimum, there shall be one (1) street extended to the boundary line of the tract for each six hundred sixty (660) linear feet of the boundary line with adjoining tracts.
- 3. 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 instance shall two streets intersect at an interior angle less than 45 degrees without written consent of the City Engineer.
- 4. Offset Streets.** Offset streets whose centerlines are separated by less than 125 feet shall be avoided except where topography or other conditions justify a variation.

5. Dead End Streets and Cul-de-Sacs. Dead end streets and cul-de-sacs are discouraged in favor of a connected street network as described in Section 17.376.B.2.

- a. Alternatives to cul-de-sacs as described in Section 17.376.B.2 are the preferred street network design. However, a reasonable limited use of cul-de-sacs may be considered in locations along arterial streets where access is limited or in areas of challenging terrain where a through street connection is not desirable. Where a cul-de-sac abuts an arterial street or open space wide openings shall be provided between lots to provide for landscaping and pedestrian access between the two roadways, rather than enclosing the end of the street with lots and buildings.
- b. Permanent dead end streets shall be cul-de-sacs. Where permitted, a cul-de-sac shall be no longer than 600 feet in length and shall have adequate turnaround with a minimum 50-foot radius right-of-way at the closed end.

6. Right-of-way Street Widths, and Access. The widths for all road rights-of-way and roadways shall not be less than the minimum dimensions for each of the following classifications:

Street Classification	Right-of-Way Width (feet) ¹	Street Width (feet)	Maximum Gradient (%)
Local Street			
Curb and Gutter	50	28	8
Ditch (Extraterritorial Area)	60	27	--
Collector Street			
Curb and Gutter	60 to 80 ²	36	6
Ditch (Extraterritorial Area)	80	27	--
Minor Arterial Street			
Curb and Gutter	100	40 to 64	5
Ditch (Extraterritorial Area)	120	40 to 64	--
Major Arterial Street			
Curb and Gutter	120	64 to 87	5
Ditch (Extraterritorial Area)	120 to 150	64 to 87	--
199 th Street	150-200 ³		

¹ Right-of-way for roadways classified as a parkway by the *Major Thoroughfare Plan* of the *Comprehensive Plan* is set forth by Section 17.376.B.6.e.

² Collector street right-of-way varies in accordance with Section 17.376.B.6.d.

³ Right-of-way in accordance with the Johnson County Comprehensive Arterial Road

Network Plan (CARNP).

- a. Development along 199th Street shall be subject to the following median break spacing, street intersection spacing, and street frontage requirements for business driveways in accordance with the Johnson County Comprehensive Arterial Road Network Plan.
 - i. Median breaks/street spacing (minimum) shall be 2,640 feet (1/2 mile).
 - ii. Street frontage required per business driveway or intersecting streets along 199th Street shall be 1,320 feet (1/4 mile). All such access driveways and street intersections are limited to right-in-only usage.
 - iii. Driveways or streets to 199th Street shall be at least 500 feet from the centerline of any intersecting arterial street. Corner lots with less than 500 feet of frontage are restricted to access along the lesser-designated route if there is a lesser-designated route. (For example, along a local street instead of along a collector street or along a collector street instead of along an arterial street).
- b. Driveway intersections with collector streets shall be spaced at a minimum of 200 feet.
- c. Street and driveway intersections with arterial streets shall be spaced at a minimum of 500 feet for property preliminary platted after November 1, 2002, that abut an arterial street. Driveways to arterial streets shall be at least 500 feet from the centerline of any intersecting arterial street. Corner lots with less than 500 feet of frontage are restricted to access along the lesser-designated route if there is a lesser-designated route. (For example, along a local street instead of along a collector street or along a collector street instead of along an arterial street).
- d. Collector streets (avenues) shall provide either:
 - i. a minimum 80-feet of right-of-way when lots or buildings are designed to front onto the roadway to provide additional landscaping and larger setbacks of buildings from the roadway.
 - ii. a minimum 60-feet of right-of-way with minimum 10-foot wide landscape tracts provided parallel to both sides of the right-of-way for developments that do not have lots or buildings designed to front onto the roadway. Sidewalks or trails in lieu of sidewalks may meander outside of the right-of-way into the landscape tracts. Parallel landscape tracts are privately owned and maintained to ensure uniform treatment and maintenance.
- e. Roadways designated as a parkway by the *Major Thoroughfare Plan of the*

Comprehensive Plan may consist of a varying design and right-of-way width consisting of either a meandering divided roadway, or a meandering roadway with no median when located along side a park, drainage area, or natural open space corridor. The right-of-way width of parkways, unless otherwise approved by the Planning Commission and City Council, range from a minimum 150 feet to 300-feet or more based on factors including the terrain, significant natural features and vegetation, and the expected design of the roadway with its associated open space elements.

