

## ARTICLE 10

### SUBDIVISION AND LAND DEVELOPMENT DESIGN STANDARDS

#### DIVISION 10.000 PURPOSE

This Article provides the standards for the layout and design of subdivisions and land developments. These standards are consistent with Paola's community character by ensuring that:

- A. The development contributes to the development of Paola as a community and is integrated into the neighborhood in which it is built.
- B. The plan preserves or enhances the character and the quality of the City and neighborhood.
- C. The street and road system is created in a manner that is safe and provides the best overall layout for the community as well as the individual development.
- D. Developments are functional and internally safe to the greatest degree possible, without reducing the permitted density or increasing adverse impacts on the environment and adjoining properties.

#### DIVISION 10.100 SUBDIVISION DESIGN

##### SECTION 10.110 GENERAL STANDARDS

The design of a subdivision is evaluated against the following design standards. Subdivision review shall check for these elements, and design modifications may be required. The purpose is to evaluate the design -- more specifically, the manner in which uses, lots, drainage, and roads relate to the site and adjoining land. The purpose is not to review or modify the proposed use or intensity; these requirements shall be in accordance with the district in which the development is proposed.

- A. The subdivision plan shall protect the site's natural resources as provided by this Ordinance with highest quality resource areas having the highest preservation priority. Specimen trees shall be identified and protected.
- B. The subdivision plan shall provide for well-proportioned and oriented lots that relate properly to roads and open space.
- C. The plan shall promote the best design for the use of the property in relation to the development's uses and adjoining portions of the neighborhood.
- D. Traffic and circulation shall be designed to provide adequate and safe conditions for the proposed uses and those on adjoining properties or streets.
- E. The drainage and utilities shall be efficiently integrated into the design and shall avoid off-site impacts.

- F. The subdivision landscaping layout shall promote the district's qualities and character. The bufferyard landscaping shall be located to achieve the screening objectives and, where possible, enhance open space objectives.
- G. The standards shall be reviewed to determine if modulations in zoning or infrastructure design would assist in improving the development's quality or preserve natural resources while maintaining density.
- H. Applying the standards above is intended to permit plan modifications to improve design, but not to require site density reduction. The design review shall focus on revising the site plan by altering roads, lots, landscaping, or other plan elements= location, not by altering development intensity.

**SECTION 10.120 STREET LAYOUT**

The following standards provide guidance in laying out streets in a development. The community shall be laid out with a system of major and minor streets creating blocks of land.

- A. **Blocks.** Where possible, blocks shall be laid out to have their short length abutting arterials, collectors, or the development's major road. The blocks shall not exceed fifteen (15) lots in length as measured on one side of the street, except where topography, open space, or resource protection dictates (see Section 08.151). Where blocks would be less than six (6) lots in length, cul-de-sacs or stubs to other parcels are preferred. Most of Paola is laid out in a grid street system. The system should be extended in a grid or modified grid with open spaces where ever possible. Exceptions would be made for green spaces along drainage or stream channels, or where other natural resources make the grid difficult or very costly.
- B. **Cul-de-sacs.** A cul-de-sac=s length shall be dictated by the number of lots with street frontage. Cul-de-sacs shall not serve a total of more than sixteen (16) lots, except where topography, open space, or resource protection dictates (see Section 08.151). Lengths of six (6) to fourteen (14) lots are preferred.
- C. **Intersections.** Intersections shall line up with those in previously approved or completed developments. Intersections shall have a minimum of three hundred (300) feet between centerlines. Streets with parkways or eye-brow cul-de-sacs shall be measured from the centerline located in the parkway.
- D. **Street Connectors.** Subdivisions shall be connected to each other to provide reasonable access within a superblock. The street connections shall follow the access plan (Section 11.111).
- E. **Collectors.** Where collectors are shown on the access plan, they shall be provided by the developer. Residential access shall be from streets or cul-de-sacs generally perpendicular to the collector.
- F. **Private Roads.** Private streets shall be only permitted within the City limits in the E District, rural subdivisions (Article 14), or where the roads and rights-of-way meet all standards and the community is gated to prevent public access.

