
Kaup Law Office

214 SW 6th Avenue
Suite 306
Topeka, Kansas 66603

PHONE 785.235.1111
FAX 785.235.1141
kaup@kauplawoffice.com

AN OVERVIEW TO THE PROPOSED 2014 SUBDIVISION REGULATIONS FOR THE CITY OF ARKANSAS CITY

February 13, 2014

Set out in the following pages are the general objectives the proposed 2014 subdivision regulations are intended to further, and brief summaries of the more significant proposals for changes to the current subdivision regulations. This memo is not intended to be a comprehensive or detailed explanation of all proposed changes.

PROPOSED 2014 SUBDIVISION REGULATIONS

Subdivision regulations complement zoning regulations, but differ from them in that they focus more on the specific details of land development rather than on the types of uses being proposed. The subdivision regulatory process generally is implemented through a requirement that subdivision plats be filed and approved before land may be subdivided and sold, or building permits issued.

Subdivision regulations apply to the division of land into parcels. They govern the division of a tract of land into two or more parcels, including blocks, lots, streets or other rights-of-way. They set standards for the construction of public improvements, for the manner and methods by which those improvements are installed and paid for, and for the dedication and acceptance of rights-of-way, easements and public improvements.

The division and development of land has a significant and lasting impact upon the physical environment. Development places demands upon public facilities and services. Creating new streets and utility systems require significant public and private capital investment. Failure to properly size and construct sewers and streets, ensure adequate water supplies, manage stormwater runoff and erosion, and to thoughtfully plan for public services results in physical and environmental problems which are wasteful of natural resources and public funds.

ARTICLE 1

There are a number of new “purposes” identified for subdivision regulations (Sec. 1-2). Several of those relate specifically to land reservation and dedication. Note the exemptions from the subdivision regulations, especially for land divisions where lots are all 10 acres or more, and lot splits (Sec. 1-7).

ARTICLE 2

This Article proposes new language for appealing city engineer and zoning administrator decisions regarding subdivision regulations (Sec. 2-1).

The Article includes language stating that there will be no issuance of building permits unless the subdivision regulations are complied with (Sec. 2-3).

A Utilities Advisory Committee is created (Secs. 2-6, 2-7). The purpose and operation of that Committee are addressed in other articles.

ARTICLE 3

A large number of new and revised definitions are recommended. As examples, note: frontage, impact fee, exactions, performance bonds, right-of-way, stormwater management and drainage.

ARTICLE 4

This Article sets out the standards for the design of subdivisions. It covers those topics covered now by Chapter 17.12 Minimum Design Requirements.

Current provisions for "Acreage Subdivisions" (17.12.010) are at 4-106. Block standards (17.12.100) are at 4-201, street standards (17.12.020:090) are at 4-301 and lot standards (17.12.110) are at 4-401.

Easements (17.12.150:160) are set out at 4-501.

Note draft Sections 4-6 Design Techniques, 4-7 Access Control and 4-8 Land Subject to Flooding.

At 4-901 are the provisions the City now has for Building Lines (17.12.120).

ARTICLE 5

This Article proposes a modest start toward establishing dedication and exaction requirements of developers. It provides for, but does not mandate, parkland dedications or fees in lieu of up to 8% of the fair market value of the subdivided land. It is understood that any regulations that allow for dedications/exactions may be controversial. Consequently, there is an emphasis placed on the non-mandatory imposition of contributions, including the requirement of a finding by the Governing Body as to why and how the dedication or payment is necessary to the community.

ARTICLE 6

This Article provides requirements for, and procedures for consideration and action upon: (1) minor plats (section 6-2); (2) preliminary plats (section 6-3), and (3) final plats (section 6-4). A procedure for administrative action/approval for certain small-lot plats and replats is proposed (Sec. 6-5).

ARTICLE 7

This Article provides regulations on required improvements, specifically relating to streets, sidewalks, storm drainage, monuments, street trees and streetlights, and general language relating to the provision of utilities. It also provides for a waiver

mechanism by action of the Governing Body. While reworded, an attempt was made to maintain the same basic public improvement requirements as under Chapter 17.16 of the current subdivisions regulations, e.g., sidewalks (17.16.040).

ARTICLE 8

Provisions for the approval and construction of public improvements are set out in this Article. There are detailed provisions for the content of engineering drawings (Sec. 8-4) and the staff and Planning Commission review and approval of the engineering drawings for final plats (Sec. 8-5:6). The Article also deals with the observation and inspection of the construction of public improvements (Sec. 8-7:10) and acceptance of those improvements by the City Commission (Sec. 8-11:12).

ARTICLE 9

The acceptable alternatives for developers to guarantee the construction of public improvements set out in the subdivision plat are in this Article. Generally, improvements are constructed or installed either prior to the recording of the final plat or are guaranteed by bonds, cashier's checks, letters of credit or other surety acceptable to the City, or by submission of a benefit district petition (Sec. 9-1). Under certain conditions the City Commission can also require developers to construct and install off-site public improvements, such as intersections, parks and water, sewer and drainage infrastructure (Sec. 9-2).

ARTICLE 10

This Article provides for "rule exceptions" from the subdivision regulations. These exceptions, under this draft, are recommended by the Planning Commission for final action by the City Commission. The purpose here is to provide for expediency and fairness to applicants. It would replace current Chap. 17.32

ARTICLE 11

Lot split provisions are set out in this Article. They would take the place of Chap. 17.12.200.

ARTICLE 12

Vacation of plats, rights-of-way, easements and so forth are to receive a Planning Commission recommendation, with final action by the City Commission (Sec. 12-1).

Procedures for vacation of unrecorded plats (Sec. 12-2), of streets, plats and easements (Sec. 12-4) and correction of plat errors (12-3) are also included in this Article.

ARTICLE 13

Site Plan approval is another new feature of the proposed regulations. The public policy and interest rationale for site plan review is set out at Section 13-1. The development that is subject to site plan approval is identified at Section 13-2. Development standards are found at 13-7.