7. **Street Grades.** Minimum and maximum grades for roads shall conform to these standards established by and on file with the City Engineer.
8. **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 City Council. The City Council's approval of a final plat with street names constitutes approval of those street names.
9. **Sidewalks, Walkways, and Trails.** Pedestrian sidewalks, walkways, and trails shall be provided as set forth by Section 17.378.B.8.

C. Block Standards.

1. **Lengths.** Blocks shall be delineated by intersecting streets at such intervals so 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 660 feet between centerlines of streets, except variations may be allowed by the Planning Commission due to topography or other conditions that 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.

D. Lots.

1. **Frontage Requirements.** All lots shall provide minimum frontage at the building setback line as required by the Spring Hill Zoning Regulations.
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.

As a minimum, lots shall have dimensions and sizes and provide for space requirements as required by the Spring Hill Zoning Regulations.

3. **Double Frontage.** Double frontage lots shall be avoided for single-family and two-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.
4. **Arterial Streets.** When possible, lots intended for residential use shall not face on arterial streets. It is preferable that the sides or backs of such lots adjoin arterial streets, with the vehicular egress from such lots being oriented to a collector or local street. Lots intended for residential use backing up to a limited access highway, an arterial street, or railroad shall have additional depth to provide additional setback from the highway, street, or railroad.
5. **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.
6. **Lot Length to Width Ratio.** The lot width ratio in the AG and R-R districts shall not exceed 3:1 except variations may be approved in instances where topography or other conditions prohibit compliance.

E. 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 or side lot lines shall include a:
 - a. 20-foot utility easement around the perimeter of the area to be subdivided;
 - b. 10-foot utility easement along the side lot lines were needed; and

- c. 10-foot utility easement along the front and rear lot lines.
 - 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, as well as comply with the recommendations of the *Comprehensive Plan* and the Planning Principles and Design Guidelines related to the provision of buffer zones around stream corridors, wetlands, and floodplains. Structures, fences, and/or cut and fill operations are prohibited within drainage easements. Maintenance of the area within the drainage easement is the responsibility of the property owner.
- F. Open Space.** Public or private open space shall be provided in accordance with the recommendations of the *Comprehensive Plan* including the associated Planning Principles and Design Guidelines, and Section 17.378.B.9.
- G. Landscaping.** The following landscape plans shall be provided, when applicable, prior to recording a final plat:
- 1. **Street Tree Plan.** A street tree plan shall be submitted for approval in accordance with Section 17.358.G of the Zoning Ordinance.
 - 2. **Master Landscape / Fence Plan.** A master landscape fence plan shall be submitted for approval in accordance with Section 17.358.H of the Zoning Ordinance.
 - 3. **Impact Buffer Screen Plan.** A landscape plan for an impact buffer screen as required by Section 17.358.D.2 of the Zoning Ordinance.
- H. Plat Exceptions.** In case 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 Plat Exception from one or more of the requirements contained in the subdivision regulations relating to the design standards of Section 17.376 (e.g., lot and street layout, block lengths, lot width or lot depth; and the median break spacing, street intersection spacing, street frontage road requirements, if recommended by the City Engineer.
- 1. A Plat Exception may be requested in writing with an application for preliminary plat and considered by the Planning Commission.
 - 2. Plat Exceptions shall not be approved by the Planning Commission if said exception is determined to be incompatible with the surrounding neighborhood, is contrary to the public interest or would unnecessarily burden the City, or annuls the intent and purpose

of these regulations.

3. Where a preliminary plat is submitted as a preliminary development plan in association with a planned zoning district application, and deviation from the zoning district standards is approved as part of the inherent flexibility of planned zoning (e.g. minimum lot depth, minimum lot width, length of blocks, access spacing) as may be permitted through the development plan process, then a Plat Exception shall not also be required to approve such deviation.
4. A Plat Exception from the median break spacing, street intersection spacing, street frontage requirements of Section 17.376.B.6 may be approved subject to the recommendation of the City Engineer upon:
 - a. Geological, topographical, floodplain, or other environmental constraints;
 - b. Safety considerations (e.g. sight distances, curvature, capacity, speed, bridges and other existing structures); and
 - c. Other traffic engineering design principles.