### **SECTION 10.130 LOT FRONTAGE**

Lot frontage requirements shall reflect the subdivision or land development conditions. These standards are intended to provide a reasonable building envelope on each lot. The following guidelines govern lot configuration (see Section 08.145 and Section 08.150).

- A. Where a grid street system exists, the lots should be as close to rectangular as feasible.
- B. In curvilinear street patterns, irregular lot shapes will result. The construction envelope is where the minimum frontage is needed; therefore, the lot width may not be narrower than the minimum frontage at any point of intersection with the envelope. The developer may have envelopes more restrictive than the side yard setback.
- C. Where topography, natural resources, or property shape make normal lotting difficult, common drives, flag lots, or shared easements shall be considered.

### **SECTION 10.131 LOT LINES**

While the City desires lot lines to be generally perpendicular to or radial to the street, this provision should not lead to inefficiency in design, requiring lots to be more than several percent larger than the district minimums. Lots with non-radial, non-perpendicular, or broken lot lines may be permitted where it leads to greater efficiency while still providing generally rectilinear building envelopes. More flexibility in this consideration shall be granted as lot sizes increase.

### **SECTION 10.132 EASEMENTS**

Where required, all lots shall provide easements for sewer, water, drainage, telephone, or cable TV necessary to serve the subdivision. Such easements shall be located in either street rights-of-way, alleys, or side or rear yards (see CGA Street Map on page 11-3 to identify the type of right-of-way required). The following standards shall apply to easements:

- A. The utility easements shall be a minimum of ten (10) feet wide. Easements which fall on shared side or rear lot lines shall be divided equally requiring five (5) feet from each lot.
- B. Where attached housing types or patio lots are involved and yards are enclosed or very narrow, easements shall be placed in open space areas where maintenance will not disturb the enclosures.
- C. Drainage easements shall be placed on lots to convey surface water or storm sewers from the street or open spaces.
- D. The minimum lot size may include ten (10) foot easements, except as provided in B. above. Where open space is protected on the lot by an easement, or where public access easements are provided, the areas in the conservation easement shall be in addition to the minimum lot size in Tables 04.110 A. or 04.110 B.
- E. Wherever possible, surface drainage patterns shall be protected by easements or open space.

### **SECTION 10.133 LOT SPLITS**

- A. A previously platted lot may be divided as a lot split by either metes and bounds description or by replatting. If divided by metes and bounds description, it may only be divided one time and by only one new dividing lot line, and shall not again be divided without replatting. Any such lot split need not comply with procedures set out in these regulations for platting. All lots produced by a lot split shall conform with the minimum standards of these regulations and other applicable codes of the City. No building permit shall be issued for a lot split until the lot split has been reviewed and approved by the zoning officer.
- B. **Approval Guidelines:** No lot split shall be approved if one or more of the following applies:
1. A new street or alley is needed or proposed.
  2. Such action will result in significant increases in service requirements, or will interfere with maintaining existing service levels.
  3. There is less street right-of-way than required by these Regulations, unless dedication of additional right-of-way can be made by separate instrument.
  4. Any easement requirements have not been satisfied.
  5. Such split will result in a lot without direct access to and/or less than the required frontage on a street as specified in these Regulations.
  6. A substandard sized lot will be created according to these Regulations.
- C. Lots zoned for industrial purposes may be divided into two or more tracts without replatting such lot, as required by K.S.A. 12-752(f). Any lot so produced shall conform to all minimum standards of this ordinance and other applicable laws of the City.
- D. The Zoning Officer shall, in writing, either approve with or without conditions, or disapprove the lot split within 15 working days of the application.