SECTION 17.378

REQUIREMENTS FOR IMPROVEMENTS

- A. Applicability.** Prior to, and as a condition to approval of any final plat by the Governing Body, the developer shall agree to install or provide for 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.
- B. Required Improvements.** Every developer shall install, or through the appropriate public agencies and utility companies, shall provide for the installation of public improvements in accordance with the criteria listed in the *Technical Specifications for Public Improvement Projects* and the *Design Criteria for Public Improvement Projects*. The following are the general improvements that are required.

- 1. Water Supply and Sewage Disposal.** The type of water supply and sewage disposal utilized to serve the subdivision shall be subject to the requirements of the Spring Hill Sanitary Code. The plans for water supply and disposal of sewage to serve the platted area shall give due consideration to the present and/or foreseeable needs of the subject property and adjoining properties intended to be developed, as well as the overall effectiveness of the system, based on the characteristics of the land and the nature of development. The developer shall have an approved Water Quality Management Plan. Where a public water supply is provided through the City of Spring Hill, such construction and installation of the system shall be in compliance with the *Technical Specifications for Public Improvement Projects* and the *Design Criteria for Public Improvement Projects*.

The connection of the subdivision to the public sewage system shall be in accordance with the requirements of the City of Spring Hill. Additionally, the construction of all public water supply and sewer systems shall be subject to the regulations of the Kansas State Department of Health and Environment.

- 2. Private Sewage Disposal System.** Must be located on a minimum of two acres and be approved for sewage treatment by the Johnson County Environmental Department for the land is located within the Spring Hill City limits regardless if the land is located within either Johnson County or Miami County. All land located in the growth area must be approved for sewage treatment by Miami County. If the Spring Hill public sewer is within 200 feet of a property line, then the property owner must connect up to the public sewer system as required in the *City of Spring Hill Sewer Rules and*

Regulations, Article 2, Section 13-201.

- 3. 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 its use to serve additional areas. The storm drainage plan and subsequent installation of culverts, storm sewers, stabilization of ditches and other improvements shall comply with the *Technical Specifications for Public Improvement Projects* and the *Design Criteria for Public Improvement Projects* and shall be approved by the City Engineer.
- 4. 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. Construction standards are available in the office of the City Engineer or the Public Works Director.

All street plans and specifications shall be approved by and constructed under the supervision of the City Engineer. No street will be accepted by the City Engineer for maintenance until it meets City standards as determined by the City Engineer.

- 5. Installation of Utility Lines and 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 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 in accordance with the standards and specifications of 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 location as required by the Zoning Administrator.
- 7. Street Signs.** Street signs shall be placed at those locations within the area to be subdivided; street signs shall be placed at those locations as determined by the City Engineer. The City Engineer shall approve such street signs, the cost of which shall be incurred by the developer.

- 8. Installation of Sidewalks and Trails.** The developer shall provide for pedestrian sidewalks and multipurpose trail improvements as follows:
- a. Sidewalks shall be provided as follows:
 - i. Local Street - four foot sidewalk on one side of the street in residential developments zoned R-1, and on both sides of residential developments zoned R-2 through R-4 and MH. Sidewalks shall be provided on both sides of local streets in areas zoned C-O through C-2. Sidewalks shall be provided on at least one side of the street in areas zoned MP and M-1.
 - ii. Collector Street - minimum five foot wide sidewalk on both sides of the street.
 - iii. Arterial Street - minimum five foot wide sidewalk on both sides of the street.
 - b. Any street within a subdivision, which is indicated on the *Major Trails Plan* as being a part of the trail system, shall be constructed with a widened sidewalk within the right-of-way and/or within a recreation easement paralleling the street. The trail or widened sidewalk shall conform to the applicable minimum design standards established pursuant to the *Technical Specifications for Public Improvement Projects* and the *Design Criteria for Public Improvement Projects* and shall be approved by the City Engineer.
 - c. Within the boundaries of subdivisions, open spaces, greenways or recreation easements shall be dedicated to the City when such areas are indicated in the *Major Trails Plan*. The Zoning Administrator and City Engineer shall approve the location, configuration and final boundaries of the open spaces, greenways or recreation easements. Open spaces, greenways and recreation easements shall be platted for the use of the public, for the construction and maintenance of public trails and shall be accessible to the public during normal park operations hours for such improvements and to City personnel for inspection and maintenance purposes.
 - d. Within the boundaries of subdivisions, trails shall be installed within publicly dedicated open space, greenways or recreation easements when such trails are indicated in the *Major Trails Plan*. The Zoning Administrator and City Engineer shall approve the design and location of the trails.
 - e. Within the boundaries of subdivisions, trails shall be installed by the developer within publicly dedicated open space, greenways or recreation easements, or within private homes association open space when such trails indicated on an approved preliminary plat are not indicated in the *Major Trails Plan*. The Zoning Administrator and City Engineer shall approve the design and location of the trails. Trails shall conform to the applicable minimum design standards established

pursuant to the *Technical Specifications for Public Improvement Projects* and the *Design Criteria for Public Improvement Projects* and shall be approved by the City Engineer.

- f. Proposed trails shown on approved preliminary plats and/or preliminary and final site development plans that are not indicated on the *Major Trails Plan* and are shown on tracts to be dedicated to the City of Spring Hill shall be installed by the subdivision developer to the same applicable minimum design standards established pursuant to the *Technical Specifications for Public Improvement Projects* and the *Design Criteria for Public Improvement Projects* and shall be approved by the City Engineer.

9. Open Space.

- a. Common Open Space. Common open space provided in a residential subdivision and conveyed to a property owners association (private open space) or to the City (public open space) shall remain permanently open for recreational and conservational purposes.

Open space, whether such areas are or will be public or private, in any residential subdivision shall be laid out, to the maximum feasible extent, so as to connect with other open space, existing or proposed, in the vicinity. In the case of two or more adjacent subdivisions, developers may cooperatively allocate open space areas, if such areas are coordinated in design and location to an extent acceptable to the Planning Commission and City Council.

- b. Private Common Open Space. Private open space that is held in common shall be set aside for the benefit, use and enjoyment of the subdivision lot owners, present and future. All private, common open space, including recreation areas, tree cover areas, scenic vistas, wildlife or plant preserves, nature study areas, and private walkways, whose acreage is used in determining the size and extent of common open space shall be included in restrictive covenants, easements, or other legal devices designated to assure that such space will remain permanently open.
- c. Public Park Land. In order to meet the recreational needs of the residents of Spring Hill, all subdivision developments are required to contribute either public park land or fees in lieu of public park land. Where a school, neighborhood park, *greenway* or parkway, recreation area, or public access to water frontage which is shown on the Future Land Use Map of the Comprehensive Plan, in whole or in part in the applicant's proposed subdivision, the City Council may require the dedication or reservation of such open space within the proposed subdivision for school, park, recreation, or other public purpose. Private open space shall not be credited as public open space.

Park land/fee dedications shall be calculated during the preliminary plat process as specified in these regulations; and dedicated with the final plat. The City Council shall determine whether the park land offer should be accepted, accepted with conditions, or if the offer should be declined and a payment of funds in lieu of park land dedication. Dedication of land for park use must be reflected and dedicated as such on the final plat.

- d. Amount of Public or Private Park/Recreational Area Required. A minimum of four percent (4%) of the gross area of any subdivision shall be reserved for public or private active open space as a park and playground site, unless determined by the City Council that the provision of such open space in the development is unreasonable due to the size or configuration of the property, or other factors unique to the property. The provision of such public or private active open space shall be subject to the following:
- i. Active open space park land shall be dedicated to the public when designated as a park by the *Comprehensive Plan* and shall be a quality suitable for dedication as a public park as set for by Section 17.378.B.9.e.
 - ii. Residential subdivisions in areas located more than one-quarter mile walking distance from an existing or future public park designated by the *Comprehensive Plan* shall provide an active open space park as private common open space to be owned and maintained by a property owners association. At the discretion of the City Council such land may be deemed suitable for public active open space and accepted as park land dedication.
 - iii. The City Council shall determine as deems appropriate the acceptability of land to be dedicated, or if the development of private open space park and recreational facilities in the subdivision is an acceptable alternative for public park land dedication.
 - iv. Subdivisions in which open space park land is not suitable for public dedication and is retained as private common open space shall be subject to a payment of fee in lieu of dedication in accordance with Section 17.378.B.9.g.
- e. Quality of Parkland Required to be Dedicated. A park land dedication area shall be useable land suitable for park development. For purposes of this section, useable land shall be considered active open space as defined by Section 17.370.E.30.a. Such land shall be located in an area designated for a future park and achieve the recommendations of the *Comprehensive Plan*, as well as the following:
- i. Centrally located within, and highly accessible to a majority of residents or users

of the development.