#### **SECTION 10.134 MONUMENTS**

The following requirements apply to the location and standards for survey monuments:

- A. Where none exist, survey monuments shall be placed by a registered land surveyor at street corners; i.e., at a four-way intersection, two (2) corners are required to be monumented, and at a three-way intersection, one (1) corner is required to be monumented. For all other types of intersections, monuments shall be placed as determined by the City. In addition, monuments shall be so located to find angle points, points of tangency of curves on one side of the street, and at all out boundary corners.
- B. Should conditions prohibit placing any monuments at the above locations, off-setting the permanent marker is permitted; provided, however, that the exact off-set courses and distances are shown on the letter of certification when monuments are set. If a monument would be in a driveway, a cross would be permitted in concrete; and a steel pin, iron pipe, or railroad spike in asphalt.
- C. All monuments shall be at least two (2) feet long and made of one of the following materials and to the respective standards:

1. Portland cement concrete. Four (4) inches square on the top tapering to six (6) inches square on the bottom.
  2. Stone. Four (4) inches square or larger.
  3. Iron Pipe or Steel Pins. From one-half (0.5) inch to one and one-half (1.5) inches in diameter.
- D. An existing permanent benchmark, or a new permanent benchmark shall be accessibly established, and shall be accurately noted on the record of subdivision plat.

#### **SECTION 10.135      BOUNDARY LINE ADJUSTMENTS**

- A. The adjustment of one or more common boundaries between existing platted or un-platted lots, tracts or parcels, or the merger of two or more platted or unplatted lots, tracts, or parcels is allowed provided that the resulting lots, tracts, or parcels shall conform with the minimum standards of these regulations and other applicable codes of the City. Any such boundary line adjustment need not comply with the procedures set out in these regulations for platting. No building permit shall be issued for a boundary line adjustment until the boundary line adjustment has been reviewed and approved by the zoning officer.
- B. **Approval Guidelines.** No boundary line adjustment shall be approved if one or more of the following applies:
1. A new street or alley is needed or proposed.
  2. Such action will result in significant increases in service requirements, or will interfere with maintaining existing service levels.
  3. There is less street right-of-way than required by these Regulations, unless dedication of additional right-of-way can be made by separate instrument.
  4. Any easement requirements have not been satisfied.
  5. Such adjustment will result in a lot without direct access to and/or less than the required frontage on a street as specified in these Regulations.
  6. A substandard sized lot will be created according to these Regulations.
- C. The Zoning Officer shall, in writing, either approve with or without conditions, or disapprove the boundary line adjustment within 15 working days of the application.

(Ordinance 2835, 08/26/03)

#### **DIVISION 10.200      SITE PLAN DESIGN**

All developments other than subdivisions, a single-family house, or a duplex shall be required to submit a site plan for approval by the Planning Commission.

## **SECTION 10.210      GENERAL STANDARDS**

Site plan design is evaluated against the following design standards. Site plan review shall check for these elements, and design modifications may be required. The purpose is to evaluate the design -- more specifically, the manner in which uses on the property, drainage, and circulation relate to the site and adjoining land. The purpose is not to review or modify the proposed use or intensity; these requirements shall be in accordance with the district in which the development is proposed.

- A. The site plan shall protect the site's natural resources as provided by this Ordinance with highest quality resource areas having the highest preservation priority.
- B. The site plan shall promote the best design for the use of the property in relation to the development's uses and uses on adjoining property to promote a streetscape that matches the district's desired character.
- C. Traffic and circulation shall be designed to provide adequate and safe conditions for the proposed uses and those on adjoining properties or streets. In particular, linking commercial circulation to reduce curb cuts and to preserve capacity on arterials and collectors shall be reviewed.
- D. The drainage and utilities should be efficiently integrated into the design to avoid off-site impacts.
- E. The site plan landscaping layout shall promote the district's qualities and character. The bufferyard landscaping shall be located to achieve the screening objectives.
- F. The standards should be reviewed to determine if modulations in zoning or infrastructure design would assist in improving the development's quality or preserve natural resources while maintaining density.
- G. Applying the standards above is intended to permit plan modifications to improve site design, but not to require site density reduction. The design review shall focus on revising the site plan by altering circulation, connection points, building placement, or landscaping not by altering development intensity.