- ii. Surrounded by public streets, commonly on two or more sides.
 - iii. Suitable for active open space uses.
 - iv. Provides a greenway linkage for a trail designated by the *Major Trails Plan* or a parkway corridor, provided such land for a parkway is in addition to required right-of-way dedication.
 - v. Buffer zones around or along natural green spaces including stream corridors, wetlands, and floodplains may be considered acceptable if such areas remain largely open and accessible and paralleled by an avenue or local street, and such areas provide areas for active open space. These open space areas and buffer zones shall not be located behind buildings or residential lots. Only land considered suitable for active open space shall be considered for purposes of achieving the minimum land area required for parks and playground sites as set for by Section 17.378.B.9.d.
- f. Land Not Considered Suitable for Public or Private Parkland. Land with the following characteristics shall not be considered for determining the amount of land to be reserved for public or private parkland and playground sites in accordance with Section 17.378.B.9.d unless otherwise approved through a planned district and preliminary development plan:
- i. Deep ravines
 - ii. Densely wooded areas
 - iii. Areas where the average slope of the entire park / recreational area exceeds five percent (5%).
 - iv. Wetlands as determined by the U.S. Corps of Engineers.
 - v. Floodways as determined by the regulations and guidelines of F.E.M.A
 - vi. Other areas that are not conducive to park/recreational areas as recommended by the Planning Commission.
 - vii. The total amount for park/recreational area, however, shall not be less than one-half (1/2) acre in size.
 - viii. Land generally located behind buildings or residential lots with limited visibility or access from public streets.
 - ix. Land located in common or landscape buffer tracts along roadways.
- g. Fee In Lieu Of Public Park Land Dedication. The park fee contribution in lieu of land dedication will be established by the Governing Body. The fee will be due and payable at the time of issuance of a building permit. Park fees on multiple buildings may be paid in advance or at the time of individual building permit issuance. Private

open space shall not be credited as public open space dedication.

- h. Assurance of Maintenance and Liability for Private Open Spaces. Where landscape or screening tracts, or private greenways, parks, or common open space areas are indicated on a proposed final plat, assurance by document shall be provided identifying the organization (e.g. a homes association) that will be the legal entity having permanent responsibility and authority for the installation, maintenance and repair of said areas, as well as for the payment of all expenses, including taxes and special assessments. Said document shall be recorded with the Johnson County or Miami County Register of Deeds office concurrently with the recording of the final plat.
- i. Park land and/or the trail system will be evaluated in the following manner:
 - Is the park land and/or the trail system shown in the *Comprehensive Plan*.
 - If they are not shown in the *Comprehensive Plan*, does the park land meet the requirements of Section 17.378.B.9 and/or the trail system meet the requirements of the *Technical Specifications for Public Improvement Projects* and the *Design Criteria for Public Improvement Projects*.
 - If the park land and/or trail system does not meet the requirements of Section 17.378.B.9, the City will not accept the park land and/or trail system and the developer will be responsible for the Park fee as described in Section 17.378.B.9.g and the home owners association will be responsible for the maintenance of the park land and/or trail system.

10. Exceptions. All improvement requirements as set out within this Section 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 occur, but not be limited to, instances where the proposed subdivision is a re-subdivision and/or concerns an area presently having any or all required improvements 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 installation of public improvements or facilities deemed necessary to meet the public needs caused by new subdivisions. 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 population and use of an area as a result of the proposed subdivision.

C. Guarantee of Completion of Improvements. In the event those physical improvements required in this Section and intended to be dedicated to the City for ownership and maintenance have not been installed and accepted by the City prior to the approval of the final plat by the Governing Body, the developer shall, before approval of the final plan, enter into an agreement with the City in which the developer agrees to install such required improvements.

As a guarantee for the completion of public improvements, including streetlights, sidewalks and trails, street trees, neighborhood amenities, and landscape improvements on the master landscape fence plan, the developer shall provide a performance bond in the form of a corporate surety bond, certified check or other form acceptable by the City Attorney, shall be filed with the City Clerk and shall be in an amount not less than the City Engineer's estimate of the cost of constructing or completing the improvements. The City shall retain the surety until the actual completion of such required improvements in an acceptable manner and within the time specified in the agreement between the developer and the City.