## **SECTION 10.220      CIRCULATION**

The circulation review:

- A. Ensures access to arterials and collectors is accomplished in a manner that minimizes congestion and provides needed improvements at the entrances.
- B. Coordinates access between adjoining properties so people can move from one use to another without having to return to arterials or collectors.
- C. Protects and limits access to minor streets that also serve residential areas to eliminate conflicts that might endanger residents or make the access a nuisance to nearby residential units.

**DIVISION 10.300 IMPROVEMENTS**

All subdivisions and site plans shall be required to provide adequate surety for the road, utility, drainage, landscaping, and other infrastructure required to ensure all required improvements are completed. See Division 21.700.

**DIVISION 10.400 COVENANTS AND DEEDS**

**SECTION 10.410 PRIVATE RESTRICTIONS**

The provisions of this ordinance are not intended to abrogate any deed restrictions covenant, easement, or any other private agreement on the use of land. Such restrictions shall be enforced by parties to the restriction, not by the City.

**SECTION 10.420 PUBLIC EASEMENTS**

During the platting of a property the City may require the granting of a variety of easements on private property or lots. These easements may be for any of the following purposes: drainage, utilities, access to public utilities or drainage areas, and conservation easements. These easements shall be enforced by the City and violating the provisions may result in structures, landscaping, or other improvements being damaged, destroyed, or removed.

**DIVISION 10.500 CONDOMINIUMS**

Condominiums may be permitted within the zone that underlies the area of the project, and shall be subject to all conditions and restrictions required within the zone for the use provided the use for which the project is being used is permitted in the zone.

**SECTION 10.520 APPROVAL PROCESS AND DOCUMENTATION**

The procedure leading to approval of a condominium project shall be the same as set forth in Section 21.620. The following documents shall be prepared and submitted by the developer for each condominium project:

1. Articles of incorporation
2. Corporation by-laws
3. Declaration of covenants, conditions, restrictions and management policies/declaration of condominium management agreement
4. Open space easements
5. Record of survey map/final subdivision plat (when applicable)

Where, in the opinion of the Zoning Officer, a particular document as required under this Section is inapplicable for the particular condominium project proposed, the City may waive the requirement for submitting the document.

It shall be unlawful to record any survey map or declaration of a condominium project in the office of the County Recorder, unless the same shall bear thereon final approval of the City Council as required by the terms of this Ordinance.

Any owner, or agent of any owner, of land or units located within a purported condominium project, who transfers or sells any land, structure, or condominium unit in a purported condominium project, before obtaining final approval from the City Council shall be guilty of a misdemeanor for each lot, parcel of land, structure or condominium unit so transferred or sold.

#### **SECTION 10.530 LAYOUT AND IMPROVEMENT**

Each proposed condominium project shall conform to the following minimum standards:

##### *Residential Projects*

1. All Off-Street Parking shall be regulated pursuant to this Ordinance.
2. Provision of an area containing not less than twenty (20) percent of the total area of the project shall be set aside as common open space for the use and enjoyment of the residents. The area shall be landscaped in accordance with City standards. The location and design shall be such that the area is easily accessible to all residents. Land used for parking, driveways, vehicle storage and similar uses may not be included in meeting this requirement.

#### **SECTION 10.540 UTILITY AND FACILITY REQUIREMENTS**

All units shall be separately metered for water, gas, electricity, and sewer, unless the covenants, conditions and restrictions provide for the Association to pay the costs of services. Each unit shall be provided with readily accessible individual shut-off valves. (Ordinance 2994, 07/28/09)