As a guarantee that all infrastructure has been constructed in a satisfactory manner, the developer shall provide a maintenance bond to the City. Said bond shall be required for two years following acceptance of such improvements by the City Engineer. The amount of the bond shall be in an amount of the full cost of the improvement.

In lieu of providing performance and maintenance bonds, the Developer may submit separate bonds from contractors for applicable public improvements, including streets, storm sewers and drainage systems, sanitary sewers, and sidewalks.

SECTION 17.380

MINIMUM DWELLING SIZE

A. Minimum Dwelling Size – Classification.

The minimum floor area for each dwelling unit within the City and the Spring Hill Growth Area which is situated upon land, is as follows:

Single-Family	960 Sq. Ft.
Duplex	800 Sq. Ft.
One and Two Story Apartment	600 Sq. Ft.
Three Story Apartment	450 Sq. Ft.

B. Design Guidelines for Residential-Design Manufactured Housing.

1. The roof must be double-pitched and have a minimum vertical rise of three feet for each 12 feet of horizontal run, and covered with material that is residential in appearance, including, but not limited to wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass or metal roof.
2. Exterior siding cannot have a high-gloss finish and must be residential in appearance, including, but not limited to clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed, or corrugated metal or plastic panels.
3. The home must be placed on a permanent foundation that complies with the City building code for residential structures. In addition, the tie down construction shall be pre-engineered or certified by a professional engineer, licensed in the State of Kansas.
4. The hitch, axles, and wheels must be removed.
5. The unit must be oriented on the lot so that its long axis is parallel with the street. A perpendicular or diagonal placement may be permitted if there is a building addition or substantial landscaping so that the narrow dimension of the unit, as so modified and facing the street, is no less than 50 percent of the unit's long dimension.
6. The lot must be landscaped to ensure compatibility with surrounding properties.
7. The home must be at least 24 feet in width and contain at least 960 square feet of enclosed living space (floor area).

- 8.** A garage is required. The external material and roofing of the garage must be similar to that of the dwelling unit.
- 9.** The structure must meet federal manufactured home construction and safety standards established pursuant to 42 U.S.C. Sec. 5403.
- 10.** A manufactured home or a substandard residential-designed manufactured home shall not be used as a component of a dwelling unit to either meet the residential-designed manufactured home design guidelines or to be considered a conventional residential home.
- 11.** The manufacturer must approve any attached addition to a manufactured home.
- 12.** The finished floor of the residential–design manufactured home shall be a maximum of 24 inches above the exterior finish grade of the lot on which it is located, as measured at the main entrance into the dwelling.
- 13.** The longest exterior dimension of the structure shall be less than three times the narrowest exterior dimension of the structure.
- 14.** The roof overhang of at least eleven inches on at least the two longer sides of the structure and the roof guttering may be included in that eleven inch overhang.
- 15.** The structure shall have a front porch with a minimum of 25 square feet.

SECTION 17.382

ADMINISTRATION

- A. 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 the preliminary or final plat. The Planning Commission and the Governing Body must approve a rule exception 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.
- B. Appeals.** Any decision of the Planning Commission on matters contained herein may be appealed to the Governing Body and the Governing Body may reverse or affirm such decision.
- C. Penalty for Violations, Actions.** The violation of any provision of these Regulations shall be deemed to be a misdemeanor and any person, firm, association, partnership or corporation convicted hereof shall be punished in accordance with Section 17-303A. 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 the building, structure, or land.

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SECTION 17.384

MISCELLANEOUS

- A. 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 decided to be invalid or unconstitutional. All regulations or parts of regulations in conflict herewith are hereby appealed.
- B. Accrued Rights and Liabilities Saved.** The repeal of regulations provided in Section 17.384.E herein, shall not affect any rights accrued, fines, penalties, forfeitures, or liabilities incurred thereunder, or any 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.
- C. Severability.** Each article, section, and subdivision or 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.
- D. Effective Date.** These Regulations, being designated as the "Subdivision Regulations of Spring Hill" shall be in full force and effect from and after passage and publication in accordance with K.S.A. 12-749 and amendments thereof.
- E. Repealing Clause.** This resolution repeals all Subdivision Regulations of Spring Hill, Kansas in their entirety.

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